

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
January 14, 2019

A Regular Meeting of the Madison Heights City Council was held on Monday, January 14, 2019 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, and Soltis. City Manager Marsh, Assistant City Attorney Grochowski, and City Clerk Printz.

Absent: Councilwoman Scott.

An invocation was led by Mayor Hartwell and was followed by the Pledge of Allegiance to the Flag.

CM-19-01. Excuse Councilmember.

Motion by Councilman Soltis, seconded by Councilman Corbett, to excuse Councilwoman Scott from today's meeting.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-02. Presentation: Madison High School 2018 Varsity Football Team.

On behalf of City Council, Mayor Hartwell presented a Certificate of Recognition to the 2018 Madison High School Football Team. Athletic Director, Jimmy Brown thanked council for recognizing the team, the players, coaches, the parents. Coach James Rogers stated he was really proud of these young men for what they have accomplished not only on the field but in the classroom as well as the community.

CM-19-03. Ordinance 2128 – Public Hearing and Second Reading for Proposed Zoning Text Amendments.

Mayor Hartwell opened the Public Hearing on Ordinance 2128 at 7:40 p.m.

Seeing no one wishing to speak, Mayor Hartwell closed the Public at 7:41 p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt Ordinance 2128 – Zoning Text Amendments 17-01, on second reading, as follows:

Ordinance No. 2128

Zoning Text Amendment 17-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Sections 315, 318, 319, 321, 322, 325, 326, 328, 329, 332, 332A, 401, 508, 512, 514, 1802 and 1805 of the Zoning Ordinance to establish measures and safeguards to provide for the public health, safety and welfare.

The City of Madison Heights ordains:

Section 1. Section 10.315(5) is hereby amended to read as follows:

Section 10.315. Uses permissible on special approval.

(5) The construction of high-rise buildings may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy-five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the O-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 2. Section 10.318(5) is hereby amended to read as follows:

Section 10.318 Principal uses permitted

- (5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section

10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 3. Section 10.319(4) is hereby amended to read as follows:

Section 10.319. Uses permissible on special approval.

- (4) Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the following conditions:
 - a. No external speakers.
 - b. No outdoor entertainment of any type.
 - c. Outdoor seating area(s) shall be at grade and on the side or front of any building which abuts any residential district. If located on the side, the side(s) of the seating area that face adjacent residential districts shall be a minimum 8' high solid obscuring wall. Roof top seating may be permitted only where there is no abutting residential property.
 - d. Outdoor seating areas shall be setback a minimum 40' from any property line that abuts residential district(s). No outdoor seating shall occupy a required setback area.

Section 4. Section 10.319(7) is hereby amended to read as follows:

Section 10.319. Uses permissible on special approval.

- (7) The construction of high-rise buildings up to three (3) stories and forty (40) feet in height is permitted upon special approval subject to the following conditions:
 - a. Where the parcel abuts any single-family residential district, the maximum front yard setback for new structures shall be five (5) feet. All required parking drives and service areas shall be located between the building and adjacent single-family districts. Where additions to existing structures are proposed, existing setbacks may be used for second and third floor additions, provided there are no further expansion(s) of non-conformity.

- b. Uses shall be limited to permitted principal or special approval uses in the B-1 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 5. Section 10.321(6) is hereby amended to read as follows:

Section 10.321. Principal uses permitted.

- (6) Restaurants primarily devoted to serving food on the premises, which may include take out, drive- through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 6. Section 10.322(1) is hereby amended to read as follows:

Section 10.322. Uses permissible on special approval.

- (1) The construction of high-rise buildings may be permitted upon special approval subject to the following conditions:
 - a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy-five (75) feet in height may be allowed.
 - b. Uses shall be limited to permitted principal or special approval uses in the B-2 District.
 - c. Residential uses shall not be permitted on the first floor.
 - d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 7. Section 10.322(2) is hereby amended to read as follows: Section

10.322. Uses permissible on special approval.

- (2) Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with

outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 8. Section 10.325(7) is hereby amended to read as follows:

Section 10.325. Principle uses permitted in B-3 general business districts.

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 9. Section 10.326(9) is hereby amended to read as follows: Section

10.326. Uses permissible on special approval.

- (9) The construction of high-rise buildings may be permitted upon special approval subject to the following conditions:

- a. If the parcel abuts any single-family residential district, up to three (3) stories or forty (40) feet in height may be allowed. Where the parcel abuts any other use district, up to six (6) stories and seventy-five (75) feet in height may be allowed.
- b. Uses shall be limited to permitted principal or special approval uses in the B-3 District.
- c. Residential uses shall not be permitted on the first floor.
- d. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 10. Section 10.326(10) is hereby amended to read as follows: Section

10.326. Uses permissible on special approval.

- (10) Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 11 Section 10.328(7) is hereby amended to read as follows:

Section 10.328. Principal uses permitted

- (7) Restaurants primarily devoted to serving food on the premises, which may include take out, drive- through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 12. Section 10.328(8) is hereby amended to add a new subsection (8) to read as follows:

Section 10.328. Principal uses permitted

- (8) Loft dwelling units are permitted on all M-1 zoned property that is located entirely within the boundaries of the Southend Downtown Development Authority (DDA) in accordance with the following standards:
 - a. Loft dwelling units shall have a minimum area of 750 square feet.
 - b. Loft dwelling units shall be permitted only where the building and use is in conformance with the provisions of this ordinance. Where an existing building is nonconforming as to setback(s), loft dwelling units shall be permitted to continue said nonconforming setback(s) vertically for second and third floor additions, provided there are no horizontal or cantilevered extensions of the structure that would increase setback nonconformity.
 - c. Loft dwelling units may be located on the first or second floor. Where loft dwelling units are proposed for the second floor, a third story is allowed to permit two story dwelling units, where the third story shall be part of the dwelling unit located directly underneath.
 - d. Parking shall provide for a minimum of one (1) space per dwelling unit in addition to any parking requirements for the principal use(s).
 - e. Pedestrian entrance doors to loft dwelling units may be located on the front, side or rear of the structure. When located on the front of the structure, each pedestrian access door shall serve not less than two

units. Where permitted, exterior stairways shall be architecturally compatible with the principal structure. Architectural or design modifications may be required to insure compatibility of the proposed design with the building and adjacent properties. Building elevations of all sides shall be included with the site plan application.

- f. An exterior patio or balcony is permitted but shall be located on the street side of the structure. No portion of any structure may extend over any public right of way, public alley or public sidewalk.

Section 13. Section 10.329(5) is hereby amended to read as follows: Section

10.329. Uses permissible on special approval

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Open storage of all uses included in the definition of "junkyards," used machinery, and the residue or waste products from any manufacturing process shall be expressly prohibited. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the specific district within which such use is proposed to be located.

Section 14. Section 10.329(7) is hereby amended to read as follows:

Section 10.329. Uses permissible on special approval

- (7) The construction of high-rise buildings up to six (6) stories and seventy-five (75) feet in height is permitted upon special approval subject to the following conditions:
 - a. The parcel shall not abut any residential district.

- b. Uses shall be limited to permitted principal or special approval uses in the M-1 District.
- c. Parking shall be provided for all uses in accordance with the provisions of Sections 10.505, 506 and 507.

Section 15. Section 10.332(5) is hereby amended to read as follows:

Section 10.332. Principal uses permitted.

- (5) Restaurants primarily devoted to serving food on the premises, which may include take out, drive-through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 16. Section 10.332A (5) is hereby amended to read as follows:

Section 10.332A. Uses permissible on special approval.

- (5) Retail or service uses which are harmonious with and have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, building material outlets, lumber yards, new automobile or boat sales and service) or serve the convenience needs of the industrial district. Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4). Open storage of all building materials shall be confined within a six (6) foot masonry wall located entirely within the required rear yard. Approval of any retail or service use under the provisions of this section shall be contingent on a finding that the proposed use is in character with the development of the M-2 Heavy Industrial District.

Section 17. Section 10.401 Note (h) is hereby amended to read as follows:

- (h) See Uses Permissible Upon Special Approval in the O-1, B-1, B-2, B-3 and M-1 Districts for additional building height and story options.

Section 18. Section 10.508(4) is hereby amended to read as follows:

Section 10.508. Uses not otherwise included within a specific use district

(4) *Home offices & home occupations*

Home offices which are clearly incidental to the principal residential use, and carried on by permanent residents of the home, shall be a permitted accessory use in any residential district. Typical home offices include accounting, real estate, insurance, law and other similar offices, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions for home offices shall be met.

- (1) The office shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure therein located.
- (2) Special Use approval shall be required for a home office desiring to employ a non-resident employee. Not more than one non-resident employee shall be permitted.
- (3) All home office activities shall be conducted wholly within the principal residence.
- (4) No structural alterations or additions, or site improvements, which alter the residential character of the structure or property shall be permitted to accommodate a home office.
- (5) There shall be no external evidence of such office. No signage shall be permitted.
- (6) No commodity shall be sold on the premises.
- (7) No home office shall be permitted which is injurious to the general character of the residential district or which creates a congested or otherwise hazardous traffic or parking condition.
- (8) No more than two customers or clients shall be permitted to visit the site at any given time. All customer/client visits shall be between the

hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Adequate, conforming off street parking shall be provided for customers or clients.

Home occupations: Home occupations which are clearly incidental to the principal residential use shall be a special approval use in any single-family residential district. A home occupation is traditionally and customarily carried on in the home by permanent residents of the home and is clearly incidental and secondary to the principal residential use. Typical home occupations normally involve services such as hairdressing, clothing alterations and voice or music instruction, excluding any sales and/or service of weapons, guns, ammunition, fireworks or any components thereof and all regulated uses as defined in Section 10.502(A). The following conditions shall apply to home occupations:

- (1) That such home occupation shall be conducted wholly within the dwelling.
- (2) That no article or service shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
- (3) That there shall be no exterior storage or parking of materials or equipment.
- (4) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time and that no mechanical, electrical, or similar machinery or equipment, other than that used for normal domestic purposes, will be utilized in the home occupation.
- (5) That no hazard of fire, explosion or radioactivity shall exist at any time.
- (6) There shall be no external evidence of such home occupation. No signage shall be permitted.
- (7) No home occupation shall be injurious to the general character of the residential district or create a congested or otherwise hazardous traffic or parking condition.

- (8) As part of the Special Approval, City Council may regulate all aspects of the Home Occupation without limitation, including the hours of operation and the maximum area of the dwelling utilized for the Home Occupation.
- (9) The required site plan shall include a detailed floor plan of the residence showing all existing and proposed use areas.
- (10) "Home Occupation" shall not include "Home Offices" as defined above.

Section 19. Section 10.512 is hereby amended to read as follows:

Section 10.512. Exterior lighting.

- A. All lighting for parking areas or for the external illumination of buildings and uses shall be of full cut-off design, mounted horizontally, directed downward, away, from and shall be shielded from adjacent residential districts properties and shall not adversely affect driver visibility on adjacent thoroughfares.
- B. Shields shall be full cut-off design on all lighting fixtures to prevent lighting from extending onto adjacent properties and rights of way. Lighting shall not exceed 0.5-foot candles as measured at any residentially-zoned property line and 1-foot candle as measured at any other property line.
- C. Internal lights that are directed outside are prohibited.
- D. Internal or external lights that frame windows are permitted, but shall be limited to accent lighting, where the source of illumination is not visible from the exterior of the building.
- E. Maximum maintained lighting level in any parking lot, canopy area or site lighting shall not exceed 5 foot-candles as measured horizontally at grade.
- F. Maximum height of any parking lot light pole fixture or wall-mounted fixture shall be 20' as measured from grade at base of light pole.
- G. Motion detector or photocell activated fixtures are permitted but shall adhere to all shielding and light intensity standards in this section.

- H. All accent and spot lighting that is directed onto buildings, signs, flags or other focus points shall be shielded from direct view of the source of illumination and shall be directed in such a fashion that the lighting does not extend beyond the confines of the focus of the illumination.
 - I. Prohibited Lighting: Search lights, lasers, flashing, moving or intermittent lighting is prohibited.
- J. Exemptions: Street lighting and emergency lighting installed and maintained by a public road authority, holiday decorations and lighting that was legally installed prior to the adoption of this section are exempt from the standards in this section.

Section 20. Section 10.514D (2)r is hereby amended to read as follows:

D. Submission Requirements

2. Site Plan Submission / Data Requirements

The following information shall be required on all site plans:

- r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties. Details of all lighting fixtures shall be provided. For new parking lots and vehicle canopies a photometric plan shall be provided, demonstrating conformance with Section 10.512.

Section 21. Section 10.1802(8) is hereby amended to read as follows:

Section 10.1802. Principal uses permitted

- (8) Restaurants primarily devoted to serving food on the premises, which may include take out, drive- through lanes and/or alcoholic beverages, provided that there is no entertainment on the premises. Outdoor seating is permitted after site plan approval for restaurants that do not serve alcohol or have entertainment, subject to the requirements of Section 10.319(4). Special approval is required under Section 10.319(4) for outdoor seating at any restaurant that serves alcohol or has entertainment.

Section 22. Section 10.1805(2) is hereby amended to read as follows: Section

10. 1805 Uses permissible on special approval.

(2) Establishments that primarily serve alcoholic beverages for consumption on the premises. Any facility that serves alcoholic beverages with outdoor seating, and/or any facility that provides entertainment, subject to the requirements of 10.319(4).

Section 23. Repealer.

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

Section 24. Severability.

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

Section 25. Savings.

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

Section 26. Effective Date.

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

Section 27. Enactment.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

Yeas: Corbett, Gettings, Grafstein, Soltis, Bliss, Hartwell

Nays: None

Absent: Scott

Motion Carried

CM-19-04. Meeting Open to the Public.

Gloria Moore, 27368 Dartmouth, representing the Friends of the Madison Heights Area Senior Citizens, stated their meeting will be January 15, 2019 at 5:00 p.m. at Oak Street Health; all are welcome.

Kimberly Pomaville, 27728 Delton, Madison Heights, stated she would like to know if what Madison Heights anticipates spending in regards to legal fees and other costs relating to the Boomer (the dog) case.

Erin Lammers, representative from Dunaskiss Consulting & Development, 169 W. Clarkston Rd., Lake Orion, is here representing Weed Maps which is a tech mapping company with the cannabis industry, which helps connect patients with reliable information. She would like to advocate for zoning, such as distance buffers, facility caps, and merit based applications and recommends not limiting the application pool to only those qualified by the State.

Deliza Lee, 31800 Harlo, Madison Heights, stated on Thursday, her church is holding a free event on human trafficking and stalking, and there will be guest speakers. The doors open at 6:00 p.m., and a light dinner will be served. The educational program begins at 7:00 p.m. The event will be held at the United Methodist Church at 246 E. 11 Mile Road.

Randy Speck, Superintendent of Madison District Public Schools, wished everyone a happy new year, and thanked City Council for honoring their young student athletes, who positively exhibited themselves both on and off the field. They are all great young men. He stated that he is excited about the DDA amendments and noted that the Mackinac Center for Public Policy, released a ranking listing Madison High School as one of the top third High Schools in Oakland County. This is positive for the community, residents and school members.

Kimberly Heisler, Director Madison Heights Community Coalition, stated she has worked with students for the past 10 years. One of the missions of the Coalition is to prevent and reduce substance abuse in minors, as well as raising awareness of the dangers of alcohol, marihuana, prescription drugs and opioids. This is done with the use of protective factors and by working with the parents and the schools. Recently they have provided THC test strips to the schools. It was learned that the schools have had more violations for vaping devices than cell phones, and they have only had the THC test strips since Monday. She continued stating that she is alarmed at the use of and the content being used in the vaping devices. Ms. Heisler stated that students are not afraid of marihuana. 70% of students will tell you that drinking before age 21 is harmful, however only 40% think marihuana is harmful.

Ken Thweatt, stated that Madison Heights had a beauty queen for many years, however it has fallen by the wayside. The cost would be minimal and is great for identity for the city of progress. This contest should be judged on talent only and that the boys should be included also. The City of Troy has both a king and queen, so you don't discriminate against boys or girls. He suggested that funding could come from the funding used for waterpark ticket sponsorship.

CM-19-05. MERS Health Care Savings Program Participation Agreement Amendments.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to approve the MERS Health Care Saving Program Participation Agreement Amendments.

Yeas: Gettings, Grafstein, Soltis, Bliss, Corbett, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-06. Professional Contractual Services and Dispatch Wiring Repairs – Trendset Communications Group.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the contract with Trendset Communications Group for the repair and clean-up of wiring at the Police Department dispatch area in the amount of \$19,790.38 and the professional services contract for a one-year period at the unit prices indicated, with an option to renew upon a written agreement on a year-to-year basis.

Yeas: Grafstein, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-07. Ordinance No. 2129 – First Reading, Opting-in for Medical Marihuana Facilities.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve Ordinance No. 2129 on First Reading by name and title only as follows:

ORDINANCE NO. 2129
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by adding a new Article XVI to Chapter 7 of the Code of Ordinances, City of Madison Heights, Michigan, to license and regulate Medical Marihuana Facilities in the City of Madison Heights to protect the public health, safety and welfare.

Mayor Hartwell stated that if member of the public wishes to comment about this ordinance to opt-in to medical marihuana, there will be a public hearing held in February. Comments or ideas can be communicated with the City at the hearing or they can be submitted to the City about one week before the meeting.

Councilman Gettings stated that Councilwoman Margene Scott believes we should opt-out of this and he feels the same way.

Councilman Soltis also stated that he is strongly against commercializing marihuana in our city, primarily due to public safety reasons. He stated that with the progress we have made with the hotels, and he feels that commercializing this will once again bring in certain criminal elements that we do not want in our city. The last thing he wants to see is green crosses around the city, and he feels this is not the image we are trying to portray.

Roll Call Vote:

Yeas: Bliss, Corbett, Grafstein, Hartwell
Nays: Gettings, Soltis
Absent: Scott
Motion Carried 4-2.

CM-19-08. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt the Special City Council Meeting minutes of December 10, 2018, as printed.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-09. Minutes.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to adopt the Regular City Council Meeting minutes of December 10, 2018, as printed.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-10. Appointment to the Civil Service Commission.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to appoint Kevin Scheid to the Civil Service Commission with a term to expire 01-01-22.

Yeas: Corbett, Gettings, Grafstein, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-11. Reappointment to the Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilman Gettings, to re-appoint Mark Kimble to the Tax Board of Review with a term to expire 01-01-21.

Yeas: Gettings, Grafstein, Soltis, Bliss, Corbett, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-12. Appointment to the Tax Board of Review.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to appoint Elizabeth Shields to the Tax Board of Review with a term to expire 01-01-21.

Yeas: Grafstein, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-13. Mayor and Council - Comments.

Councilman Corbett stated that he holds office hours on Fridays at the library from 1:00 p.m. to 3:00 p.m. He acknowledged and recognized John Berent, who recently passed away. Mr. Berent was active in the community and was a

man of integrity, who wasn't afraid to voice his opinion. He expressed his condolences to his family. Also he wanted to acknowledge the passing of former firefighter Joseph Walewski. He stated that he was a good man and contributed a lot to this community and was also a carpenter by trade, dedicated his life to protecting community.

Mayor Pro Tem Bliss wished to remind any and all artist in the City that the Arts and Culture Board is seeking proposals for the city's first mural on the Jaycees building. If you have a great idea, draw it out and submit it along with how much you would charge. Information is available on the Arts & Culture Board facebook page and the city's website.

Councilman Gettings wished to thank Milissa Schell for her 25 years of service in running the youth basketball program. She coached, officiated and took over the running of the program. Also, he expressed his sympathy to the family of Robert Brunk who recently passed away, stating that Mr. Brunk had served on the Lamphere School Board and will be missed by many.

City Attorney Grochowski had no comment this evening.

City Manager Marsh congratulated Pat Shields on her appointment to the Tax Board of Review. She stated that the City will be holding the Citizen Academy again, look for more information soon. Also, the Oakland County Clerk's Office will be at the Madison Heights Library, in the Breckinridge Room on Wednesday, February 13, 2019, from 1:30 - 3:00 p.m.

Councilor Grafstein wished to echo Mayor Pro Tem Bliss's comments about the murals. They are great for place making, making them a destination, and feels it is a great idea and she completely supports the idea. Later this week, she will be meeting with the students who competed in the DDA fire hydrant contest, and she hope to have some smaller murals on the DDA hydrants in the spring.

Councilman Soltis stated that tonight the marihuana issue has caused the most turmoil for him. He believes this is the first major issue with the whole council not on board, stating that you are either for or against. His biggest concern is that the businesses just want to make money, they do not care about the kids or who can be hurt. He feels it is a big mistake and we need to make a gut check. Although the residents voted in favor of recreational marihuana, that doesn't mean they want the dispensaries and all the rest of it in our city. He stated that he is looking forward to everyone's opinion at the public hearing.

Mayor Hartwell welcome everyone back from the holiday break.

CM-19-14. Adjournment.

There being no further business, the meeting was adjourned at 8:35 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

NOTICE OF MEETING CANCELLATION

PLEASE BE ADVISED that the regular meeting of the
MADISON HEIGHTS CITY COUNCIL

Scheduled for Monday, January 28, 2019 at 7:30 p.m.

HAS BEEN CANCELLED.

The next Regular City Council meeting will be February 11, 2019

City of Madison Heights
300 W. 13 Mile Road
Madison Heights, Michigan 48071
(248) 589-8894

Special Meeting
Madison Heights City Council
Madison Heights, Michigan
January 24, 2019

A Special Meeting of the Madison Heights City Council was held on Thursday, January 24, 2019 at 6:00 p.m. in the Training Room at Fire Station No. 1, 31313 Brush, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott, and Soltis. City Manager Marsh, City Attorney Sherman and City Clerk Printz.

Others Present: Fire Chief Lelito, Human Resources Director Mischak, Department of Public Services Director Vitali, Library Director Yerman, and Police Chief Haines.

CM-19-15. Meeting Open to the Public.

Kevin Kingsley, 1538 Harvard, stated that the city is welcoming and he likes it here. He noted that he believes the taxes are high here, but he believes Madison Heights is a great town.

Firefighters Union Representative Ray Gilson stated that the Fire Department has and continues to struggle with staffing. The City Council knows what the department needs, and he hopes Council will be able to help alleviate the needs of the department.

CM-19-16. Strategic Planning.

Mayor Hartwell opened the Strategic Planning meeting and City Manager Marsh gave an overview of tonight's meeting agenda stating that proposals to address the strategic plan areas of focus would be highlighted this evening. She noted that the strategic plan is fluid in nature, and the purpose of the plan is to develop a blueprint for the future of our city, a vision for our priorities, focus the work of the administration on the priorities of City Council, and give direction for the budget process. Tonight she is seeking direction and consensus on what to pursue in the budget.

The five overall strategic goals are Public Safety, Economic Development, Infrastructure, Quality of Life, and Financial Stability. Ms. Marsh noted that all of these goals are interrelated.

The following areas were discussed:

Economic Development

Ms. Marsh stated that Economic Development goal 4.1 is: Implement a comprehensive Economic Development strategy to attract new business and ensure vibrant business climate that is welcoming to all residents and visitors. Goal 4.1 would be address through the following action items:

- A. Redesign CDD into CED and hire a Certified Planner for the Director with strong leadership background in Economic Development.
- B. Creation of a public relations program including contracting for a branding and marketing/communications strategy City-wide.
- C. Master Plan Update that was recommended by the Planning Commission.
- D. Partner with school districts with businesses for job-training for students.

Public Safety

City Manager Marsh stated that goal 1.1 is Provide high quality Police, Fire and Emergency Medical Services. Discussion followed on the needs of the Fire Department as they pertain to vehicles. The City has three engines and all are in poor condition. The cost to replace each is approximately \$600,000. Options such as financing/leasing have been reviewed for priority vehicles. She proposed looking at the financing of large equipment purchases over \$200,000 to help maintain the fleet.

City Manager Marsh noted that public safety staffing is also a concern. Discussion followed on a public safety millage of 2.5 mills and Ms. Marsh state this would be the only way that staffing could be increased in the Fire Department, Emergency Dispatching, and the Police Department. In addition, it would address known infrastructure for the Police and Fire Station buildings, including the leaking roof at the Police Station. The pros and cons of a public safety millage were discussed. Other options such as consolidation of services with another city, other delivery methods for service, and relocation of Fire Station #2 are being studied.

Infrastructure

City Manager Marsh stated that the goal 2.1, Building Asset Management Plan, would evaluate each city building for preservation and maintenance

needs. The needs of the library, Active Adult Center, and city hall were discussed. Discussion followed on the consolidation of city buildings to free up properties that could then be sold and redeveloped to increase the taxable value in the City. Architect services would be required to develop a plan and establish a cost that could be reviewed. If feasible, than an RFP for selling the land and construction would take place late in the next fiscal year or fiscal year 2021.

Ms. Marsh stated that the City has received a quote for hiring a fleet consultant company to analyze the current operations to address goal 2.2b – Investigate options for evaluating current Motor Pool services. City Manager Marsh stated that she proposes to include this in the Fiscal Year 2020 budget.

Quality of Life

City Manager Marsh stated that many action items related to this goal are in place or combined with other ideas discussed previously, including offering a free seminar on barrier free design for single family and condominium housing. Ms. Marsh noted that there will be a review of leaf pick up options after the fiscal year 2022 millage elections, and a re-evaluation of a tree program in fiscal year 2021. She proposed allocating a maximum of \$5,000 toward strengthening neighborhoods through community outreach.

Financial Sustainability

Ms. Marsh recommended the implementation of the following goals items as part of the strategic plan:

- 5.1 Maintain stable, efficient and transparent financial environment;
- 5.2 Provide a reliable financial plant that ensures stability in accordance with the strategic plan and promotes a proactive response to issues (excluding 5.2c – Millage for Parks and Recreation);
- 5.3 Maintain a structurally balanced budget with appropriate reserve levels;
- 5.4 Develop and support highly qualified workforce.

Other recommended actions would include the community engagement aspect of strategic planning, start a multi-year budget, annual giving campaign, scanning of permanent records, professional development and training.

Discussion followed on the needs of the Police Department and the proposed public safety millage. Topics included union support for the millage proposal; average annual increase cost of the proposed millage to homeowners; how the Headlee Amendment affects the taxable values in the City; the need to try all other options prior to asking for a millage increase; educating residents on where their tax dollars are allocated and what services are received; the sustainability of maintaining city service levels; the long and short term effect of increased millage on home sales; the value residents get for their tax dollars; when an election could be held and the cost, impact of the future Headlee override millage if a public safety millage was adopted; and what options are available as far as the Headlee override millage renewal and a public safety millage on the same ballot.

It was City Council's consensus to move forward on developing an Economic Development strategy, looking at options for the Active Adult Center, and developing a plan for a public safety millage for the November ballot.

City Manager Marsh stated the next Strategic Planning meeting would take place tentatively March 4th. At that meeting, final strategies and details of what would be included in the budget would be presented.

CM-19-17. Adjournment.

There being no further business, the meeting was adjourned at 8:40 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 11, 2019

A Regular Meeting of the Madison Heights City Council was held on Monday, February 11, 2019 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, Scott and Soltis. City Manager Marsh, Assistant City Attorney Grochowski, and City Clerk Printz.

An invocation was led by Mayor Pro Tem Bliss and was followed by the Pledge of Allegiance to the Flag.

CM-19-18. Addition to the Agenda.

Motion by Councilman Corbett, seconded by Councilman Soltis, to add item D-3, Confirmation of 43rd District Court Magistrate, to tonight's agenda.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell
Nays: None
Motion Carried

CM-19-19. 2018 Holiday Light Awards.

Public Services Director Joe Vitali Jr. announced the 2018 Holiday Light Award Co-Winners, as follows:

Ray and Maureen Calcaterra
1382 Maureen

Marc and Robin Cram
27123 Osmun

Rob and Kim Fulton
27859 Alger

Mr. Vitali thanked all the nominees as well as the Active Adult Center Supervisor Jennifer Cowan, and the Senior Citizen Advisory Board members for their assistance in this year's awards. He also thanked Community and Economic Engagement Supervisor Linda Williams and the sponsors of this year's contest, Mike Ransom – IMA Restaurant, Jason Johnson – Salvatore Scaloppini, and Mike Fohl - The Coach Sports Grille. After a brief PowerPoint

presentation of the winning displays, Mayor Hartwell and sponsors presented the awards.

CM-19-20. Random Acts of Kindness Week 2019.

On behalf of City Council, Mayor Hartwell presented the following Random Acts of Kindness Proclamation to Councilwoman Scott.

**PROCLAMATION
RANDOM ACTS OF KINDNESS WEEK**

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, *Random Acts of Kindness Week* is enacted to encourage Madison Heights residents to commit conscious acts of goodwill toward one another as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness during this week, we have an opportunity to recognize and celebrate the far reaching effects we as individuals can have on the world around us; and,

WHEREAS, it is time for everyone to promote and exemplify kindness in our daily lives, and make an effort to be better humans.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 18 – 22, 2019 as

RANDOM ACTS OF KINDNESS WEEK

in Madison Heights and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding. Remember to always be kinder than you feel, and to be even kinder than you were yesterday. It's that simple!

CM-19-21. Meeting Open to the Public.

Mayor Hartwell stated one of the proudest traditions of the City is public comment. This is your opportunity to address the City on any subject. To honor your constitutional freedom of expression, public comment is a one way street, you express your opinion, and the City listens. There is no dialog or debate right. There are two rules during this time, please limit your comments to three minutes or less, and please direct all comments to the Mayor as he is the chairperson of this meeting. We do not tolerate personal attacks of anyone

else. Although it is not necessary, it would be helpful if you could give your name and address and any professional affiliation that is relevant to your comments. Next, if you are here to speak on medical marijuana there will be a second opportunity later in the meeting for public comment specifically relating to medical marijuana, and you can speak now or later during that time. Also, he stated that he understands that many of you are here to discuss the case of Boomer the dog, and read the following statement into the record:

“City Council has been appraised of the matter regarding Boomer the dog, and that it is pending in several different courts. The City of Madison Heights has a long standing practice for the City Council to not comment at public meetings on pending litigation; it is not appropriate for us to do so. The City Council also cannot interfere with the legal or judicial process. The City Council cannot interfere with the decisions of the District Court or the decisions of any Appellate Court and City Council simply cannot obstruct justice.”

Kimberly Pomaville, 27728 Delton, stated that she asked a question previously at another Council meeting about how much money the city is spending on the two cases relating to having Boomer destroyed. She stated she has submitted a request for information and would like to have an answer.

Vanessa Vetor, 27315 Lenox, also asked how much of my money is going to be used to put a dog to sleep. She stated that she is very upset about it and it should be discussed.

Oakland County Commissioner Gary McGillivray, 926 Tanglewood, stated that he is planning a clean-up at the Red Oaks Nature Center and the date is tentatively set for Saturday, April 27th. If you are available please come give us a hand.

Jennifer Krikorian, 28479 Hales, asked how much taxpayer dollars are going to be spent on a dog; she stated that this whole situation is heartbreaking and irritating.

Dennis Cleary, 29650 Shackett, stated that this is the first time he has felt the need to address City Council in regard to what is being proposed for marihuana in the City. At the 2018 election, 2/3 of residents voted in favor of the use of marihuana; and City Council recently voted 4-3 to allow for businesses to come into the City and support this industry. He stated that he is opposed to Council’s decision. He stated that this weekend we had a presidential candidate indicate she is in support of making marihuana legal on a national level. Any other drug would take years for the FDA to approve prior to use. He continued that it is a sad day if the City cannot bring in businesses other than the industry that supports the use of marihuana to fill vacant buildings, and it will be a step backwards, and not a good model for the City of Progress. He also stated he would like get any information the Police Chief’s

has on the potential increase in crime in the City, and have a medical professional provide input on the pros and cons. He commented that he has no problem with the medical side, but for social uses, he is totally opposed.

Sharon Stookey, 39833 Valiant, Sterling Heights, stated that she is here to help save Boomer. She stated that he is a beautiful, kind, loving dog that is a Pitbull mix. She feels that he has been unjustly accused of a crime he may not have committed. She stated that if is no proof that this dog did anything, then he is innocent. Also, there are coyotes here and everywhere and the way the dog was killed is not consistent with another dog killing it. She is sorry for the family that lost their dog; however, she does not think there is enough evidence against Boomer to put him to sleep.

James Morrison, 30585 Manor, stated that he has concerns about marihuana dispensaries being allowed around the City, noting that dispensaries have edibles. With the number of schools in Madison Heights it is not prudent to allow this type of business. There have been fatalities related to edibles. The schools already have problems and this additional access will only compound them. He also noted that the smell is a problem and asked if the only solution for a resident who is subject to the smell be to move? What recourse will homeowners have? It will cause adverse property values and is related to the City's tax base. There will be an increase of theft and accidents. Long term studies have not been done, but there is evidence that THC has effects on the brain, including an increase in violence. More study need to be done, and he encouraged the City Council to move cautiously.

Chris Slowinski, Utica, stated the he was made aware of the Boomer case by the tragedy of Sterling. He stated the he understands City Council cannot get involved in legal cases, but he requested that Council make a statement against breed discrimination. There are a number of cities that have breed discrimination ordinances and because of that, Sterling is no longer with us. We are now focused on saving Boomer and we would appreciate Council making a statement against breed discrimination.

Julie (no last name given), Clawson, stated that she has multiple sclerosis and is a patient advocate for medical marihuana and the need for medical marihuana in Madison Heights. She stated that she struggles with every problem imaginable; marihuana is the one thing that makes her life easier, happier, and she would hate to see that opportunity passed up in Madison Heights. The City can make money, expand jobs. Medical marihuana is something that she needs and she is not going to feel bad for needing it, and it helps her.

Robin Chihan, Wyandotte, stated that if it was not for her pit bull service dog, she would have died of frost bite. She stated that people are so prejudice

against Pitbulls, and if there is no proof against Boomer, how can we euthanize him?

Vita Palazzolo, 27074 Hampton, stated that she serves on Arts and Culture Advisory Board, and the group is very grateful for Council's support. She stated that she has multiple sclerosis and supports medical marijuana under a lot of conditions. She stated that next month is MS Awareness Month, and she invited the City Council to join the Michigan Chapter of the MS Society to Turn the Town Orange, by having business hang orange ribbons and put out donation jars. She acknowledged that there are many causes, but would like to invite the board to join in.

Sharon Senter, Utica, stated that she is an animal advocate. She is heartbroken over all the animal abuse that takes place, and she is appalled to see there is no proof that Boomer did anything. She accused Judge Hunt and Chief Haines of being in a power thing against pitbulls or this particular dog. She hopes Council can save Boomer.

Christina Faulk, 63130 Fritz, Washington, stated that she is an animal lover and advocate, and a voice for Boomer. She pleaded for Boomer to be saved. People are pulling for Boomer, so do the right thing.

Sandy Isaac, 1200 Dauner, Troy, spoke in support of Boomer, noting she concurred with the other speakers. She stated that there is zero evidence this dog killed the other dog, so free the poor dog. Sometimes the justice system gets it wrong, please set him free. She also concurred with suggestion of not supporting breed specific legislation. Breed specific language is also a huge problem for people in trying to find housing. She is an owner of a rescue, and the problem is definitely not with the breed.

Diane Follis, (no address given) stated she was a former resident, a cancer survivor and a medical marijuana card holder. She stated that she has been going through this process and believes CBD oil cures cancer and there are a lot of good purposes for medical marijuana. Some of the dispensaries are in unsavory areas, and she has visited quite a few, and not all are alike. You worry when you go into these places. There are a lot of places to go to, and you don't have to go very far. Some are clean, and the others are not desirable. We need better regulation for dispensaries and they need to be made safer. Not all are following the same guidelines. The City needs to keep their eyes open when permitting dispensaries.

Merri Bush, 1117 E. Hudson, shared the story of her father with PTSD and trying marijuana when she was younger, noting it was the first time she heard him laugh, an unrestrained, happy laugh. The VA is appropriating funds for research for marijuana because it works. If 2/3 of city is in favor, 2/3 of Council should at least support it and the City benefiting from the cash portion of this.

It will not affect our crime. She asked how concerned Council is about all the liquor stores in the City and the ease of access to liquor?

Bob (no last name or address given), Madison Heights, stated that medical marihuana is going to bring in revenue, but also is a cure for illnesses. Marihuana is better than pharmaceutical drugs that are being used. Marihuana is good for Madison Heights, so let's keep moving forward.

Cindy Holder, 901 E Lincoln, stated that she is not in support of medical marihuana in the City. We are not ready for this, there is not enough background, and she is concerned about potential crime. She stated that the Council is considering a proposed police and fire millage. Is that going to be used to enforce laws that are being violated due to marihuana? What dollar amount are we looking at that this business will bring to the City? It will bring some level of crime, and there will be some level of problems with a cash business. She stated that she serves on the Planning Commission and there are two things that she wanted to share. People that live in mobile homes are not protected by the 500 foot rule –and she believes they need to be given the same protections of those with traditional housing, and the soccer field is not part of the restricted area because it is not a park. These items should be addressed in the ordinance if the City choses to move forward.

Randy Kenney, 122 E Kalama, stated that most people wouldn't know if a business was Karrs Nuts or a medical marihuana facility. The homes that are growing in the neighborhoods make the neighborhood stink and have their power overloaded. Please look into a smell ordinance to protect the residents from this odor. This affects us every day and prevents people from going outside. We have ordinances about everything else. This would help eliminate a lot of issues. Please address this issue.

Carolyn (no last name given), Warren, stated that she was here to support Boomer. She stated that she is not blindly supporting him, she has read the transcripts, and there just isn't any proof. She stated that it is important to look at why this judge can put this dog to death without any proof.

Sharon Stookey, 39833 Valiant, Sterling Heights, spoke again informing Council on what happened to Sterling. While we can't help Sterling anymore, we can help Boomer. We need to protect the animals.

Vanessa Vektor, spoke again stating that she had a wonderful experience in Utica, and stated the Mayor was there and she is upset that her community is not taking this seriously. We would love to see Madison Heights officials be a part of helping and doing something good. She wants this to be taken seriously and she wants Madison Heights to evolve.

Mayor Hartwell thanked everyone for speaking, and stated Madison Heights is strengthened by your participation in local government. Although public comments aren't intended for a dialogue, Council does hear you and is listening, we take notes of your comments, ideas, and digest everything. We are a representative legislative body, but do remember that the rule of law prevents the legislative body from interfering with another branch of government. The rule of law also prevents us from interfering in police cases. That would be obstruction of justice. The system is for us to not interfere. He stated that while he has no more power than any of the citizens here tonight, we all have equal power when it comes to our vote. We all get an equal vote for every judge. It is very important that you understand who runs for city, county, state and federal offices. We all have equal power at the ballot box. This City Council is very progressive when it comes to animal rights. Many of us are supported by the Michigan Political Action Committee for Animals who has advised us for years. This City Council adopted a very modern and leading ordinance on anti-tethering. This legislative body is very aware of the importance of animals in our lives. He commented that in his law practice, he represents people who have support animals and he sees the emotional connection. It is beyond friendship and is a medically necessary companion. Don't be discouraged by the lack of dialogue tonight, or the lack of action by the legislative body, there is no string that City Council can pull. Thank you for coming tonight and you are always invited back to any future Council meeting.

CM-19-22. Confirmation of the Finance Director/Treasurer Appointment.

Motion by Councilman Corbett, seconded by Mayor Pro Tem Bliss, to confirm the appointment of Linda Kunath as Finance Director/Treasurer contingent upon passing the post-offer physical examination and drug profile, and successful completion of a background investigation (including financial history).

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-19-23. Red Oaks Youth Soccer Complex Use Agreement with Madison Heights Youth Soccer Association.

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Scott, to approve the 3-year extension for the Red Oaks Youth Soccer Complex Use Agreement with the Madison Height Youth Soccer Association with a term ending December 31, 2021 and authorize the Mayor and City Clerk to sign on behalf of the City.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-19-24. Confirmation of 43rd District Court Magistrate.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to confirm the appointment of Tanya Bowers to the position of Magistrate for the Hazel Park division of the 43rd District Court.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None
Motion Carried

CM-19-25. Brush Chipper #410 Replacement.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the purchase of one Morbark Eeger Beaver 2131-SA brush chipper from Morbark, LLC, of Winn, Michigan, through the Sourcewell (formerly NJPA) Cooperative Purchasing Contract (#062117-MBI) for a total equipment cost of \$46,213.20.

Yeas: Bliss, Corbett, Gettings, Grafstein, Scott, Soltis, Hartwell
Nays: None
Motion Carried

CM-19-26. Nature Center Display Upgrades Sharing Agreement.

Motion by Councilwoman Scott, seconded by Councilor Grafstein, to approve the funding for the Nature Center Display Upgrades Project Cost Sharing Agreement between the City and Oakland County Parks, in a total amount not to exceed \$22,500.

Discussion followed on parking fees for residents at the Nature Center and the possibility of having the fee eliminated.

Yeas: Corbett, Gettings, Grafstein, Scott, Soltis, Bliss, Hartwell
Nays: None
Motion Carried

CM-19-27. Purchase and Financing for Sutphen G9 Fire Engine.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to authorize the purchase of a new Sutphen G9 Fire Engine through the inter-local

purchasing contract with Houston-Galveston Area Council (H-GAC) in the amount of \$603,382.76.

Yeas: Gettings, Grafstein, Scott, Soltis, Bliss, Corbett, Hartwell

Nays: None

Motion Carried

CM-19-28. Resolution for the Purchase and Financing of a Supthen Fire Engine.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to authorize the City Manager to enter into finance agreement with JP Morgan Chase to finance \$586,140 of the purchase of a new Sutphen G9 Fire Engine under Public Act 99 for a five year period, as follows:

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

RESOLUTION FOR THE PURCHASE AND FINANCING OF A SUPTHEN FIRE
ENGINE

WHEREAS, the City Council of the City of Madison Heights (the City) has determined that a true and very real need exists for the acquisition of the Equipment described in the Lease-Purchase Agreement presented to this meeting; and has further determined that the Equipment will be used solely for essential governmental functions and not for private business use; and

WHEREAS, the City of Madison Heights has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment.

NOW THEREFORE, BE IT RESOLVED, by the City of Madison Heights City Council that the terms of said Lease-Purchase Agreement and Escrow Agreement are in the best interest of the City for the acquisition of a Supthen G9 Pumper and in the amount of \$603,382.76, and the Madison Heights City Council designates, authorizes and confirms the City Manager, Melissa Marsh to execute and deliver, and to witness (or attest), respectively, JP Morgan Chase Bank, N.A. Lease-Purchase Agreement and Escrow Agreement, if applicable, and any related documents necessary to the consummation of the transactions contemplated by the Lease-Purchase Agreement and Escrow Agreement

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell

Nays: None

Motion Carried

CM-19-29. Budget Amendment for the Purchase and Financing for a Sutphen G9 Fire Engine.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to approve a fiscal year 2019 budget amendment for the initial payment for the Sutphen G9 Fire Engine in the amount of \$17,243 to the General Fund Fire Equipment Account 101-336-9820-000.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell

Nays: None

Motion Carried

CM-19-30. Ordinance No. 2129 - Ordinance Amendment Regarding Medical Marihuana Facilities, Second Reading.

Mayor Hartwell opened public comments at 9:07 p.m.

Rich Clark, 29328 Howard, and former Councilman, stated that it looks like the almighty dollar is winning out over the health and welfare of the youth of our City. He noted there have been problems with drugs in the schools and the neighborhoods. He stated that he had two brothers; one passed away with cancer the other has gotten relief from medical marihuana. He had a grandson whom they raised, who started with marihuana and progressed to bigger drugs. In time, they saw that he was going to harm his grandmother or himself and they had him committed. After two weeks, he was released, and not long after, he watched him die on the floor of his front room. He wondered if the people who help kids get this marihuana which they start with, will be able to look the mother and father in the eye when they are at their kid's funeral that is related to drug use, and say they are sorry. He is opposed to recreational marihuana; it is also too big of a load on our police and court system.

Dunaskiss Consulting and Developing representative Erin Lemers 169 W. Clarkston Rd., applauded the City on a well drafted ordinance. On the municipal level, her firm strives to enact regulatory language that benefits municipalities and the communities they serve. Their partner organization, Weed Maps, works towards the same goal. On behalf of Weed Maps, she is here to recommend the stacking of licenses, specifically Class C, Grow Facilities. We advocate for a free market business strategy which will benefit the cannabis industry beyond Madison Heights, permitting business owners to choose to stack their grow facilities will encourage a competitive edge and bring more jobs to the City.

Sonia Hodenly (no address given), stated that she was in support of medical

marihuana. She stated there are a lot of people in need that cannot go far away or they may have transportation issues. There are not a lot of actually licensed regulated facilities that are local or convenient.

Terry Hamilton, president of Ascension Macomb-Oakland Hospital and board member of the Hazel Park-Madison Heights Chamber of Commerce, stated he is a person who stands at the intersection of the community's health and community's business environment. He does not advocate for the ordinance, particularly as it pertains to dispensaries. According to research by the University of North Carolina's Department of Public Policy, bringing dispensaries into a community is correlated with statistically significant increases in a variety of crime, namely murder, burglary, robbery, theft and auto theft. According to the Journal of Drug and Alcohol Abuse in 2015, the presence of dispensaries has an impact on children. Higher use among those in grades 6-12 and higher acceptance of use among this same group. The difference between alcohol, tobacco, and high fat food is that the bird has not already flown on dispensaries. Medical marihuana most assuredly has its place for those who derive benefit from its therapy, but given that it has its place, the place for distributing medical marihuana is not in Madison Heights. We only advocate for what we believe is the best scientific and demonstrated good of the community.

Kim Clark, 27895 Hampden, stated that she is a business owner in Madison Heights and a resident. She encouraged everyone to look up the facts about medical marihuana dispensaries. People need a safe outlet and she believes the City can build a safe way for our citizens.

Paul Sanders, 26433 Rialto, stated that he lives with multiple sclerosis, and while we have liquor and drug stores all over the city, people are opposed to smoking marihuana and eating pizza. If you do it like an adult and don't harm other people, you legally have the right to. If you can't handle it, leave it alone.

Kendra Howard, Sector Connections, commended Council for their work on the ordinance. People want to go to get medicine and are concerned about the areas that they have to go to get it. She suggested that the B-3 General Business zoning district also be considered for dispensaries, preferential treatment of co-located applicants be eliminated, and the number of licenses be increased.

Julie (no last name given), Clawson, stated that she just wants to speak about the good things about medical marihuana. She stated that her hopes are way

up for this and noted her options are limited because she does not drive. She believes it will create jobs and can open doors for the City.

William Anderson, 29164 Mark Ave., stated that he is an owner of a State regulated legal dispensary in Detroit. They have been open for over a year and there have been zero incidents of crime theft or other issues. He employs residents, and he opens his door to visitors to see his operation, 96 West Detroit.

Martin Sema 535 W. 9 Mile Road, CEO of Hyatt Laboratories. They were awarded 5 licenses in Hazel Park. They are building a state of the art facility in Hazel Park and looking to get vertically integrated in Madison Heights. They give back to the city and community.

Laura Maakaroun, business owner at 26201 Dequindre, has been in Madison Heights for 30 years. They have seen lots of changes in the City, including great and hard times. She stated that she is an advocate for medical marihuana. Times are changing and you need to move with it and this is headed in the right direction. Oakland County does not have a lot of dispensaries. Placing facilities in the industrial zone is like placing a shame to it that should not exist. Treat it like you would treat any other pharmacy. Allowing it to be stacked will create monopolies. Medical marihuana should not be looked at as a bad thing. We need to encourage discussion and bring new business to Madison Heights.

Deliza Lee, 31800 Harlo, stated majority of people here are concerned with recreational marihuana, not medical marihuana. People have a false sense of reality when it comes with recreational marihuana use and the main concern is with safety issues.

Vita Palazzolo, 27074 Hampton, stated that she finds it interesting that three people here tonight have multiple sclerosis. Medical marihuana is not new. She stated that she would rather use medical marihuana that then take the 12 different drugs they want to give you. She respects the comments about making it shameful by limiting it to industrial districts.

Richard Lewis, served on the Madison Heights Community Coalition. This topic is on our doorstep and deserves attention and discussion. Maybe the most affective government is at the local level. The City needs to limit the amount of dispensaries. This is going to be a forerunner to recreational

marihuana and should be approached with caution. Maybe we need to take time to discuss other issues such as security, environmental impact, and he asks that Council proceeds with caution. There are things missing in the ordinance that could be very useful. There is more to be done, more discussion to be had. He asked that Council strengthen the ordinance and get all the community and partners involved.

Seeing no one further wishing to speak, Mayor Hartwell closed the public comments at 9:42 pm.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt Ordinance 2129 – an amendment to authorize, license and regulate Medical Marihuana Facilities in the City of Madison Heights on second reading, as follows:

ORDINANCE NO. 2129

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

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by adding a new Article XVI to Chapter 7 of the Code of Ordinances, City of Madison Heights, Michigan, to authorize, license and regulate Medical Marihuana Facilities in the City of Madison Heights to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Amendment.

That a new Article XVI is added to Chapter 7 of the Code of Ordinances, City of Madison Heights, Michigan, to read as follows:

ARTICLE XVI. – MEDICAL MARIHUANA FACILITIES

Sec. 7-300. – Purpose and Intent.

The purpose of this Article is to establish local standards for the issuance, renewal and revocation of medical marihuana facilities licenses, in conjunction with the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, MCL 333.27101, et. seq., as amended, and the Michigan

Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421, et. seq., as amended, by the City of Madison Heights, in order to:

- (a) Provide for regulations and local city licensing of medical marihuana facilities pursuant to the City's general police power granted to cities by the Michigan Constitution of 1963, the Home Rule City Act, MCL 117.1 et. seq., and by the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, MCL 333.27101, et. seq., as amended;
- (b) Protect the public health, safety and welfare of the residents of the City and the general public by minimizing the unsafe and unregulated production and sale of medical marihuana and to promote the safe, regulated manufacturing, production and sale by properly state-licensed medical marihuana facilities;
- (c) Establish regulations, standards and procedures to locate, operate and maintain medical marihuana facilities within the City.

The Federal Controlled Substances Act, Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801 et seq., regulates marihuana as a Schedule I controlled substance, for which there is "no currently accepted medical use in treatment in the United States." 21 U.S.C. § 812(b)(1)(B). Although the state of Michigan has recognized and authorized the use of medical marihuana pursuant to the Michigan Medical Marihuana Act, and has authorized the licensing of medical marihuana facilities pursuant to the Medical Marihuana Facilities Licensing Act, these state authorized activities remain prohibited by federal law. Nothing in this Article is intended to grant, nor shall be construed as granting, immunity or insulate or shield a business, person, applicant, affiliate, or licensee from federal seizure and/or forfeiture as allowed by federal law and does not insulate a business or owners, employees or agents from federal criminal arrest and/or prosecution. A medical marihuana facility license issued under this Article, and choosing to establish and operate a medical marihuana facility pursuant to that license, is done so at the licensees own risk, and the City shall assume no liability for any actions, claims, liabilities, assertions of liability, losses, costs or expenses.

Sec. 7-301. - Definitions.

For the purpose of the provisions of this Article, all words and phrases herein shall be construed to have the meanings as provided for in the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016, MCL 333.27101, et. seq., as amended, the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421, et. seq., as amended, and the Administrative Rules promulgated under the Administrative Procedures Act, 1969 PA 306, MCL 24.201 to 24.328, by the Department of Licensing and

Regulatory Affairs, Bureau of Marihuana Regulation, Medical Marihuana Facilities, R 333.201 et. seq., unless the context clearly indicates or requires a different meaning.

- (a) “Applicant” means an individual, person, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity or other business entity who applies for a local City license to operate a medical marihuana facility in the City of Madison Heights.
- (b) “Church” means an entire house or structure set apart primarily for use for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure of which is kept for that use and not put to any other use inconsistent with that use.
- (c) "Family child care home" and "group child care home" mean those terms as defined in section 1 of 1973 PA 116, MCL 722.111, and only apply to the bona fide private residence of the operator of the family or group child care home.
- (d) “Medical Marihuana Facility” means a location at which a license holder is licensed to operate under the MMFLA and this Article.
- (e) "Minor" means an individual less than 21 years of age.
- (f) “MMMA” means the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421, et. seq., as amended.
- (g) “MMFLA” means the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101, et. seq., as amended.
- (h) “License” means a license issued by the City of Madison Heights under this Article.
- (i) "Rules" or "Administrative Rules" means the administrative rules promulgated under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, by the Department of Licensing and Regulatory Affairs, Bureau of Marihuana Regulation, Medical Marihuana Facilities, R 333.201 et. seq. enacted to implement the MMFLA.
- (j) "School building" includes buildings used for school purposes to provide instruction to children in grades kindergarten through 12, when that instruction is provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or

college extension courses. School does not include a proprietary trade or occupational school.

- (k) “State operating license” means a license that is issued under the MMFLA that allows the licensee to operate as a Medical Marihuana Facility.
- (l) All other terms used in this Article have the same definitions ascribed to them in the MMFLA, the MMMA, or the Administrative Rules accordingly.

Sec. 7-302. – Medical Marihuana Facilities Authorized.

Pursuant to Section 205(1) of the MMFLA, the City of Madison Heights authorizes the operation of the following types of medical marihuana facilities within the City of Madison Heights: Growers; Processors; Provisioning Centers; Safety Compliance Facilities; and Secure Transporters. Provided the facility has obtained a valid state operating license issued pursuant to the MMFLA, and the facility is in compliance with the additional requirements of this Article and with all other applicable laws, administrative rules and ordinances.

Sec. 7-303. – No pre-existing non-conforming facilities

No person or entity that was open or operating any facility purporting to produce, manufacture, test, transfer or transport medical marihuana or marihuana prior to the adoption of this ordinance, shall be a lawful use or lawful nonconforming use.

Sec. 7-304. – No affect on Michigan Medical Marihuana patients or caregivers.

This Article does not apply to or regulate any patient or caregiver activities or conduct that is in compliance with the Michigan Medical Marihuana Act.

Sec. 7-305. – License requirements.

- (a) *License required.* It shall be unlawful for any individual, person, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity or other business entity to conduct business as a medical marihuana facility in the City without having first obtained from the City an annual license pursuant to this Article and any applicable State operating licenses.
- (b) *License transferrable.* No license issued pursuant to this Article shall be transferred unless approved by the State and City.

(c) *Fees.*

- (1) *Application Fee.* The fee to submit a city application to obtain a city license to operate a medical marihuana facility in the City shall be set by Resolution of Council and shall be reasonably related to the expenses in processing and reviewing the application. No rebate or refund shall be made of any application fee.
- (2) *License Fee.* For those applications that are granted a city license, the fee for the city license shall be set by resolution of the City Council, not to exceed \$5,000.00. The required fee for each license shall be paid in full at the time of the approval of the city license to operate a medical marihuana facility. No rebate or refund shall be made of any license fee or part thereof by reason of the death of the licensee or by nonuse of the license or discontinuance of the operation of the facility.

(d) *Number of licenses.* The City has limited the number of licenses issued under this Article and may revise this limit from time to time. The maximum number of each type of City Medical Marihuana Facility License allowed by the City shall be:

Type of Facility	Number of Licenses
Grower – Class A (500 plants)	None
Grower – Class B (1,000 plants)	None
Grower – Class C (1,500 plants)	2
Processor	2
Secure Transporter	4
Safety Compliance Facility	4
Provisioning Center	2

(e) *Application Requirements.*

- (1) Each applicant required to obtain a license from the City under this Article shall make application for said license to the city clerk in the form and manner prescribed by him/her and shall state under oath such facts as may be required for, or applicable to, the

granting of such license as provided in this Article and Chapter 7 of the Madison Heights Code of Ordinances.

- (2) In addition to the city application, the applicant shall provide to the City, an approved Entity/Individual Prequalification issued by the State. This shall include a full and complete copy of the Prequalification application materials, together with any and all supporting documents and attachments, that were submitted to the State of Michigan, Department of Licensing and Regulatory Affairs, Bureau of Marijuana Regulation, Medical Marijuana Facilities, in the application for an Entity/Individual Prequalification Application Packet under the MMFLA and the Administrative Rules.
- (3) Each applicant required to obtain a license from the City under this Article shall also submit the following additional information unless included in the materials required to be submitted in subsection (2) above:
 - (A) The Applicant shall identify an individual to act as primary responsible person for the applicant and point of contact for the application who shall be either a resident of the City, a resident of Oakland County or reside within 100 miles of the City;
 - (B) If the Applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their name, address, date of birth, business address, business telephone number, email address, social security number, and, if applicable, federal tax identification number;
 - (C) If the Applicant is not an individual or sole proprietorship, information regarding the business entity, including, without limitation, the name and address of the entity, website address (if any), type of business organization, proof of registration with, or a certificate of good standing from the State of Michigan, and the federal tax identification number of the business entity;
 - (D) The identity of every person that submits a Supplemental Applicant Prequalification Application Packet on Applicant's behalf as required by the MMFLA. All such persons shall provide a suitable copy of government-issued photographic identification, their name, address, date of birth or formation, business address, business telephone number, email address, social security number, and, if applicable,

federal tax identification number. If additional persons are added the Applicant's operations, Applicant must supplement its City application with the identity of any applicable new persons;

- (E) If Applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a medical marihuana facility;
- (F) A copy of any deed, lease, or binding real estate interest reflecting the right of Applicant to possess, or an option reflecting Applicant's right to purchase or lease, the proposed licensed premises;
- (G) A description of the type of the proposed medical marihuana facility and its physical address;
- (H) Applicant's business plan for its proposed operation, including but not limited to, Applicant's financial ability to operate its facility;
- (I) A "to scale" architectural diagram of the proposed licensed premises, showing, without limitation, building floor plan and layout, all entryways, doorways, or passage ways, and means of public entry and exits to the proposed licensed premises, loading zones, available onsite parking spaces, fencing at the premises, landscaping, and all areas in which medical marihuana will be stored, grown, manufactured or dispensed;
- (J) A "to scale" architectural diagram of the proposed licensed premises, showing, without limitation, building floor plan and layout including all fire suppression and fire related requirements of the International Fire Code.
- (K) A lighting plan showing the lighting outside of the Medical Marihuana Facility for security purposes and to demonstrate compliance with any applicable City Ordinances;
- (L) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the medical marihuana facility is expected to create, including the employment of City residents;

- (M) An explanation, with supporting factual data if applicable, of the economic benefits to the City, including, but not limited to job creation, plans for community outreach, and anticipated philanthropic or charitable activities of the Applicant;
 - (N) A statement that Applicant is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City;
 - (O) Any additional information that the City reasonably determines to be necessary in connection with the investigation and review of the application.
- (4) The application shall include a signed authorization and consent for the City Building Official, Police, Fire Marshal, or designee(s) to conduct inspections of the interior and exterior of the entire premises, including all units, common areas and offices. Said inspection shall be for the purpose of determining compliance with the International Fire Code, International Property Maintenance Code, Michigan Plumbing Code, Michigan Mechanical Code, National Electrical Code, Michigan Rehabilitation Code and the Michigan Building Code.
 - (5) The application shall include a signed acknowledgement that the Applicant is aware and understands that any issuance of a license is a privilege and they accept any and all risk of adverse public notice, embarrassment, criticism, or other action, or financial loss, which may result from action with respect to an application or the public disclosure of information, and expressly waive any and all claims for damages as a result thereof.
 - (6) The application shall include a signed acknowledgement that the Applicant does not have any other operating license that is prohibited by the MMFLA.
 - (7) The application shall include a signed acknowledgement and release of liability that the applicant acknowledges that the licensed activities under the MMFLA and the City license are currently prohibited by federal law and that a City license does not insulate or shield the applicant from federal seizure, forfeiture and/or federal criminal arrest or prosecution.
 - (8) The application shall include a signed acknowledgement and release of liability acknowledging that the applicant is aware and understands that any issuance of a license is a privilege and denial

of a license by the City, for any reason, shall not be cause to bring an action against the City and that the applicant shall discharge the City from any liability and causes of action if denied a license by the City.

Sec. 7-306. – Initial Application Period.

- (a) At the time this Ordinance is adopted, applications for Medical Marihuana Facilities for city licenses will not be accepted.
- (b) Within 60 days following the adoption of this ordinance the City shall establish an initial application period for Medical Marihuana Facilities. For a period of 30 days, the City shall accept license applications for proposed Medical Marihuana Facilities.
- (c) After the initial application period closes, the City shall verify that any applications received in this initial application period are full and complete applications. The City shall consider an application full and complete if it includes all information requested by this Article and the city application forms.
- (d) If, after the initial 30-day application period, the city does not receive more applications than the permitted number of licenses for a particular type of facility, then the city shall accept license applications for only those facilities, on an ongoing basis, until such time as the number of allowed licenses have been approved for those specific facilities.

Sec. 7-307. – Preliminary Denial of Application.

- (a) The City shall reject any application that does not meet the requirements of the MMFLA, the MMMA, the Administrative Rules or this Article. The City shall reject any application that does not contain an approved Entity/Individual Prequalification issued by the State. The City shall reject any application that contains any false, misleading or incomplete information. The City shall reject any application that proposes a location on a parcel that is not an approved parcel as depicted on the official map published by the City. The City shall reject any application that does not comply with this Article or Chapter 7 of the Madison Heights Code of Ordinances. The City shall reject any application that does not conform or comply with any of the following: International Fire Code; International Property Maintenance Code; Michigan Plumbing Code; Michigan Mechanical Code; National Electrical Code; Michigan Rehabilitation Code and the Michigan Building Code.
- (b) An Applicant whose application is rejected or denied by the City shall not be entitled to review by the City or any Board or Commission thereof and

the Applicant shall waive any right to bring an action against the City for such a rejection or denial.

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

- (a) In the event the City receives more eligible applications for a specific type of city license than is authorized by the City, the City shall select the Applicant or Applicants most suitable to operate its facility based on an objective and competitive process. This process is subject to the provisions of this Section. This process is only necessary if the City receives more eligible applications than is authorized for any given type of Medical Marihuana Facility.
- (b) The City shall assess, evaluate, score, and rank all impacted applications and issue city licenses to those Applicants receiving the highest score. In its application assessment, evaluation, scoring, ranking, and deliberations, the City shall assess, evaluate, score, and rank each application based upon a scoring and ranking procedure developed by the City consistent with the requirements, conditions, and provisions of this Section. The detailed scoring and ranking system shall be provided to each Applicant and included in the application materials developed by the City.
- (c) Initial scoring and ranking shall be conducted and applied by the City on the basis of assigned points from zero (0) points to two hundred (200) points with the lowest overall total score as zero (0) points and the highest possible total score being two hundred (200) points. Scoring categories include, and are limited to the following scoring points and criteria:
 - (1) The content and sufficiency of the information provided by Applicant in the application. The maximum number of scoring points in this category shall be ten (10) points;
 - (2) Whether the Applicant’s proposed use is consistent with the land use for the surrounding neighborhood and will not have a detrimental effect on traffic patterns, health, welfare or safety of residents or abutting properties. The maximum number of scoring points in this category shall be ten (10) points;
 - (3) Planned neighborhood outreach on behalf of the Applicant, and whether the Applicant or its stakeholders have made, or plan to make, significant physical improvements to the area around the property or other areas contiguous to the property that would include, but not be limited to, plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood

and improve the surrounding neighborhood and area. Planned outreach may also include plans to make significant physical improvements to other local private or public roads, right of ways, alleys, parks or any other private or public property that would benefit the surrounding area. The maximum number of scoring points in this category shall be twenty (20) points.

- (4) The business probity, moral reputation, and relevant criminal history of Applicant or any of its stakeholders; Whether the Applicant or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; Whether the Applicant or any of its stakeholders have any other professional licenses, including by way of example, but not limited to, such licenses as a medical doctor, lawyer or accountant; Whether the Applicant or any of its stakeholders are residents of the City or of Oakland County. The maximum number of scoring points in this category shall be twenty (20) points.
- (5) Whether Applicant and its stakeholders have made or plan to make significant capital improvements to the proposed facility, the surrounding neighborhood, and/or the City. This includes, but is not limited to:
 - (A) The total overall capital investment in funds to be invested in the renovations to the property and surrounding area including the overall investment in equipment, fixtures, and other related items;
 - (B) The total number of years that a property or site, to be renovated by the Applicant, has been vacant;
 - (C) How significant the upgrades or renovations to the property and surrounding area are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; the extent of renovation to a location or site that may involve a Brownfield involved site or other like condition on the property; the overall size of the site and building or buildings of the proposed renovations;
 - (D) Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and waste management design and plan;

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

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

- (6) Whether Applicant and its stakeholders have reasonably and tangibly demonstrated that it possesses sufficient financial resources to fund, and the requisite business experience to execute its business plan and proposed operations in its application; Whether Applicant or its stakeholders have other established business operations in the City, Oakland County or State of Michigan and any relevant connection these operations have to Medical Marihuana Facilities and the length of operation of these other business operations; Whether Applicant and its stakeholders have reasonably and tangibly disclosed its funding sources and relevant background of those funding sources; The maximum number of scoring points in this category shall be twenty (20) points;
- (7) The number of full-time and part-time positions anticipated by Applicant, and whether Applicant has articulated plans or strategies to attract, hire and retain employees that are residents of the City. Whether Applicant has articulated plans or strategies in providing competitive compensation, benefits or educational programs to its employees. The maximum number of scoring points in this category shall be ten (10) points;
- (8) Whether Applicant has obtained, is likely to obtain, or plans on obtaining additional City Licenses and State operating licenses, under the MMFLA, at its proposed location in the City to co-locate a Class C Grower, a Processor and Provisioning Center at a single location or site within the City. Applications that incorporate, or co-locate, a licensed Class-C grower, licensed processor and licensed provisioning center in the same location, in strict compliance with the conditions and provisions of the MMFLA, the Administrative Rules and this Article for the operation of these three separate licenses at the same location, for each type of

license, shall be considered more preferential than single license locations for these specific types of licenses. The maximum number of scoring points in this category shall be forty (40) points;

- (9) Whether the planned signage for the proposed location is detrimental to the public health, security, safety, morals, good order, general public welfare or image of the City or is of a nature that is consistent with the land use for the surrounding neighborhood and of such a design and location that is in harmony with the purpose and intent of this Article. This includes, but is not limited to, the size, location, construction materials of the sign and/or design of the sign, logos, or lighting. The maximum number of scoring points in this category shall be ten (10) points.
 - (10) Whether Applicant has planned community outreach to the City and its residents. This includes, but is not limited to, planned outreach or educational services, charitable or philanthropic activity, community improvement or educational programs, or other factors that will improve the health, safety, and welfare of the City, its residents, and the surrounding area. The maximum number of scoring points in this category shall be ten (10) points.
- (d) The City may engage professional expert assistance in performing the City's duties and responsibilities under this Section.
 - (e) After the City has processed and scored all eligible applications, the City shall prepare a summary and report listing the overall score and basis for this determination for all eligible applications. The City shall then notify the selected Applicants of the granting or denial of a license.
 - (f) The City may establish additional application periods for Applicants seeking new licenses for eligible medical marihuana facilities within the City, as needed, via resolution of City Council.
 - (g) Any City license issued under this Article must be established and a Certificate of Occupancy issued within six months of issuance, unless extended for good cause shown, or the licensee shall surrender the license if the use is not established within the required time.

Sec. 7-309. – License Renewal Applications.

- (a) An application for a license renewal required by this Section shall be made in writing to the City Clerk at least 60 days prior to the expiration of an existing license.

- (b) Applicants shall submit a license renewal application in writing to the City Clerk on forms provided by the City. At the time of the renewal application, the Applicant shall pay a nonrefundable license renewal fee, set by resolution of the City Council, not to exceed \$5,000.00, to defray the costs incurred by the City in reviewing the renewal application and to administer, inspect and monitor the approved facility.
- (c) The Applicant shall also provide all information required by this Section contained in the initial application, including any relevant information that has changed or been updated.
- (d) The application shall include a full and complete copy of all the findings from all inspections, investigations and audits conducted by the state Department of Licensing and Regulatory Affairs and any other state department or agency pertaining to applicants, licensees, proposed medical marihuana facilities, and medical marihuana facility operations that shall include:
 - (1) Inspections through its state investigators, agents, auditors, or the state police of proposed medical marihuana facilities as provided in section 303 of the act, MCL 333.27303, to ensure compliance with the MMFLA, the Administrative Rules and this Article.
 - (2) The details and results of any investigations of individuals employed by medical marihuana facilities.
 - (3) The details and results of any inspections and examinations of medical marihuana facilities and proposed medical marihuana facilities.
 - (4) The details and results of any inspections, examinations, and audits of records of the licensee.
- (e) The City shall renew Applicant's license unless the City discovers evidence of:
 - (1) Any fraud or misrepresentation contained in the city license renewal application;
 - (2) Any purposeful violation of this Ordinance, State Law or Administrative Rule;
 - (3) Loss of the Applicant's State Medical Marihuana Facility License;

- (4) Failure of the Applicant to obtain a State Medical Marihuana Facility License within a reasonable time after obtaining a license under this Article; or
- (5) Conducting business in a manner or in such a way as to constitute a nuisance to the health, safety, or general welfare of the public.

Sec. 7-310. - Location requirements.

- (a) All medical marihuana facilities authorized under this Article, shall be located in the M-1, Light Industrial or M-2 Heavy Industrial Districts within the City. Any application that proposes a location other than in a M-1 or M-2 Industrial District or within the separation distances as described in subsection (b) below, shall be immediate cause for rejection and denial of the application. In addition to the M-1 and M-2 Industrial Districts, Safety Compliance Facilities, only, may also be located within the O-1, Office Building District within the City in addition to the M-1 and M-2 industrial districts.
- (b) No medical marihuana facility shall be located within 500 feet of, or be adjacent to or abut, a school building, church, family child care home, group child care home or a Residential District where residential units are located. The City shall publish and make available an official map depicting all individual parcels that are located in the M-1 or M-2 District that are eligible for locating an approved medical marihuana facility. Any application that proposes a location other than a parcel approved on the official map shall be immediate cause for rejection and denial of the application.
 - (1) Exceptions:
 - (A) The separation distance of 500 feet shall be reduced to 250 feet if the two locations are separated by an Interstate Highway.
 - (B) Safety Compliance Facilities, only, whether located in the M-1, M-2 or O-1 district shall have no separation distances.
 - (C) The separation distance of 500 feet shall not apply to Residential Districts if no residential units are located within the Residential District.
- (c) No Grower shall be issued a license that would allow more than 1 grower of class C - 1,500 marihuana plants to be "stacked" or located or operate at a single location in the city.

Sec. 7-311. – Marketing and advertising restrictions.

- (a) A medical marihuana facility shall comply with all City Ordinances, the MMMA, the MMFLA, and Administrative Rules that regulate signs and advertising.
- (b) A licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any marihuana product, any sign, or any document provided.
- (c) A licensee shall not advertise a marihuana product where the advertisement is visible to members of the public from any street, sidewalk, park, or other public place.
- (d) A licensee shall not be permitted to display any temporary signage or obtain a temporary sign permit.

Sec. 7-312. - Operating requirements.

A state operating license and a city license are limited to the scope of the state and city operating licenses issued for that type of medical marihuana facility and shall comply with all of the following:

- (a) A licensee shall post in a conspicuous location all applicable state and city licenses issued for the location and approved medical marihuana facility or facilities.
- (b) A licensee shall, at all times, follow and operate the medical marihuana facility in strict compliance with the MMMA, the MMFLA, the Administrative Rules and the requirements of this Article.
- (c) Medical marihuana facilities shall be partitioned from any other marihuana facility, activity or business. Marihuana facilities shall not allow onsite or as part of the medical marihuana facility any of the following:
 - (1) Sale, consumption, or serving of food, except for appropriately processed and packaged medical marihuana edibles pursuant to the MMMA, MMFLA and Administrative Rules.
 - (2) Sale, consumption or use of alcohol or tobacco products.
 - (3) Consumption, use, or inhalation of a marihuana product.

- (d) No medical marihuana facility shall employ minors as defined herein.
- (e) Provisioning center hours of operation to sell to medical marihuana products to patients shall be no earlier than eight a.m., and no later than eight p.m.
- (f) No marihuana shall be cultivated, grown, manufactured, stored or processed in any manner that would emit odors beyond the interior of the structure or which is otherwise discernable to another person. The odor must be prevented by the installation of an operable filtration or ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building from which the odor is generated.
- (g) No outdoor storage is allowed at any licensed location.
- (h) Proof of Insurance. No Licensee shall commence any business operations until they have obtained the insurance required under this Section and shall keep such insurance in force during the all business operations. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and acceptable to the City of Madison Heights.
 - 1. Worker's Compensation Insurance including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
 - 2. Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$3,000,000 per occurrence and aggregate. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent, if not already included.
 - 3. Professional Liability: The Licensee shall procure and maintain, during the life of their city license, Professional Liability insurance in an amount not less than \$1,000,000 per occurrence and aggregate. If this policy is claims made form, then the Licensee shall be required to keep the policy in force, or purchase "tail" coverage, for a minimum of 3 years after the termination of their city license.
 - 4. Additional Insured: Commercial General Liability, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Madison Heights, all elected and appointed officials, all employees and volunteers, all boards,

commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of Madison Heights as additional insured, coverage afforded is considered to be primary and any other insurance the City of Madison Heights may have in effect shall be considered secondary and/or excess.

5. Cancellation Notice: All policies, as described above, shall include an endorsement stating that it is understood and agreed Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction, and/or Material Change, or Ten (10) days Advance Written Notice for non-payment of premium, shall be sent to: City of Madison Heights, 300 West 13 Mile, Madison Heights, MI 48071.
- (i) For a licensed facility where there is an approved combination of licenses operating separate medical marihuana facilities at the same location, the following requirements shall be met:
 - (1) Apply for and be granted separate State and City operating licenses and pay a separate regulatory assessment and license fee for each operating license.
 - (2) Have distinct and identifiable areas with designated structures that are contiguous and specific to the State and City operating licenses.
 - (3) Have separate entrances and exits, inventory, record keeping, and point of sale operations, if applicable.
 - (4) Post the State and City operating licenses on the wall in its distinct area and as provided in the Administrative Rules and this Article.
 - (5) Obtain any additional inspections and permits required for local or state building inspection, fire services, and public health standards for each facility.

Section 2. Repealer.

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

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.

CM-19-31. Substitute Motion.

Motion by Councilwoman Scott, seconded by Councilman Soltis, to prohibit the establishment and operation of any and all categories of medical marihuana business within the boundaries of the City of Madison Heights.

Councilwoman Scott stated that the Michigan Transportation Research Institute and the National Highway Traffic Association have both verified that driving under the influence of marihuana is associated with increased risk of car crashes, especially fatal crashes with marihuana. Marihuana is alarming more potent than it used to be, it's not permitted by federal law, and marihuana is now the number one reason kids enter treatment for substance abuse, more than alcohol, cocaine, heroin, meth, ecstasy and other drugs combined. It leads to a higher public health and financial costs for society. She does not advocate any influx of money coming in because she thinks we are deceiving ourselves to think there is going to be that much money coming into the City. In grades 6-12, they are more likely to have used and used it recently. There will be more illicit use by middle school and high school students, and the product will be difficult to keep from the hands of minors. There has been a significant increase in the five types of crime arrests in the

states have marihuana: murder, robbery, burglarly, theft, and auto theft. Marihuana use leads to worse health statuses in individuals. There is worsening academic performances for college students when using marihuana. Adult policy changes regarding marihuana have a clear effect on adolescent attitudes and use rates. The legally protected marihuana dispensaries appear to increase arrest rates and marihuana use was significantly increased related to reported levels of stress, anxiety, and depression. She stated that she has gathered this research from many people she has talked to, including doctors, and the greatest reason she opposes marihuana in the City is due to the stress it will place on the Police Department, the cost to have more police officers, and the police do not need any more burdens then they already have.

Substitute Motion

Roll Call Vote:

Yes: Gettings, Scott, Soltis

No: Grafstein, Bliss, Corbett, Hartwell

Substitute Motion fails 3-4

Discussion on original motion continued.

Mayor Pro Tem Bliss stated that tonight we had a great discussion on both sides of the issue; however, a little more than ten years ago, the voters of the State and Madison Heights approved medical marihuana almost by 2/3. Previous Councils decided not to act, and responded cautiously. This Council wanted to see what the voters would do regarding recreational and the level of supports from residents. All but one area of the City voted in favor of recreational marihuana, which drove his support to get something done. The opposing side is one 1/3 and they also need to be represented, to make sure it is safe and that we use a cautious approach. He stated that he is proud of this ordinance and noted that part of the process is not only limiting the number, but also scoring applicants based on items that will provide the City higher quality applicants. He stated that he appreciates the comments on both sides of the issue. He believes the ordinance will be beneficial to the City and is done in such a way that it won't have catastrophic consequences or couldn't be walked back, if needed in the future.

Councilor Grafstein thanked everyone who spoke, especially those who shared their personal stories. She stated that she supports medical marihuana for several reasons, including for those with mobility issues, people who have invisible disabilities that you may not see, but need to take medicine for, there may be financial benefits, and this will provide access to patients to their medicine.

Councilman Corbett stated there was an article in Free Press a couple weeks ago and he stated that he was very disappointed in article and felt that it mischaracterized what the City is doing to a large extent. His vote this evening

is driven by compassion and convenience for our residents in making medical marihuana available to them. He continued that he is very skeptical on any financial benefits; there are any numbers of ways for money to be diverted from Lansing on the way to the City. Overall we have to be driven by compassion. He does believe that this will open the door to recreational use and may be inevitable. The vote this evening is for medical marihuana, and he remains skeptical on recreational uses. He added that zoning it for industrial areas does not have to do with shame, but it has to do with security issues and the need for elevated security and to take it out of the areas with children.

Mayor Hartwell stated that he supports the ordinance and appreciates all of the comments from the public this evening. He stated he is deeply moved by the physical challenges shared tonight. He stated he has compassion and doesn't want to judge people that use medical marihuana. As Mayor, he feels compelled to speak for the 2/3 of the voters who support medical marihuana. He stated that he believes that our ordinance is uniquely Madison Heights and is cautious in nature. Medical marihuana really has been in Madison Heights for ten years – in apartments, houses and businesses, what is new is how we are going to legislate and control it. He stated that he strongly believes that industrial zoning is the correct location for this. From a broader City perspective, it will help clean up some of the older industrial sites that have sat vacant. Millions of dollars of physical improvements will be put into the area, he believes it will increase employment, and the ordinance gives preference to those applicants that have licensed professionals on staff, so there is a high bar to entry to the City of Madison Heights. He noted that every law can be amended and he will be studying how this affects our city and should be reviewed annually. He pledged to listen to the voters, residents, and business owners to see if any amendments need to be made. Right now, he stated that he is proud to support this ordinance.

Councilwoman Scott suggested the following amendments to the proposed ordinance:

1. To include a buffer zone of 1000 feet as opposed to 500 feet;
2. Use the term “residential uses” not “residentially zoned” because residential properties are often grandfathered into industrial and commercial zones;
3. Maintain a list and location of licensed home facilities;
4. Add security to every building including – security doors, bars on windows, licensed security guards who are drug tested and on duty at all times to ensure minors will not be able to enter the facilities, record keeping to track from seed to sale of product, and security guards that do not use medical marihuana;
5. Mobile homes to be classified under residential use.

City Attorney Grochowski advised that the City will be requiring record keeping in compliance with State law and their administrative rules.

Councilwoman Scott added that she is also concerned with Section 7-305, Licensing Requirements, where it states “the City has limited the number of licenses issued under the article and may revise this limit from time to time.” She believes this to be too open ended and there should be stricter restrictions placed. City Attorney Grochowski responded that even though the word “may amend” is included, any change would require an ordinance amendment. Councilwoman Scott asked in Section 7-308, Scoring of Applicants, “the city shall select” who is the city and what is the criteria? She asked for more specificity. Mr. Grochowski stated that the wording was used deliberately to give the City flexibility when creating the committee. He continued that it is going to presumably be the City Manager, City Attorney, and possibly a department head. The ordinance spells out very specific scoring criteria that are to be applied in an objective manner. Considering the anticipated competitiveness of the applications, the City may choose to seek out an independent third party with expertise to help rank the applications. All applicants will have to be prequalified by the State in order to apply to the City. In response to Councilwoman Scott’s question, Mr. Grochowski stated that the City is not sure of the cost of hiring a third party at this point, but the City ordinance will not take affect for 10 days and there is an additional 60 days after to put all of the paperwork together. There will be licensing and application fees that will have to come back to City Council for approval if the ordinance is approved this evening.

Councilwoman Scott stated that she takes public opinion and comments very whole heartedly. After serving on Youth Assistance for several years and Family Coalition, her job was to try and keep dangers out of the hands of young people. She doesn’t believe this ordinance will do that, they will get a hold of the substances in any way they want to and she is opposed to this for that reason and because of the extra involvement it will take the police and fire departments to respond to additional emergencies.

Original Motion

Roll Call Vote:

Yeas: Grafstein, Bliss, Corbett, Hartwell

Nays: Scott, Soltis, Gettings

Motion Carried

CM-19-32. Ordinance No. 2130 – Zoning Text Amendment 19-10, First Reading.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt on first reading, by name and title only:

ORDINANCE NO. 2130

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN
Zoning Text Amendment 19-01

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Appendix A, Article IV, Section 10.314 and, Article IX, Section 10.328, of the City of Madison Heights Zoning Ordinance, City of Madison Heights, Michigan, to locate licensed and approved medical marihuana facilities in the City of Madison Heights to protect the public health, safety and welfare.

Yeas: Grafstein, Bliss, Corbett, Hartwell
Nays: Gettings, Scott, Soltis
Motion Carried 4-3

CM-19-33. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the Regular City Council Meeting minutes of January 14, 2019, as printed.

Yeas: Grafstein, Scott, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Motion Carried

CM-19-34. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Gettings, to adopt the Special City Council Meeting minutes of January 24, 2019, as printed.

Yeas: Scott, Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell
Nays: None
Motion Carried

CM-19-35. Appointment to the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilwoman Scott, to appoint Frances Kirchoff and Clifford Oglesby to the Zoning Board of Appeals with terms to expire 02-01-22.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Scott, Hartwell
Nays: None

Motion Carried

CM-19-36. Appointment to the Planning Commission – ZBA Representative.

Motion by Councilor Grafstein, seconded by Mayor Pro Tem Bliss, to confirm the Mayor’s appointment of Michael Hohner as the ZBA Representative to the Planning Commission with a term to expire 02-01-21.

Discussion followed on filling a seat when the expired seat holder expressed interest in having their term renewed.

Roll Call Vote:

Yeas: Bliss, Grafstein, Hartwell

Nays: Corbett, Gettings, Scott, Soltis

Motion Failed 3-4

CM-19-37. Mayor and Council - Comments.

Councilman Corbett stated that he referred the Royal Oak fireworks ordinance to staff as a reference to amend the City’s fireworks ordinance. He is hoping to see some changes to the existing ordinance in the near future.

Mayor Pro Tem Bliss stated that he generally supports the Mayor’s appointments. He requested a report on what the situation was regarding the Mayor’s appointment to the Zoning Board of Appeals. He stated that the City has a phenomenal Arts and Culture Board. They are having two fundraisers this week to support murals in the City. One is tomorrow at Penn Station and the other is Friday at Clark’s Fabrication. Clark’s Fabrication is having a pop-up Makers Market. The board is also selling Arts Board t-shirts. If you don’t wish to attend either event, please consider making a donation to support the arts in the City.

Councilman Gettings thanked everyone for coming out, noting everyone has strong feelings, but that is the great thing about our City and part of being a democratic society.

City Attorney Grochowski had no comment this evening.

City Manager Marsh had no comments this evening.

Councilor Grafstein had no comments this evening.

Councilwoman Scott thanked the Council for considering her motion to not have medical marijuana in our city. She apologized to those members of the community who are opposed to having medical marijuana in the City,

including the Police Chief, Fire Chief and especially our youth, for not being successful in her efforts to defeat the motion.

Councilman Soltis stated that he is humbled to serve with Councilwoman Scott, noting that she is very passionate and he appreciates her insight and is proud to sit next to her.

Mayor Hartwell concurs with Councilman Gettings comments, stating that sometimes as a Councilmember our positions win and sometimes they lose and then Council moves on together.

CM-19-38. Adjournment.

There being no further business, the meeting was adjourned at 10:37 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk

Regular Meeting
Madison Heights City Council
Madison Heights, Michigan
February 25, 2019

A Regular Meeting of the Madison Heights City Council was held on Monday, February 25, 2019 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Hartwell, Mayor Pro Tem Bliss, Councilmembers: Corbett, Gettings, Grafstein, and Soltis. City Manager Marsh, Assistant City Attorney Sherman, and City Clerk Printz.

Absent: Councilwoman Scott

An invocation was led by Councilman Corbett and was followed by the Pledge of Allegiance to the Flag.

CM-19-39. Excuse Councilmember.

Motion by Councilman Gettings, seconded by Councilor Grafstein to excuse Councilwoman Scott from tonight's meeting.

Yeas: Corbett, Gettings, Grafstein, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-40. MDOT Widening Project.

MDOT Project Engineer Sue Datta, and Senior Construction Engineer Dennis Cooper, gave a PowerPoint presentation updating the community on scope and timing of the next segments of the I-75 Widening Project. They answered questions posed by Council regarding bridge removal, ramp closures, design and build phasing, Eleven Mile Road exit changes, and the expected time frame for project completion.

CM-19-41. Oakland County Treasurer Foreclosure Assistance Program.

Oakland County Chief of Tax Administration Laura Schmitt presented programs the Oakland County Treasurer's Office offer to assist homeowners and business with delinquent property taxes. She stated the office is currently in the heavy prevention period assisting taxpayers because the 2016 deadline

is April 1st. They meet with residents daily to see where they can assist and figure out monthly repayment plan, allowing homeowners to stay in their homes and the County collects the taxes. They also offer other resources to residents, including access to Tax Payer Assistance Program with a free financial counselor and a Financial Boot Camp for entrepreneurs. The goal is to get people caught up and paying back on time to the City. She encouraged residents who are having problems to reach out to the Oakland County Treasurer. Discussion followed on having the County do a financial empowerment seminar locally for residents.

CM-19-42. GFL Service Updates

Department of Public Services Director Joe Vitali Jr. provided an update on service issues pertaining to the City's waste hauler, GFL. GFL Representative Don Baretta stated that they have met with Director Vitali and the DPS staff and they are making sure that everyone in Madison Heights is taken care of. Mr. Baretta noted that I-696 construction closure last year was a nightmare, and that he asked the route supervisor to be more diligent with city staff on issues that arise. Mr. Baretta continued that starting in the beginning of this year, the senior route manager has to meet with supervisor weekly for status reports. In addition, GFL has added a truck to the schedule, which increases the collection routes for trash and pickup times should be considerably shorter. They have not seasonally laid off drivers as done in the past, and GFL has made improvements for retention and recruitment and continue to hire drivers throughout the winter months. GFL General Manager Jim Hess added that the company has kept drivers, received input from drivers for improvements, improved training, requires driver-driver teams, added 28 more residential trucks to their routes throughout the year, and purchased replacement trucks. GFL has heard the complaints, will continue to keep in constant contact, and they hope to move forward. Mr. Baretta stated that the company is also requiring safety training to protect both the workers and public.

Mayor Hartwell stated that he appreciates the increased level of communication and that it was important that GFL to attend tonight to share information. He concurred that there were some unusual circumstances and that he has more confidence moving forward.

Mayor Pro Tem Bliss stated that he is pleased with the statistic's direction, the company's focus on addressing the issues, their communication, and how the company has risen to the challenge. He stated that Council is willing to support DPS in any way to serve our residents.

Councilman Soltis echoed Mayor Pro Tem Bliss's comments stating that seeing what GFL has done to address the issues, he gives the company credit.

CM-19-43. Meeting Open to the Public.

For the record, Mayor Hartwell made the following statement regarding the issue of Boomer the dog: *“City Council has been apprized that this matter is pending in several courts. As our long standing practice in Madison Heights, the city council does not comment at public meetings on pending litigation since it’s frankly inappropriate to do so. Also, the city council cannot interfere with the legal process. The city council cannot interfere with any of the judge’s decisions – district, circuit, or appellant. And the council simply cannot obstruct justice or order the police department to begin or withdraw investigations. Everyone is able to make comments tonight about any matter, including this matter. Because this is truly open to the public. But please do so in mind that the city council will not be responding to those specific comments.”*

The following is a verbatim transcript of public comments:

Kim Pomaville, 27728 Delton. I am well aware of the fact that...of everything you just said. I do want to at least reiterate what we did say when we were here last time. We are not asking you to overturn the judge’s decision. We are simply asking you as the mayor to communicate with your officials and come to a resolution. Quite frankly, we do not believe as somebody said, one of my other...Boomer supporters said a couple weeks ago...we are not doing this blindly. We are not going in and defending a dog just because he’s a Pitbull, and we are a bunch of whack job animal activists. We believe fully that this dog did nothing more than jump the fence in response to what was going on in the next door neighbor’s yard. And we believe even more so that he tried to save Chub’s life. The dog had no blood on him, and he should have drenched. Okay, so I’m not asking you to overturn Judge Hunt’s decision, but I do know and all of us know that you can speak to your officials in this city. We know that. And that’s what we’re asking. And we’re not asking you to get involved in litigations or tell them to start and stop investigations. We aren’t asking that. We may have... It might have sounded like that a couple weeks ago, but I’m trying to reiterate that that’s not what we’re asking. We know that the city of Madison Heights can resolve this at this level, even though this case has gone on and is on its way to Lansing. We know that it still can be resolved here. And that’s why I’m just trying to reiterate that. Communication is all we’re asking to the officials to resolve. Okay. And the only other thing I did want to say is that I did ask... I submitted a Freedom of Information Act request on getting information on the money that was being spent as far as retainer fees on the case. It’s the countersuit actually. And I guess I was kind of surprised when I got a response back saying that it’s denied because the records that you requested do not exist within this agency. And I’m thinking, “Well, I guess I don’t know where they would exist then.” So, I guess I’ll pursue it more. But it just seems strange to me that this is money that the city of Madison Heights is retaining an outside firm, but they don’t have any records. I don’t know. It just seems kind of strange to me. But like I said, I know you can’t answer. But I’ll find out

more. And the only other thing I wanted to say to you, Mr. Mayor, is a couple weeks ago when we were here, you asked us collectively as a group if prior to this, how many of us knew who the district judge or the circuit judge was. And I'm thinking to myself... I was kind of taken aback by that. And I just want to let you know that. Because honestly, I don't know what the point of that was. I don't know what that has to do with our crusade here to save Boomer's life. I don't know what the point of that was, because it doesn't really matter. We still have a right to challenge the decision. And a lot of you don't know who any of the other people are who voted for you to get you in office. You don't know who any of the people are. So, I just guess I didn't understand the point of that. And I just wanted to mention that to you. And that is all I have for tonight. And thank you.

Linda Kay, 73240 Romeo Plank, Armada. Good evening. I'm here to speak on behalf of Boomer. And I do not believe any one of us who have come to support him would do so if we did not believe this dog was safe to be put back in society. All of us who are involved in rescue, that is we would not do what we do day in and day out to ever put a dog that could harm another animal or another person back. We know for a fact. We have statements. We have people who stepped down from their positions, from their jobs because they know the integrity of this dog. There is video documented with this dog interacting not only with large dogs, with small dogs, dogs the size he was accused of killing. If you watch these videos...and they are all over Facebook. They are all over everywhere. Boomer does not even have an interest. He runs right by them. They don't even intrigue him. Boomer is running for interaction with people. And he's happy. I will respect that nobody will say anything. I will respect that. And I believe we have been a very respectful group. We're not here to cause problems. We're not here to be outrageous animal activists. But we do stand for what's right. And when an animal is not being judged properly, we're going to come forward, and we're going to come forward strong, united. We have people from all other states who are coming onboard because of Boomer. And Mayor Hartwell, I believe you take an oath that you do and represent what is right based on facts, and evidence, and proof. They don't exist. And without those things, nobody...a person, an animal...you can't charge them as guilty. There's no evidence anywhere. Yet this dog was torn from his home and kenneled since last April, away from his owner. That alone in that environment should make that dog act in a different way than he is. He's nothing but happy. He's nothing but friendly. He has never shown one ounce of aggression, anger, anything. And this is a dog who has been displaced, amongst strangers and in an environment where there's constant activity. Because the other dogs just get to come for a day and play, and they go away. Not Boomer. Not Boomer. He's locked in there with a death sentence. And I will not quit. And these people will not quit. My closing comment is this. My deepest faith is not in the law, it's in God. And every day and every night, I go to God in prayer that he will work in your heart, in your heart the most. Because I know what power you have to talk to your people. And I pray for every single person who has falsely accused

this dog. Don't make it breed discrimination. These dogs aren't born mean. It's humans who let these dogs down. I can train a poodle to be vicious.

Irene Baskalisko, (no address given) Washington Township. I'll try to make this short and speak fast. I've come here from Washington Township. Not because it was easy to arrange. It's about an hour drive, and I needed to take time off work and find a sitter. And I'm not an animal advocate. However, this unjust situation has prompted me to want to become one. First and foremost, I'm a mother, a school volunteer, an office administration in human resources and payroll as an employee of a family owned and operated business in your neighboring city of Royal Oak. I'm also a landlord and an investor in several neighboring cities. The reason why I feel it's important to speak my opinion is because I come in front of you with another viewpoint that I don't think you're taking into consideration. I've been a landlord and investor since my early 20's. I'm obviously not in my 20's, 30's, or 40's. I'll say I'm in my 50's. And I've been in this business for two and a half decades. I think I have an experienced point of view on the topic. I have an open mind and am not discriminatory. After all, and especially in my profession, I cannot judge someone by their race, ethnicity, sex, or religion. And if I did, not only would that be wrong, but I would be sued. I feel in the Boomer case, although not human, he is being wrongfully judged and discriminated against solely on his breed. And because of this, his owner is as well. There is no proof that was stated before. There is no proof that Boomer is the dog accused. And even if it was a dog who attacked Chubs, with the problems in the city with coyotes, there's no evidence, no witnesses, no prior issues, no current issues since he's been incarcerated. And even animal behaviorists have tested him, and he's passed. The people that work with him on a daily basis have never even witnessed aggression from him towards them or any other animal. There are videos like she had mentioned to collaborate this. Absolutely nothing and no evidence against him. What is evidence is that the panel or powers to be involved in this case, be it the city of Madison Heights, be it judge, chief of police, attorneys, council, etc., anybody, are withholding this man and his dog and putting undue stress on them in return for money. Because really, why else would it be advantageous at this point? Almost a year of incurred fees and charges to the owner, your resident. Also it's quite telling that people have come forward who have worked directly with the dog in the shelter were told not to defend him, or their job would be at stake. Which sounds a little like blackmail? But as an investor...and that was my point...as an investor, my partners and I would have to really consider getting involved with the city that conducts business in this way. Because after all, running a city is a business, and this appears to be quite corrupt from one's standpoint. There are more problems in the city that should have interest and investing in like the epidemic of drug use, the panhandlers now that I see driving through the city, the sex trafficking. Those are issues that I believe are more concerning from an outsider looking in who wants to invest in your city. Those issues should be addressed instead of someone's dog. And in closing, I don't know that we would want to invest in a city that doesn't listen to the

outcries of their tax paying residents. And as investment property goes, commercial brings in a lot of revenue for you. Residential is twice the amount of homestead property. I stand before you and the many residents behind me that are your tax payers. Keep in mind, they're also the ones that put you and have trusted you in this position. All of you. And there's something that can be done. You can do the right thing. You can help out the situation; put a stop to this unjust game that's going on here. Your people deserve the right to be listened to. They pay you. And technically, you work for them. And I'll be honest. If I was in your position, I would consider how this would look to my children, my grandchildren. That if I were to partake in something like this and didn't do the right thing, I wouldn't want that to be part of my legacy to leave them. In closing... I have one more paragraph. The right thing obviously needs to be done here because it has become an outrage. Just because Boomer is a Pitbull, you decided to accuse him that he was guilty. The breed that once was known as a nanny dog and used many years to protect children, including celebrities in Hollywood, the Little Rascals for example... These guys are known and they are stereotyped as to be vicious, like the Doberman, and the German Shepherd, and the Rottweiler in the past. And now it seems to be...change opinion from time to time. And I just want to give an example of what happened in my home. Mayor Hartwell asked the speaker to yield her time since she exceed three minutes and asked her to return to the microphone once everyone has had a chance to speak.

Patricia Shields, 29328 Spoon. Mr. Mayor, Council. I'm here to address Ordinance No. 2129. After reviewing it, I find that it's a well written document that really protects the city, but I would like to see more protection for the citizens and the children of Madison Heights. At the last City Council meeting, there was a lady that got up and spoke in reference to the soccer playground or soccer ground at John R. north of 12 Mile. I did not hear whether or not that is labeled playground. If it's not labeled a playground, will that 500-foot easement be considered for that? I would like to also challenge any one of our Council members to pursue an addendum to Ordinance No. 2129 to change the 500-foot rule from playground and so forth to 1,000 feet with more protection to those in the vicinities of playgrounds, churches, and etc. And I hope the City Council has as much compassion for children as they did for those who spoke for medical marijuana and vote to opt out of recreational marijuana before the big pot promoters start marketing their gummies, their candies, and their lollipops in kids' friendly colorful labels that will find their ways into the hands of our children. Thank you.

Tracy Stiff, 29148 Tessmer Ct. All right. I've been a resident of Madison Heights for almost 25 years, and I've owned Pitbulls for 23 years. I rescued my first one from our own Parkview Veterinary Hospital in 1996 before it was popular to have a Pitbull, before everybody wanted one, I got mine. And they're amazing dogs. And this is an amazing city. I've loved living here, but not lately. People ask me how I feel about living in Madison Heights with what's going on with

Boomer, and I don't feel good about it at all. I don't feel good about my elected city officials. I don't feel good about my judge or my police chief. And anyone with a dog and Facebook can tell you this is not just local anymore. It's not statewide. It's nationwide. And people hate us. They're calling us dog killers. I can't rectify that in my mind. It's not right. I don't want to live in a city where I'm being accused of being a dog killer for something we really have no proof, as many people have stated, as the transcripts have been posted all over the internet. So, these people behind me that support Boomer, the people who protest, the people on the internet, they're not going to go away until Boomer goes home. We're not going away. This dog needs to go home. And I do believe that this council can help with that decision. The whole country is watching us right now. And it's up to you on what they see. I would like them to see the Madison Heights that I fell in love with, the reason why I've stayed here so long, and the reason why I want to continue to stay here. Thank you.

Jenna Yuhase, 29027 Tawas. I think most of you know me. I have never complained about GFL because I in general don't have a tremendous amount of complaints about them. But I do have a request. I would like to see if possible that we could expand our recycling with GFL. I have a lot of... My sister lives in Royal Oak. My parents live in Warren. When I go visit both of them, they get to... When I'm going through recycling...or going to throw out or recycle things, they're like, "Hey, we could recycle that." And I'm like, "Oh, I can't." And so I'm definitely jealous of the things that other cities get to recycle that we cannot recycle here. So, I would like us to at least...since we're in a contract with them for another five years, to definitely look into expanding our recycling program with them. And as someone who is deeply affected by the phase two construction of the modernization of I-75, as it's my entire commute to work, I would really like to get those 20 alternate routes before Thursday. And Melissa, if you can send those to me, I think you have my email address, because I would like to use them before Thursday. So, thank you.

Irene Baskalisko, Washington Township spoke again. I was just going to tell you a personal situation that I had and shows you an example of how the whole breed is stereotyped. I've had several breeds over the years and my favorite actually and preferred breed, no offense to anyone, but it's the Great Dane, for example, and they are considered the gentle giant. However, just an example, I have a Great Dane and two Pitbulls who I've rescued all of them. My boyfriend one day came unannounced into the room wearing a scary Halloween mask that looked kind of like between a Freddie Kruger and The Walking Dead. He came in, and my 200 pound Great Dane who is very old and ill jumped off the couch and charged him. What did my two Pitbulls do? Ran scared in the other room. They didn't defend me. They didn't charge him. They were scared. Like a lot of times the stories go with Pitbulls. But my Great Dane who is considered the gentle giant was really the vicious type. And the Pitbulls that are vicious acted like the gentle small ones. But anyways, I understand that my plea may fall on deaf ears here, and it appears all the previous ones before me

have, or we wouldn't have gotten to this. But I am hoping it would be considered, because ultimately, it changes the opinion that everybody...obviously all over... they said all over the country, but there are people all over the world that have been addressing Michigan and Madison Heights in particular. And it effects...and ultimately, it effects the community as a whole. And clearly obviously it affects the dog and his life. And he's be wrongfully put to death for absolutely no reason, but at this point, for corruption and money. And that's it. Have a good night. Again - personal example, Great Dane and 2 pit bulls, Great Dane defended her pit bulls ran away. Affects the community as a whole and the dog, if he wrongfully gets put to death.

Rosanna Baskalisko, (no address given) Royal Oak. Thank you for allowing us to talk. I am your neighbor in Royal Oak here and I wanted to share my experience in my own yard with my own dogs. And it's very hard for me, so please forgive me. I learned the hard way about fence aggression. It's a real thing. And I had a little dog, Oscar, who was a Yorkie-Poo. And he was the pack leader of four Pitbulls. And they respected him. And one day, it was a beautiful Wednesday, and I let them all out like I do. And in the next yard, our neighbor had her golden retriever on a leash because she...her name was Laurie...would jump over the fence if she wasn't on this leash. And what happens with fence aggression, which if you can share this because it's a lot more common than we think is when you have a pack of dogs in your own yard, and they see something or something triggers them off in the next yard, and they can't get to it, they tend to attack each other. And my little Oscar attacked one of my dogs, and actually it was the Pitbull who ran in the house. But it was my other bully breed that he gave him a warning at first, and then the next time he did hurt him. But by the time all of the ruckus was happening, it was the golden retriever that was wanting to jump the fence because it's heightened excitement. So, because we don't know what happened, because there is no evidence, in my heart, because I saw what happened, I believe that Boomer jumped the fence after he had seen all this ruckus happen. Because I was there. I saw it. And after all the smoke cleared, I thought to myself, "If I wasn't home..." Because I did leave the... I always would leave the door wall open, so they had free range and run in and out and that. But if I wasn't home, anything could have happened, and I would not have known. Not a clue what happened. I saw not too long ago...it was last summer...a humongous coyote in my yard. So, I'm very cautious now. Very cautious. And I don't let them out together. I'm very cautious. I let the girls go out by themselves. And the two bully's, I do them separate. But there's a way that you learn things. And unfortunately, it was the hard way with Oscar. But now he is... I am showing and talking about this, that it really can happen at any time. So, in my theory of it all, Boomer was trying to help Chubs. And I feel bad for this little dog, that happened. Because it did happen to me with my own. But I'm just hoping that you would take that into consideration and hoping that it's a different avenue to look at it. And believe me, I hated that golden retriever, but it wasn't her

fault either. And I just...after therapy and all that, and training, I did learn that this is...they're animals. So, the heightened and all that...but wholeheartedly, I really doubt 100% that Boomer did this.

Tracy, (no last name or address given). You had stated what the council cannot do as far as obstruction of justice and things like that. By our next meeting, I would like to know what you can do to help the situation. Thank you.

Martha Bailey, (no address given) Shelby Township. Retired from community schools and now I'm volunteering with Animals and Older Person's Community in Rochester. Anyway, I feel that this whole thing is based on hate and discrimination. And I would hate to see what could happen in the future. Because what happens tomorrow if this judge says, "Okay, they're of a different color. They're Asian. They're Mexican." He doesn't like them, right? How can you base something that there's no evidence to prove guilt? I do not understand it whatsoever. And then, too, the white people are going to be a minority eventually. So, pretty soon, what if the haters come after us? I think we'd better stop the hate and discrimination. And another thing, did you see the mayor of Utica? How he stood up to the situation with Sterling? I was very proud of him. So, anyway, I hope you guys can make a difference. And thank you.

Kim Pomaville, 27728 Delton. Yeah, I just wanted to say please don't suggest that we write letters. Because trust me, all of us have been writing letters for the last six and a half months to you, Melissa Marsh. We've written to the city attorney, Judge Hunt, and many others. And so I just want to say you did mention that at the last meeting, and that was the other thing. It's like we've done that. So, we don't need help writing letters. We've been writing them for the last six and a half months. Okay? We need something else. We need more help with you, talking to your officials. Because we know that I can be stopped here. Thank you.

Melissa (no last name or address given), St. Clair Shores. I don't really know any of these people here, but I did follow the case on Boomer through the internet. I just wanted to say that I have a Pitbull, and I also have a Chihuahua. My Chihuahua runs the Pitbull. The Pitbull is terrified of the Chihuahua. But the Pitbull would also...if something was attacking our neighbor's dog, the other side...they have two dogs. She would, and she's only a year and a half, two years old, she would jump the fence to defend them. If it was a coyote...my Chihuahua almost got attacked by a falcon. I had to go out there. Almost had my Chihuahua and run away. And they are very aggressive. They will take them, and they will try to kill them. So, if you don't have proof of what was in that back yard, I'm not sure what you guys think or have. But if you don't have the proof, you don't know if it was the Doberman. You don't know if it was an animal. The Chihuahua's are seven pounds. They can be...anything can attack them. If nobody is watching them, it's hard to say.

And from what I read, the witness first told animal control that she saw everything, and then took that statement back. So, if there was nobody to witness what happened, I don't know how you can find him guilty to put him to death. So, it's just a really confusing case. And like they said, it's now national. I've talked to people in India about it. So, if you guys put Boomer to death, that falls on you guys. And especially if you don't have concrete evidence. Just like you would do for a human being. You have to have the evidence in order to put them to death. So, I would hope that you guys, if you have dogs, if any of you have dogs and love them like your children...because I know I love mine like my children. I take them everywhere. Think about what it would feel like for you personally if your dog was going to be put to death. How hard you would fight for that dog, what you would do for that dog, especially without the evidence. So, it's heartbreaking to know that the city isn't going to stand behind at least to make sure there is...like you are 100% sure this dog killed that Chihuahua. Because like I said, I know they would jump in the backyard to defend them. They would help them. They would do anything in their power. I know my dog 100% would help either neighbor dog. She plays with them. We have play dates with them. They're not aggressive. And Boomer for sure, watching all those videos...he runs past 15 kennels and doesn't even pay all those barking dogs attacking at him, and just goes right into his kennel and lays down. That's not an aggressive dog. Thank you.

Linda Kay, 73240 Romeo Plank, Armada spoke again. I'll make it very quick. As everyone has been saying, it has gone worldwide. Unfortunately, every post we use the city peoples' names. Everybody is aware of who is calling the shots on the life of this dog. And Mayor Hartwell, you're known everywhere. This could be a turning point for you to really stand behind something great and stand for what's right, and say without all the evidence and the proof we cannot put this dog down. People will rally behind you for doing what it is right. And if I was the mayor, I knew that there is no proof anywhere...I wish we could bring Boomer in this room. Can you imagine what the world would do? They would stand and applaud you just like all of us would. We're not looking to release a dangerous dog. Good night.

CM-19-44. Fiscal Year 2019 Budget Amendments.

Motion by Councilman Corbett, seconded by Councilman Gettings, to approve the FY 2018-19 Budget Amendments and appropriate the necessary funds as follows:

**AMENDED BUDGET
FY 2018-19**

General Fund	FY 2018-19		Prior	FY 2018-19	
	Adopted	FY 2017-18	Approved	2/25/2019	Amended
	Budget	Carryforward	Amendments	AMENDED	Budget
Revenues					
Property Taxes	\$ 18,059,775	\$ -	\$ -	\$ -	\$ 18,059,775
Licenses	760,850	-	-	-	760,850
Intergovernmental Revenue					
Federal	19,300	-	-	-	19,300
State	5,022,951	75,000	-	-	5,097,951
County	61,000	-	-	-	61,000
Payment in Lieu of Taxes	36,500	-	-	-	36,500
SMART-Mass Transit	70,019	-	-	-	70,019
Court Revenues	1,616,000	-	-	-	1,616,000
Charges for Services	177,150	-	-	-	177,150
Sales - Miscellaneous	20,050	-	-	-	20,050
Recreation Program Revenues	269,809	-	-	1,822	271,631
Miscellaneous Revenues	2,005,375	-	-	-	2,005,375
Sale of Fixed Assets	72,500	-	-	-	72,500
Departmental Charges	916,480	-	-	-	916,480
Transfers	102,500	-	-	-	102,500
(Contr. To)/Use of Fund Balance	520,844	590,380	447,104	90,665	1,648,993
Total Revenues	\$ 29,731,103	\$ 665,380	\$ 447,104	\$ 92,487	\$ 30,936,074
Expenditures					
Mayor & Council	\$ 56,310	\$ -	\$ -	\$ -	\$ 56,310
District Court	1,568,339	-	-	(104,553)	1,463,786
City Manager	292,019	-	18,000	(43,000)	267,019
Election	66,599	-	-	-	66,599
Assessing	212,630	-	-	-	212,630
Legal	342,945	-	-	-	342,945
City Clerk	280,718	-	-	(39,630)	241,088
Human Resources	401,476	-	-	(18,368)	383,108
Board of Review	2,963	-	-	-	2,963
General Administration	234,027	-	-	536,806	770,833
Finance	807,992	-	-	(87,000)	720,992
Information Technology	188,115	-	-	-	188,115
DPS-Municipal Building	129,840	-	-	-	129,840
DPS-Custodial & Maintenance	194,261	-	-	(4,729)	189,532
Police	10,639,933	100,000	34,288	-	10,774,221
Fire	6,381,506	374,280	186,141	-	6,941,927
Community Development	1,343,493	-	-	(100,834)	1,242,659
DPS-Streets	1,072,001	-	5,620	(4,729)	1,072,892
DPS-Solid Waste	2,184,266	-	203,055	(17,969)	2,369,352
DPS-Recreation	202,436	-	-	-	202,436
DPS-Nature Center	58,531	5,000	-	-	63,531
DPS-Parks	489,775	176,100	-	(4,729)	661,146
DPS-Senior Citizens	409,600	-	-	1,822	411,422
Library	753,741	10,000	-	(20,600)	743,141
Insurance, Bonds & Transfers	386,162	-	-	-	386,162
Pension Obligation Debt Services	1,031,425	-	-	-	1,031,425
Total Expenditures	\$ 29,731,103	\$ 665,380	\$ 447,104	\$ 92,487	\$ 30,936,074

Major Streets	FY 2018-19		Prior		FY 2018-19	
	Adopted	FY 2017-18	Approved	2/25/2019	Amended	
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget	
Intergovernmental						
State Gas & Weight Tax	\$ 2,101,517	\$ -	\$ -	\$ -	\$ 2,101,517	
County Shared	70,984	-	-	-	70,984	
Miscellaneous	-	-	-	-	-	
Transfers	-	-	-	-	-	
(Contr. To)/Use of Fund Balance	129,084	220,905	-	-	349,989	
	\$ 2,301,585	\$ 220,905	\$ -	\$ -	\$ 2,522,490	

<u>Expenditures</u>						
Construction	\$ 1,455,000	\$ 170,000	\$ -	\$ -	\$ 1,625,000	
Maintenance	256,815	20,905	-	-	277,720	
Traffic Services	205,566	30,000	-	-	235,566	
Winter Maintenance	183,477	-	-	-	183,477	
Administration	8,885	-	-	-	8,885	
County Roads	91,842	-	-	-	91,842	
Transfers	100,000	-	-	-	100,000	
Total Expenditures	\$ 2,301,585	\$ 220,905	\$ -	\$ -	\$ 2,522,490	

Local Streets	FY 2018-19		Prior		FY 2018-19	
	Adopted	FY 2017-18	Approved	2/25/2019	Amended	
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget	
Intergovernmental						
Property Taxes	\$ 1,561,942	\$ -	\$ -	\$ -	\$ 1,561,942	
State Gas & Weight Tax	1,046,351	-	-	-	1,046,351	
Miscellaneous	84,328	-	-	-	84,328	
Transfers	100,000	-	-	-	100,000	
(Contr. To)/Use of Fund Balance	252,963	58,500	-	-	311,463	
Total Revenues	\$ 3,045,584	\$ 58,500	\$ -	\$ -	\$ 3,104,084	

<u>Expenditures</u>						
Construction	\$ 2,381,328	\$ 11,000	\$ -	\$ -	\$ 2,392,328	
Maintenance	374,435	47,500	-	-	421,935	
Traffic Services	212,950	-	-	-	212,950	
Winter Maintenance	69,075	-	-	-	69,075	
Administration	7,796	-	-	-	7,796	
Transfers	-	-	-	-	-	
Total Expenditures	\$ 3,045,584	\$ 58,500	\$ -	\$ -	\$ 3,104,084	

<u>Parks Maintenance & Improvement Fund</u>	FY 2018-19		Prior		FY 2018-19
	Adopted	FY 2017-18	Approved	2/25/2019	Amended
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget
Miscellaneous	\$ 55,000	\$ 11,000	\$ -	\$ -	\$ 66,000
(Contr. To)/Use of Fund Balance	(15,094)	47,500	-	-	32,406
Total Revenues	\$ 39,906	\$ 58,500	\$ -	\$ -	\$ 98,406

Expenditures

Parks Maintenance & Improvement	\$ 39,906	\$ 58,500	\$ -	\$ -	\$ 98,406
Transfers	-	-	-	-	-
Total Expenditures	\$ 39,906	\$ 58,500	\$ -	\$ -	\$ 98,406

<u>Downtown Development Authority</u>	FY 2018-19		Prior		FY 2018-19
	Adopted	FY 2017-18	Approved	2/25/2019	Amended
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget
Property Taxes	\$ 48,054	\$ -	\$ -	\$ -	\$ 48,054
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	-	-
Total Revenues	\$ 48,054	\$ -	\$ -	\$ -	\$ 48,054

Expenditures

Downtown Development	\$ 43,054	\$ -	\$ -	\$ -	\$ 43,054
Transfers	5,000	-	-	-	5,000
Total Expenditures	\$ 48,054	\$ -	\$ -	\$ -	\$ 48,054

<u>Community Improvement Fund</u>	FY 2018-19		Prior		FY 2018-19
	Adopted	FY 2017-18	Approved	2/25/2019	Amended
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget
Federal	\$ 110,282	\$ -	\$ -	\$ -	\$ 110,282
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	(4,003)	-	-	-	(4,003)
Total Revenues	\$ 106,279	\$ -	\$ -	\$ -	\$ 106,279

Expenditures

Community Development	\$ 106,279	\$ -	\$ -	\$ -	\$ 106,279
Total Expenditures	\$ 106,279	\$ -	\$ -	\$ -	\$ 106,279

Downtown Development	FY 2018-19		Prior		FY 2018-19
	Adopted	FY 2017-18	Approved	2/25/2019	Amended
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget
Property Taxes	\$ 48,054	\$ -	\$ -	\$ -	\$ 48,054
Miscellaneous	-	-	-	-	-
(Contr. To)/Use of Fund Balance	-	-	-	10,000	10,000
Total Revenues	\$ 48,054	\$ -	\$ -	\$ 10,000	\$ 58,054

<u>Expenditures</u>					
Other Services and Charges	\$ 41,554	\$ -	\$ -	\$ 10,000	\$ 51,554
Capital Outlay	1,500	-	-	-	1,500
Transfer Out	5,000	-	-	-	5,000
Total Expenditures	\$ 48,054	\$ -	\$ -	\$ 10,000	\$ 58,054

Drug Forfeiture Fund	FY 2018-19		Prior		FY 2018-19
	Adopted	FY 2017-18	Approved	2/25/2019	Amended
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget
Drug Forfeitures	\$ 44,000	\$ -	\$ -	\$ -	\$ 44,000
Miscellaneous	350	-	-	-	350
(Contr. To)/Use of Fund Balance	50,470	-	87,000	-	137,470
Total Revenues	\$ 94,820	\$ -	\$ 87,000	\$ -	\$ 181,820

<u>Expenditures</u>					
Drug Forfeiture - State	\$ 94,820	\$ -	\$ 87,000	\$ -	\$ 181,820
Drug Forfeiture - Federal	-	-	-	-	-
Total Expenditures	\$ 94,820	\$ -	\$ 87,000	\$ -	\$ 181,820

SAD Revolving Fund	FY 2018-19		Prior		FY 2018-19
	Adopted	FY 2017-18	Approved	2/25/2019	Amended
<u>Revenues</u>	Budget	Carryforward	Amendments	AMENDED	Budget
Interest	\$ 5,000	\$ -	\$ -	\$ -	\$ 5,000
Miscellaneous Revenue	-	-	-	-	-
Special Assessment Revenue	80,343	-	-	-	80,343
Transfers	-	-	-	-	-
(Contr. To)/Use of Fund Balance	170,105	-	-	-	170,105
Total Revenues	\$ 255,448	\$ -	\$ -	\$ -	\$ 255,448

<u>Expenditures</u>					
Construction/Other Charges	\$ 252,948	\$ -	\$ -	\$ -	\$ 252,948
Transfers	2,500	-	-	-	2,500
Total Expenditures	\$ 255,448	\$ -	\$ -	\$ -	\$ 255,448

Fire Stations Debt Service	FY 2018-19		Prior		FY 2018-19	
	Adopted	FY 2017-18	Approved	2/25/2019	Amended	
Revenues	Budget	Carryforward	Amendments	AMENDED	Budget	
Property Taxes	\$ 398,276	\$ -	\$ -	\$ -	\$ 398,276	
State Shared Revenues	23,950	-	-	-	23,950	
Miscellaneous Revenue	-	-	-	-	-	
(Contr. To)/Use of Fund Balance	8,411	-	-	-	8,411	
Total Revenues	\$ 430,637	\$ -	\$ -	\$ -	\$ 430,637	
Expenditures						
Debt Service	\$ 430,637	\$ -	\$ -	\$ -	\$ 430,637	
Total Expenditures	\$ 430,637	\$ -	\$ -	\$ -	\$ 430,637	

Water & Sewer Fund	FY 2018-19		Prior		FY 2018-19	
	Adopted	FY 2017-18	Approved	2/25/2019	Amended	
Revenues	Budget	Carryforward	Amendments	AMENDED	Budget	
Sales of Water	\$ 4,856,991	\$ -	\$ -	\$ -	\$ 4,856,991	
Sales of Sewer	6,454,485	-	-	-	6,454,485	
State Shared Revenues	497,000	-	-	-	497,000	
Miscellaneous	127,000	-	-	-	127,000	
Sale of Fixed Assets	-	-	-	-	-	
Department Charges	39,700	-	-	-	39,700	
Transfers	-	-	-	-	-	
(Contr. To)/Use of Fund Balance	1,997,075	539,000	-	222,450	2,758,525	
Total Revenues	\$ 13,972,251	\$ 539,000	\$ -	\$ 222,450	\$ 14,733,701	
Expenditures						
Water Purchased	\$ 2,412,639	\$ -	\$ -	\$ -	\$ 2,412,639	
Water System Maintenance	739,285	15,000	-	-	754,285	
Water Tapping & Installation	8,100	-	-	-	8,100	
Water Depreciation	-	-	-	-	-	
Sewage Disposal	4,810,542	-	-	-	4,810,542	
Sewer System Maintenance	533,823	-	-	-	533,823	
Sewer Depreciation	-	-	-	-	-	
General Service Building	179,176	-	-	-	179,176	
General Administration	1,323,400	-	-	222,450	1,545,850	
Capital Outlay	3,675,050	524,000	-	-	4,199,050	
Debt Administration	290,236	-	-	-	290,236	
Total Expenditures	\$ 13,972,251	\$ 539,000	\$ -	\$ 222,450	\$ 14,733,701	

Motor Pool and Equipment Fund	FY 2018-19 Adopted Budget	FY 2017-18 Carryforward	Prior Approved Amendments	2/25/2019 AMENDED	FY 2018-19 Amended Budget
Revenues					
Contributions - General Fund	\$ 850,813	\$ -	\$ -	\$ -	\$ 850,813
Contributions - Water/Sewer	137,068	-	-	-	137,068
Fund Balance	-	-	-	-	-
Total Revenues	\$ 987,881	\$ -	\$ -	\$ -	\$ 987,881
Expenditures					
Motorpool	\$ 987,881	\$ -	\$ -	\$ -	\$ 987,881
Total Expenditures	\$ 987,881	\$ -	\$ -	\$ -	\$ 987,881
Department of Public Services Fund	FY 2018-19 Adopted Budget	FY 2017-18 Carryforward	Prior Approved Amendments	2/25/2019 AMENDED	FY 2018-19 Amended Budget
Revenues					
Contributions - General Fund	\$ 601,682	\$ -	\$ -	\$ (121,212)	\$ 480,470
Contributions - Major Street	204,366	-	-	-	204,366
Contributions - Local Street	276,670	-	-	-	276,670
Contributions - Water/Sewer	1,041,835	-	-	(215,488)	826,347
Fund Balance	-	-	-	-	-
Total Revenues	\$ 2,124,553	\$ -	\$ -	\$ (336,700)	\$ 1,787,853
Expenditures					
Department of Public Services	\$ 2,124,553	\$ -	\$ -	\$ (336,700)	\$ 1,787,853
Total Expenditures	\$ 2,124,553	\$ -	\$ -	\$ (336,700)	\$ 1,787,853
Total Other Funds	23,455,052	876,905	87,000	(104,250)	24,314,707
Total General and Other Funds	\$ 53,186,155	\$ 1,542,285	\$ 534,104	\$ (11,763)	\$ 55,250,781
	\$ 53,186,155				\$ 55,250,781

Yeas: Gettings, Grafstein, Soltis, Bliss, Corbett, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-45. Ordinance No. 2131 - Boards and Commissions, Ordinance No. 2132 - City Crime Commission, Ordinance No. 2133 - Historical Commission, Ordinance No. 2134 - Library Board, Ordinance No. 2135 - Parks and Recreation Advisory Board, Ordinance No. 2136 - Housing Commission - First Readings.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt Ordinance No. 2131, Ordinance No. 2132, Ordinance No. 2133, Ordinance No. 2134, Ordinance No. 2135, and Ordinance No. 2136 by number and name only on First Reading, as follows:

Ordinance No. 2131

An amendment to the Code of Ordinances to set general standards for various boards and commissions in the City to protect the public health, safety and welfare.

Ordinance No. 2132

An amendment to the Code of Ordinances amending Chapter 2, Article XII, Sections 2-268 through 2-280 to establish a city crime commission in the City to protect the public health, safety and welfare.

Ordinance No. 2133

An amendment to the Code of Ordinances amending Chapter 2, Article XIV, Section 2-293 through 2-310 to establish a city historical commission in the City to protect and preserve history of the city.

Ordinance No. 2134

An amendment to the Code of Ordinances amending Chapter 2, Article XVI, Sections 2-331 through 2-335 to establish a city library advisory board in the City to study and recommend short and long-term improvements to the city's library system.

Ordinance No. 2135

An amendment to the Code of Ordinances amending Chapter 19, Article III, Sections 19-28 through 19-32 to establish a city parks and recreation advisory board in the City to study and recommend short and long term improvements to the city's parks and recreation system.

Ordinance No. 2136

An amendment to the Code of Ordinances by amending Chapter 2, Article XIII, Sections 2-281 through 2-292 to repeal the ordinances crating a housing commission in the city to remove the commission that is no longer relevant to the city.

Yeas: Grafstein, Soltis, Bliss, Corbett, Gettings, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-46. Arts and Culture Advisory Board Amendment.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve an amendment to the Arts and Culture Advisory Board by resolution, with the following amendments:

- a. Section 1. Title should read *Name and Mission Statement* and add “*the name of the Arts and Culture Advisory Board shall be changed to Madison Heights Arts Board.*”
- b. Section 3. (j) Shall include a *Treasurer* position.

Madison Heights Arts Board

WHEREAS, the Mayor and City Council are cognizant that it is important to receive citizen input regarding expanding the Arts and Cultural activities and opportunities in the City to enhance the quality of life in our community and promote the value of the arts by supporting diverse, innovative, and accessible visual, performing, and cultural arts programming; and

WHEREAS, the City of Madison Heights has established, by resolution, an Arts and Culture Advisory Board to encourage citizen input regarding expanding the Arts and Cultural activities and opportunities in the City; and

WHEREAS, the City of Madison Heights has completed a Boards and Commission Review pursuant to 2018/2019 City adopted Goal HH; and

WHEREAS, based on this review, the City of Madison Heights desires to adopt a new Resolution to amend the Arts and Culture Advisory Board to accomplish the 2018/2019 City adopted Goal HH.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby amend, in its entirety, the Madison Heights Arts and Culture Advisory Board, as follows:

1. *Name and Mission Statement.*

The name of the Madison Heights Arts and Culture Advisory Board shall be changed to the Madison Heights Arts Board. The Mission of the Madison Heights Arts Board is to enhance the quality of life in our community and promote the value of the arts by supporting diverse, innovative, and accessible visual, performing, and cultural arts programming.

2. *Scope.*

- a. Advise the City Council of the needs of the artistic and cultural community.
- b. On behalf of the City, actively encourage, create and/or develop the cultural enrichment of the community, including, but not limited to, activities, exhibitions, displays, performances, events, instruction, and other projects.
- c. Engage community members and local businesses to build a flourishing and vibrant arts and cultural environment.
- d. Recommend and support financing alternatives and resources for arts and culture.
- e. Recommend policies and advise and propose strategies regarding arts and culture.
- f. Make recommendations on the suitability, financing, and placement of public art.
- g. Create and maintain a list of community arts and culture resources.
- h. Perform such other duties relating to arts and culture as the City Council may require.

3. *Membership:*

The Board shall be composed of eleven (11) voting members, including eight (8) members to be appointed by City Council and three (3) student members, and one (1) administration ex officio member as follows:

- a. Seven (7) members from the residents of the City at-large (and two (2) alternates), each of whom shall have one vote;
- b. One (1) Council Delegate (and alternate) who shall have one vote;
- c. One (1) Student chosen by The Lamphere Schools from Lamphere High School (and two alternates), who shall have one vote;

- d. One (1) Student chosen by the Madison District Public Schools from Madison High School (and two alternates), who shall have one vote;
- e. One (1) Student chosen by Bishop Foley High School (and two alternates), who shall have one vote; and,
- f. The City Manager or his/her designee, who shall serve as an ex officio non-voting member of the Board.
- g. The seven (7) citizen members and at-large alternates shall be appointed for a term of three (3) years. Vacancies in any at-large term shall be filled by the City Council in like manner for the balance of the unexpired term.
- h. The terms of the three (3) student members and alternates shall be for one (1) year.
- i. The Council Delegate and Alternate shall be appointed for a two-year term until the next Regular City Council election. Vacancies in any term shall be filled by the City Council in like manner for the balance of the unexpired term.
- j. The Board shall elect a Chairperson, Vice Chairperson, Secretary, *Treasurer* and any other officers deemed necessary at the beginning of the first meeting of each year. The Chairperson shall preside over meetings and will serve as a voting member of the Board. The Vice Chairperson shall perform the duties of the Chairperson in his/her absence. The Secretary shall record the proceedings of the Board.

4. Meetings:

- a. The Board shall meet as required and agreed upon by the Board, but no less than a quarterly basis.
- b. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- c. Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require a concurrence by the majority of quorum present at the meeting.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell

Nays: None

Absent: Scott

Motion Carried

CM-19-47. Amendments to the Charter and Ordinance Revision Committee, City-School Liaison Committee, Community Development Block Grant (CDBG) Review Committee, Environmental Citizens Committee, Information Technology Advisory Committee (ITAC), and the Multicultural Relations Advisory Board.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to approve amendments to various boards and commissions, as follows:

Charter and Ordinance Revision Committee

WHEREAS, the Mayor and City Council are cognizant that it is important to receive citizen input when considering Charter Revisions; and,

WHEREAS, Charter Amendments are infrequent and are required to be submitted to the electors of the City of Madison Heights for approval; and,

WHEREAS, the City of Madison Heights has established and implemented procedures to encourage citizen input for ordinance revisions including holding a public hearing, two readings of the ordinance before adoption, and publication of the ordinance upon adoption.

WHEREAS, the City of Madison Heights has completed a Boards and Commission Review pursuant to 2018/2019 City adopted Goal HH; and

WHEREAS, based on this review, the City of Madison Heights desires to adopt a new Resolution to amend the City Charter and Ordinance Revision Committee to accomplish the 2018/2019 City adopted Goal HH.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Madison Heights does hereby amend, in its entirety, the City Charter and Ordinance Revision Committee, as follows:

1. Name.
 - a. The name of the Charter and Ordinance Revision Committee shall be changed to the Charter Revision Committee;

2. Scope.

- a. The Charter Revision Committee shall study and submit recommendations regarding City Charter amendments referred by the Council, and the Committee shall submit its recommendations to the City Council for consideration and appropriate action;

3. Membership.

- a. The Charter Revision Committee shall consist of seven (7) members consisting of One (1) Councilmember and six (6) citizens at-large, one (1) Council alternate, and two (2) citizen alternates; The Councilmember, Council alternate, and Citizen shall be appointed by City Council on an ad-hoc basis.
- b. City Council will designate a completion date for The Charter Revision Committee.
- c. Upon activation, the Committee membership shall serve until the completion date specified by City Council.
- d. The Charter Revision Committee shall appoint a Chairperson and Vice Chairperson to serve during the duration of the Committee's term.

4. Meetings.

- a. Upon activation and appointment of membership, the Charter Revision Committee will meet as required and agreed upon by the Committee.
- b. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- c. Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require a concurrence by the majority of quorum present at the meeting.

City-School Liaison Committee

WHEREAS, the City of Madison Heights values its relationships with the students, parents, teachers and administrators of the school districts located in the City of Madison Heights; and

WHEREAS, it is important to keep open dialogue and communications with each school district and their representatives;

WHEREAS, the City of Madison Heights has completed a Boards and Commission Review pursuant to 2018/2019 City adopted Goal HH; and

WHEREAS, based on this review, the City of Madison Heights desires to adopt a new Resolution to amend the City-School Liaison Committee to accomplish the 2018/2019 City adopted Goal HH.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Madison Heights does hereby amend, in its entirety, the City-School Liaison Committee, as follows:

That the City Council of the City of Madison Heights invites each school district located within the City to a City Council meeting to present a report and update the City Council on an annual basis; and

FURTHER BE IT RESOLVED that City Council shall appoint a City-School Liaison, as follows:

1. Scope.
 - a. A special committee of the Council City-School Liaison, City Manager, and the Superintendent or their designee will meet to discuss any issues or concerns that may arise periodically and report back to City Council.
2. Council Appointment.
 - a. (1) Councilmember representative and one (1) Councilmember alternate.
 - b. The appointment will be a two-year term until the next Regular City Council election.

3. Meetings.

- a. The Council City-School Liaison, City Manager, and School District Superintendent or their designee will meet as required and agreed upon by the special committee.

Community Development Block Grant (CDBG) Review Committee
(Community Improvement Review Committee)

WHEREAS, the Community Development Block Grant (CDBG) Review Committee meets annually to provide advice and input on the annual application for CDGB funds to Oakland County; and

WHEREAS, the CDGB Review Committee conducts a required public hearing for input on the annual CDGB application; and

WHEREAS, the City of Madison Heights has completed a Boards and Commission Review pursuant to 2018/2019 City adopted Goal HH; and

WHEREAS, based on this review, the City of Madison Heights desires to adopt a new Resolution to amend the Community Improvement Review Committee to accomplish the 2018/2019 City adopted Goal HH.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby amend, in its entirety, the Community Improvement Review Committee as follows:

1. Name.

- a. The name of the Community Improvement Review Committee shall be renamed the Community Development Block Grant (CDGB) Review Committee.

2. Scope and Meetings.

- a. The CDBG Review Committee will meet to provide advice and input on the annual Application for CDBG funds to Oakland County. In addition, the CDBG Review Committee shall conduct the required public hearing for input on the annual CDBG application.

3. Membership.

- a. The membership of the Committee shall be comprised of three (3) citizens and two (2) alternate citizen members appointed by City Council. The alternate members may be called to sit as a regular member in the absence of a regular member. Membership on the Committee will be available to all residents, not including City employees and/or any person holding an elective office.
- b. Terms of office for regular members and alternates shall be for three (3) years.
- c. The officers of the Committee shall be Chairman and Vice-Chairman, to be elected from and by the membership.
 - 1. The term of office of the Chairman and Vice-Chairman will be for one (1) year and the Chairman shall preside at all meetings. In such instances as the Chairman is absent, the Vice-Chairman of the Committee will preside at such meetings

4. Meetings.

- a. The CDBG Review Committee shall meet annually. The Committee may hold special meetings at the call of the Chairman with notification to all members and the public in conformance with the Open Meetings Act.
- b. Community Development Department staff will perform secretarial and minute-keeping functions.
- c. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- d. All records of action taken by the Committee will be on file at the Community Development Department office and are a public record.
- e. A quorum shall consist of at least two (2) members and any action of the Committee must receive at least two (2) affirmative votes in order to be effective.

Environmental Citizens Committee

WHEREAS, the Mayor and City Council are cognizant that it is important to receive citizen input when considering environmental policy; and

WHEREAS, education of the public and citizen participation are important aspects in helping the City accomplish environmental goals; and

WHEREAS, the City of Madison Heights has completed a Boards and Commission Review pursuant to 2018/2019 City adopted Goal HH; and

WHEREAS, based on this review, the City of Madison Heights desires to adopt a new Resolution to amend the Environmental Citizens Committee to accomplish the 2018/2019 City adopted Goal HH.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Madison Heights hereby amends, in its entirety, the Environmental Citizens Committee, as follows:

1. Scope.

a. The purpose of the Environmental Citizens Committee shall be:

1. To advise, recommend, and assist in accomplishing the City's environmental goals including trash, recycling, household hazardous waste; the County Solid Waste Management Plan, and other environmental needs as assigned.
2. To educate the public and encourage citizens participation in programs and projects to improve the environment.
3. To coordinate programs and projects referred by the City Council.

2. Membership.

a. The Environmental Citizens Committee shall be composed of seven (7) voting members appointed by City Council, and one (1) ex officio member as follows:

1. Six (6) members from the residents of the City at-large (and two (2) alternates), each of whom shall have one vote
2. One member shall be a councilmember representative and a councilmember alternate.
3. The City Manager or their designee, who shall serve as an ex officio member of the Committee.
4. The six (6) citizen members and two (2) alternates shall be appointed for a term of three (3) years. Councilmember appointments are two-year terms until the next Regular City Council election. Vacancies in any term shall be filled by the City Council in a like manner for the balance of the unexpired term.

b. Non-residents may serve in an advisory capacity upon majority vote of the members of the Committee.

3. Meetings.

a. The Board shall meet on a quarterly basis, with additional meetings thereafter scheduled as required and agreed upon by the Board.

- b. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- c. Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require a concurrence by the majority of quorum present at the meeting.

Information Technology Advisory Committee (ITAC)

WHEREAS, Informational Technology (IT) is an essential component of many City services, and directly affects the efficiency and effectiveness of staff, and the ability of the public to interact with the City; and

WHEREAS, in recognition of the importance of IT to the City organization, City Council desires to create an Information Technology Advisory Committee or "ITAC" to serve as a forum for internal and public input for issues related to information technology and telecommunications; and

WHEREAS, the City of Madison Heights has completed a Boards and Commission Review pursuant to 2018/2019 City adopted Goal HH; and

WHEREAS, based on this review, the City of Madison Heights desires to adopt a new Resolution to amend the Information Technology Advisory Committee (ITAC) to accomplish the 2018/2019 City adopted Goal HH.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby amend, in its entirety, the Information Technology Advisory Committee, as follows:

1. Scope.
 - a. The purpose of the Information Technology Advisory Committee shall be:
 1. Serve as a forum for the sharing of ideas, trends, and perspectives in IT and their municipal applications;
 2. Offer Madison Heights citizens possessing knowledge and experience in relevant areas of IT the opportunity to provide Council and staff with feedback on such issues;
 3. Advise Council and staff on current and proposed IT-related projects, services, and methods of communication with the public, such as social media and the City's website;

4. Provide vendor-neutral recommendations regarding IT solutions, where appropriate;
5. Advise Council and staff on departmental computer upgrades and replacements, use policies such as security and bring your own device to work policy (BYOD), telephone services, cellular telephone towers, and wireless technology including personal communication devices.

2. Membership.

- a. The Committee shall be comprised of nine (9) members consisting of the City Manager, Councilmember Delegate (and Alternate), Deputy City Manager of Administrative Services, MIS Administrator, five (5) Madison Heights residents, and two (2) Madison Heights resident alternates appointed by City Council. Additionally, there shall be six (6) non-voting, ex-officio seats for the major service department heads (i.e. Police, Fire, DPS, CDD, Library, and City Clerk) who would attend meetings as needed as topics relevant to their respective departments are scheduled and discussed.
- b. The Council Delegate and Alternate shall be appointed for a two-year term until the next Regular City Council election. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.
- c. The five (5) citizen members and two (2) citizen alternates shall be appointed for a term of three (3) years; Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.
- d. Membership Qualifications: Internal Committee members (i.e. City staff) shall possess a general knowledge of and an interest in information technology. External committee members shall also possess knowledge of and interest in IT. Members must also be free of conflicts of interest regarding any City-related information technology projects for which the Committee may be providing a recommendation or guidance.
- e. Citizen representatives shall serve as Chair and Vice Chair and be elected from the membership annually. The Deputy City Manager shall serve as Secretary.

3. Meetings

- a. Meetings shall be on an as-needed basis and scheduled as required and agreed upon by the Committee.

- b. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- c. Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require a concurrence by the majority of quorum present at the meeting.

Multicultural Relations Advisory Board

WHEREAS, the Mayor and City Council believe the community will benefit from the creation of an advisory board, focused on cultural relations, with a mission to create greater cohesion in our community by promoting mutual respect, dignity and open communication among all people; and

WHEREAS, the City of Madison Heights strives to promote and foster goodwill, and through cooperation and conciliation among all groups and segments of the population, to eliminate and prevent within its boundaries discrimination, segregation or separation because of race, color, national origin or ancestry; and

WHEREAS, the City of Madison Heights has completed a Boards and Commission Review pursuant to 2018/2019 City adopted Goal HH; and

WHEREAS, based on this review, the City of Madison Heights desires to adopt a new Resolution to amend the Multicultural Relations Advisory Board to accomplish the 2018/2019 City adopted Goal HH.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Madison Heights does hereby amend, in its entirety, the Multicultural Relations Advisory Board as follows:

- 1. Scope.
 - a. The purpose of the Multicultural Relations Advisory Board is to advise the City Council on issues related to or affecting minority communities within Madison Heights, to monitor the policies and practices of the City of Madison Heights with respect to fair and equitable application, and to act as a resource for intercultural awareness, education, and celebration among all people.

- b. The Multicultural Relations Advisory Board shall:
 - a) Serve in an advisory role to the City Council on human relations and diversity-related issues;
 - b) Serve as a resource and an advocate on behalf of the community on human relations and cultural diversity issues;
 - c) Review, suggest and champion policies, programs, services, and events, which enhance human relations and cultural diversity by consciously and consistently seeking to serve all residents;
 - d) Build purposeful relationships with residents, the outlying community, Council, other City leadership and a wide range of local, state, national and international groups, agencies and organizations to respect diversity and promote unity in the City;
 - e) Communicate accurate and respectful information in order to educate the community of the City's rich cultural heritage and diversity;
 - f) Provide support/vision to the staff to promote the cultural initiatives and events as identified by the Board and approved by the Council;
 - g) Identify opportunities to increase the awareness of cultural diversity among citizens by establishing ongoing dialogue and interaction to promote respect for diversity among all citizens within the City.

2. Membership.

- a. The Board shall be comprised of nine (9) voting members. The voting members shall consist of a Councilmember Delegate (and Alternate), the City Manager or their designee, and seven (7) Madison Heights residents appointed by City Council.
- b. The Council Delegate and Alternate shall be appointed for a two-year term until the next Regular City Council election. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.
- c. The seven (7) citizen members shall be appointed for a term of three (3) years staggered terms. Vacancies in any term shall be filled by the Mayor and City Council in like manner for the balance of the unexpired term.
- d. The Board shall appoint a Chairperson and Vice-Chairperson from among the seven (7) resident members annually.

3. Meetings.

- a. The Board shall meet on a as needed basis, with additional meetings thereafter scheduled as required and agreed upon by the Board.
- b. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- c. The staff representative shall assist the Board in the performance of its duties and notify members of the date, time, and place of meetings of the Board.
- d. Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require a concurrence by the majority of quorum present at the meeting.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-48. MERS Health Care Savings Program Participation Agreement Amendments.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to approve the MERS Health Care Savings Program Participation Agreement as amended in accordance with various union agreements.

Yeas: Corbett, Gettings, Grafstein, Soltis, Bliss, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-49. Ordinance No. 2130 – Zoning Text Amendment 19-10, First Reading.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Grafstein, to adopt on second reading, Ordinance No. 2130 – Zoning Text Amendment 19-0 as follows:

ORDINANCE NO. 2130

CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Appendix A, Article IV, Section 10.314 and, Article IX, Section 10.328, of the City of Madison Heights Zoning Ordinance, City of Madison Heights, Michigan, to locate licensed and approved medical marihuana facilities in the City of Madison Heights to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1. Amendment.

That Appendix A, Article IV, Section 10.314 and Article IX, Section 10.328, of the City of Madison Heights Zoning Ordinance, City of Madison Heights, Michigan, be amended in their entirety to read as follows:

Sec. 10.314. - Principal uses permitted.

- (1) Office buildings for any of the following occupations: Executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales; subject to the limitations contained below in section 10.316, "Required Conditions."
- (2) Medical office, including out patient clinics.
- (3) Hospitals, subject to the yard and locational requirements of section 10.312, subsection (3).
- (4) Banks, savings and loan associations and similar uses.
- (5) Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.
- (6) Churches.
- (7) Other uses similar to the above uses.
- (8) Business or trade schools.
- (9) Medical Marihuana Safety Compliance Facilities licensed and approved by the city.

Sec. 10.328. - Principal uses permitted.

- (1) Research and office uses related to industrial operations.
- (2) Any of the following uses when conducted wholly within a completely enclosed building.
 - (a) Warehousing and wholesale establishments, and trucking facilities.
 - (b) The manufacture, compounding, processing, packaging or treatment of such products as: Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops.
 - (c) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metal or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
 - (d) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - (e) Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
 - (f) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - (g) Laboratories—Experimental, film or testing.
 - (h) Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - (i) Warehouse, storage and transfer and electric and gas service buildings and yards, excluding gas treatment and gas pumping stations. Water supply and sewage disposal plants, water and gas tanks and holders.

- (j) Retail sales of items that are sold at wholesale on the premises. Such retail sales shall be strictly incidental to the wholesale sales and the area devoted to such sales shall not exceed 15 percent of the gross floor area. The retail sales area shall meet the parking requirements in section 10.505(11)(v).
- (3) Kennels, commercial.
- (4) Business or trade schools.
- (5) Accessory buildings and uses customarily incident to the above permitted uses.
- (6) Bus passenger stations.
- (7) Medical Marihuana Facilities licensed and approved by the city.

Section 2. Repealer.

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

Section 3. Severability.

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

Section 4. Savings.

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

Section 5. Effective Date.

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

Section 6. Inspection.

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.

Roll Call Vote:

Yeas: Grafstein, Bliss, Corbett, Hartwell

Nays: Gettings, Soltis

Absent: Scott

Motion Carried 4-2

CM-19-50. Minutes.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Corbett, to adopt the Regular City Council Meeting minutes of February 11, 2019, as printed.

Yeas: Gettings, Grafstein, Soltis, Bliss, Corbett, Hartwell

Nays: None

Absent: Scott

Motion Carried

CM-19-51. Appointment to the Crime Commission.

Motion by Councilor Grafstein, seconded by Councilman Corbett, to appoint Deliza Lee to the Crime Commission with a term to expire 09-12-21 and declare the alternate seat vacant.

Yeas: Grafstein, Soltis, Bliss, Corbett, Gettings, Hartwell

Nays: None

Absent: Scott

Motion Carried

CM-19-52. Appointment to the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilor Grafstein, to appoint Margaret Marentette to the Zoning Board of Appeals with a term to expire 02-01-20 and declare the alternate seat vacant.

Yeas: Soltis, Bliss, Corbett, Gettings, Grafstein, Hartwell

Nays: None

Absent: Scott

Motion Carried

CM-19-53. Appointment to the Zoning Board of Appeals.

Motion by Councilman Corbett, seconded by Councilman Gettings, to appoint Gloria Thompson to an alternate position on the Zoning Board of Appeals with a term expiring 02-01-22.

Yeas: Bliss, Corbett, Gettings, Grafstein, Soltis, Hartwell
Nays: None
Absent: Scott
Motion Carried

CM-19-54. Mayor and Council - Comments.

Councilman Corbett stated that the Women's Club is spearheading a park bench in honor of former Mayor Ed Swanson to be placed in front of the gazebo. He commented that this gesture is totally appropriate in Mayor Swanson's memory.

Mayor Pro Tem Bliss stated that he was happy the boards and commissions update, and this was a major goal of his. He wanted to bring relevancy to all of the boards and that it is important that they are set up to be as powerful as they need to be; that they are all active and involved. He noted that now, every alternate is an ex-officio member and able to participate in discussion. He stated that he would like Council to be more knowledgeable of the backgrounds of the boards and commission applicants. He stated that one of the items GFL does not accept for recycling is cartons. He stated that he would like to see that and other items added to the accepted list. He commented that the Arts Board is doing phenomenal work for the City. On March 13th they are having a fundraiser called *Coneys and Karaoke* at Augies. Tickets are available, and he encourages all to attend and participate. The event is to raise money for the mural project in the city.

Councilman Gettings had no comments this evening.

Assistant City Attorney Sherman had no comment this evening.

City Manager Marsh introduced the City's new Finance Director/Treasurer Linda Kunath. The State of the Cities will be this Friday, March 1st at Shelving Inc. on Stephenson Highway. The event starts at 7:30 a.m.

City Clerk Printz stated that new laws are being implemented in regards no reason absentee voting. If you would like to be added to the City's permanent list, where you receive an application for every election, simply send an email with your name and address to: permlist@madison-heights.org, and we will add you. As a reminder, you will still need to complete the AV ballot

application prior to receiving a ballot for every election that you wish to participate in.

Councilor Grafstein stated that she is participating in fundraising for the Leukemia and Lymphoma Society and she is looking for sponsors. The Crime Commission is holding a program on March 28th from 6 p.m. to 8 p.m. at Fire Station One on Child Neglect and Abuse and all are welcomed.

Councilman Soltis had no comments this evening.

Mayor Hartwell welcomed Linda Kunath to the City of Madison Heights team, and noted that the Council trusts and values her service. He thanked everyone for coming to the meeting tonight. He congratulated IMA Noodles for being named the best restaurant in metro Detroit, and noted Madison Heights has some of the best restaurants in area. He thanked the guests that spoke tonight, including MDOT and the County Treasurer's representative. He stated the he agreed hosting a financial empowerment seminar is a good idea. He hopes the City can host this seminar in the future, and any help for residents will be useful.

CM-19-55. Adjournment.

There being no further business, the meeting was adjourned at 9:54 p.m.

Brian C. Hartwell
Mayor

Cheryl E. Printz
City Clerk