



City Council Regular Meeting

DRAFT Minutes

Monday, July 26, 2021 at 7:00 PM
Remote Meeting via Zoom

In accordance with Emergency Orders issued by local officials, and State of Michigan legislation, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's City Council will be meeting electronically using [www.Zoom.us](https://www.zoom.us) for videoconference and public access.

1. **Call to Order** by Mayor Garrett *(in accordance with PA 254 of 2020, the members should identify their physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely).*

Mayor Garrett called meeting to order at 7:09 pm

2. **Roll Call**

Present – Mayor Mykale Garrett and Mayor Pro Tem Bruce Kantor

Council members: Ian Ferguson, Dawn Medley and Saleem Siddiqi

Present: City Administrator, Dr. Sheryl L. Mitchell Theriot, Assist. City Administrator/Treasurer, Pamela Bratschi, City Attorney, Scott Baker, Police Chief, Scott McKee, Director, Community and Economic Development/DDA, Susie Stec, Government Services, Kelda London and City Clerk, Yvette Talley

Also Present: Jill Bahm and Scott Ringler – Giffels Webster

All Council members present are meeting virtually and they are located in Lathrup Village, MI – Oakland County .

3. **Pledge of Allegiance**

4. **Approval of Agenda**

Motion by Mayor Pro Tem Kantor, seconded Council member Siddiqi to approve the Agenda with the following changes, switch item #10 to # 11 and item #11 to #10.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

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5. Presentations – None

6. Zoning Board of Appeals - None

7. Consent Agenda

All items listed under “Consent Agenda” are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion. If a discussion is desired, that item(s) will be removed from the consent agenda and discussed separately immediately after consent agenda approval in its normal sequence on the regular agenda.

A. Minutes – City Council Study Session Meeting – June 21, 2021

Approval of Minutes – Study Session June 21, 2021

Motion by Council member Ferguson, seconded by Mayor Pro Tem Kantor to approve the Study Session Minutes of June 21, 2021

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

B. Minutes – City Council Meeting – June 21, 2021

Approval of Minutes – June 21, 2021 – City Council Meeting

Motion by Council member Ferguson, seconded by Mayor Pro Tem Kantor to approve the City Council Meeting minutes of June 21, 2021.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

C. Minutes – City Council Special Meeting - July 12, 2021

Motion by Council member Ferguson, seconded by Mayor Pro Tem Kantor to approve the Special City Council meeting minutes of July 12, 2021.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

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Motion carried.

8. Disbursement Report

- A. Monthly Disbursement Report for June 2021 and 4th Quarter Investment Report for Period Ending June 30, 2021

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to approve the Monthly Disbursements for the month of June 2021 as:

JUNE DISBURSEMENTS W/ SALARY INCLUDED			
FUND 101	GENERAL FUND	\$	617,237.18
FUND 202	MAJOR ROADS	\$	484,547.22
FUND 203	LOCAL ROADS	\$	487,246.57
FUND 258	CAPITAL FUND	\$	10,068.55
FUND 494	DOWNTOWN DEV. AUTH	\$	41,058.78
FUND 592	WATER & SEW	\$	509,379.04
TOTAL DISBURSEMENTS		\$	2,149,537.34

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

9. Department Reports

Motion by Council member Ferguson, seconded by Mayor Pro Tem Kantor to approve the

Departmental Report – June 2021. Receive and File – Department Reports:

Building Department Report, Clerk/Elections Report, Community & Economic Development Report, Code Enforcement Report, Finance/Water Department Report, Downtown Development Authority Report, Police Department Reports, June 2021 monthly Police Department Reports and

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Recreation/Parks/Facility Report.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

10. Public Hearings

- A. Public Hearing on Advisability of Proceeding with Establishment of a Special Assessment District for Cambridge Area Ditch and Sidewalk Repair.

Scott Ringler - The public hearing is for draining improvements along Cambridge from Southfield Rd. to Lathrup Blvd. Looked at 2 options – Option 1- re-ditching option – currently ditching on the Southside of the road and very limited on the north side of the road, due to trees on the north side of the road. It's difficult to do ditching because the green-belts on both sides of the road are only about 10ft. wide which is a steep ditch that is unmovable.

Option 2 – underdrain system installing an 8 in. perforated pipe leading across the road from the south side of the road to Lathrup Blvd. to the alley near Southfield Rd. By doing this, the existing culverts can be removed so the culverts would not be replaced because there will be a storm sewer replaced where the current culvert is located. By installing the underdrain with the perforated pipe, we are able to remove the existing culverts and we will not reinstall culverts. We have the underdrain system which will be new driveways and grading of the entire green-belt. Similar drains are on Avilla/San Rosa and there has much success with them.

Cost estimate including all work items including demolition some of the cost for driveways and the landscaping will be paid for by the City which is the first 3ft.-4ft. of landscaping and driveway repairs to reconstruct the road. An estimated cost of \$81,000 including engineering and a 15% contingency with final cost \$107,000. This project will be bid in accordance and in conjunction with the paving program, these items will be handled separately to figure out the final cost of the Special Assessment District (SAD) portion.

Mayor Pro Tem Kantor stated this is being proposed because a portion of Cambridge will be paved next summer as part of the millage that was approved for the 3 -year road program. Recommendation was made to City Council indicated the ditches needed to be repaired. On any road we're going to repave because we have non-functioning ditches, it allows water to accumulate underneath the road and it raises the road from within. There is a loss of 10% of the life of the road which is a waste of 10% of tax payer dollars-\$13,000. When ditches are not functioning properly, there is more than a 10% loss. If the residents decide not to do the special assessment, the road will not be paved. Over 3 years , 7 miles will be paved starting this summer.

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Mayor Garrett opened the public hearing.

Mayor Pro Tem Kantor gave an overview of the Special Assessment District (SAD).

Charles Green – 19061 San Diego Blvd – Asked if he has to pay for the Special Assessment District. Mayor Pro Tem Kantor explained that he does not because it affects the 13 properties on Cambridge.

Kim Fay-17601 Cambridge – Concerns of cost of labor & materials and has it been taken into consideration. She had questions about installment payments and extra fees.

Scott Ringler said the cost (unit price of the estimate) were taken from the 2021 road paving bond millage. Storm sewer and historical data were used. There is a possibility it could be less. Will go out for bid in January or early February bids due in March. At that time, we'll know what the cost would be.

Dr. Mitchell Theriot stated property owners will have 10 years to spread the payments out. The administrative fee is \$50 (for each year the payments are spread over a period of time for the residents who choose this payment option. If the property is sold during the interim period, balance due will be paid at time the home is sold.

Don Parker 17631 Cambridge – asked if the trees will be cleared.

Scott Ringler -Trees are the reason they are using the southside of the road with 1ft.-1 ½ ft. below grade. They will run leads to the northside, will install as much underdrain as they can in the east-west direction. He doesn't believe any trees will have to be removed. San Rosa/Avilla project, the City received a grant for 80% of the project.

Crista Lay & Mr. Lay – 17579 Cambridge -Asked if there will be more flooding on the southside of the street since the northside is being repaired. How are the driveways impacted?

Scott Ringler said – they will re-grade the greenbelts from the sidewalks to the road with a small swale so that the water will not be on the sidewalks. Culvert will be removed and will not be replaced because there is a storm sewer underneath where the storm sewer is located running the entire length of the alley at Southfield Rd. to Lathrup Blvd. A perforated pipe will be underneath the full length of Mr. & Mrs. Lay's property. The driveway will be replaced from the sidewalk to the road.

Dennis Nordmoe- 27265 Lathrup Blvd.-discussion of ditches, drains, culverts clogging. Discussed limiting parking on Cambridge. If the ditch is filled in, may he discuss with the contractor doing the work over the ditch so to use the area for parking.

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Scott Ringler stated it would be an enclosed drainage system.

Nick Payne – Asked installment plan questions. Is there an opportunity to solicit additional work with the contractor? How are the special assessment prices calculated? How will this impact the commercial development at the end of the block. There are 3 major drains on Cambridge Blvd.

Scott Ringler – If he does solicit additional work with the contractor, it's a private deal and is not a part of the city project or the special assessment. For the 3 major drains on Cambridge Blvd. we did not incorporate anything from Southfield Rd. to the alley into the special assessment district. In response to Mr. Nordmoe's question about asking the contractor to fill in the ditch to use the area for parking – It would be a very expensive project and it's an expense that is above and beyond what the city would pay.

Mayor Pro Tem Kantor stated – the special assessment was calculated by dividing the entire cost by the number of parcels. The commercial property development at the end of the block will not impact the special assessment project because it stops before it reaches the commercial property.

Mayor Garrett closed the public hearing.

11. Public Comments for Items on the Agenda (Speakers are limited to 3 minutes)

Scott Baker gave an overview on Cannabis:

Medical Marijuana has been legal in Michigan since 2008. After the initiative, communities were by default opted out of the medical marijuana business unless they elected to opt in. In 2018 there was a ballot initiative that decriminalized and allowed for recreational cannabis in the State of Michigan. This language is different than the medical language because by default communities were opted in unless they did something in the affirmative to opt out. The State of Michigan gave municipalities a year to get rules and procedures in place before accepting applications. City of Lathrup Village did enact an ordinance opting out but included in the ordinance a sunset provision so that the city could come back and revisit in 18 months. The thought process was the city did not want to be the first to open a cannabis facility and let other communities take the first step. When the 18 months expired, there had not been many cannabis facilities opened. There were delays at the State level in accepting applications and issuing licenses. Last July, the decision was made to extend the sunset provision for an additional 12 months. City Council began to explore possibilities of various facilities in the community directing the City Attorney and City Planner to prepare ordinances/zoning ordinances that would set-up the framework for those types of businesses. At this meeting are 2 ordinances, the General Ordinance Chapter 18 which sets for the framework identifying the number of licenses, the types of facilities- this ordinance identifies 2 -physical locations for dispensaries of either medical or recreational. It allows for 1 physical

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location with recreational cannabis as well as medical cannabis combined in 1 physical location. The city is contemplating allowing 2 testing facilities within the city. By enacting these ordinances, it's setting the framework in place but not opening the doors to start accepting applications.

This ordinance does specify by separate resolution should this ordinance pass; the city can establish a time period of 30 days that the city would begin accepting applications. By separate resolution the city will be identifying and accepting the scoring matrix which will be utilized to determine whether the highest scoring applicants and the highest scoring applicants would move forward for potential licensure in the city.

The Zoning Ordinance is separate that deals with site regulations and onsite specifications comparable to what other businesses in the city would be required to do and the standards they would be required to have in order to open these types of facilities. It also identifies the areas in the community where the businesses would be allowed to operate based on set-backs from facilities such as parks, schools and adult shelters.

Should these ordinances pass today, it does not mean cannabis facilities will open tomorrow. There are additional steps that would come before City Council before this could happen. In addition to approving the resolution opening up the application period and approving the resolution approving identifying the scoring criteria, the city would have the final say if they wish to grant the license.

Public Comments received:

Mary Manookian, 18194 Redwood – She would like to place on ballot in November 2, 2021. Let the residents have voice on this matter. This will cause more traffic on Southfield Rd.

Bo Tamerelli – 18485 Dolores - he's not in favor of cannabis businesses in Lathrup Village. Would this matter to be placed on the ballot for residents to decide.

Martha Mack - 18200 Glenwood - concerned there will not be enough police for issues due to cannabis & issues with traffic.

Katherine Graham – 64 N. 9 Mile Rd., Hazel Park- Cannabis has positive aspects such as; controlling nausea, stimulating the appetite, relieve muscle spasms, decreased pain and improvability to sleep. It can improve the quality of life.

Richard Bell - 27551 Rackham Dr. - Businesses that are located near homes, can they have a say if the business will be there or not. What businesses are being excluded?

Lisa Krisensksi – Cannabis is helpful for chronic pain like migraines, epilepsy etc. In favor of cannabis has helped her and she has had no side effects or addiction.

Bill Cousins - Cannabis business will go above and beyond of what is required and they have made the neighborhood safe. He's in support of cannabis businesses.

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Craig Arnoff – Office location 1212 S. Washington - Royal Oak - Cannabis facilities are secure and an asset to the city. His company has renovated many buildings, donated to schools and would be an asset to the city.

Martin Sema- 634 W. 9 mile, Hazel Park- stated that his company has invested in communities.

Troy Wymore – 18609 Rainbow Dr.- Those who are against cannabis should visit a facility. City will benefit from cannabis business they are clean and an attractive business.

Hayat Cannabis-634 W. 9 Mile Rd., Hazel Park- He is in favor of medical cannabis. It's a secure business.

Loretta Danforth -27922 California Dr. N.E. – It seems it's a rush to bring this to the city. Let the residents decide by putting this to a vote.

Elsie Babcock - 27661 Lathrup Blvd.- concerned about the saturation of these facilities. Also, worried about the number facilities close by.

Jeanne Barron , Attorney at Law - 27270 W. Goldengate - feel as though residents should vote on this matter.

Marvin Holley 27654 Lathrup Blvd – Not in favor of cannabis.

Jarrett Kirchner – 27411 Lathrup Blvd. - In favor of cannabis.

Kalyn Danforth – 18750 Glenwood Blvd – Pro marijuana but against cannabis dispensaries in Lathrup Village. It's not right the right business for the city.

Nancy Griffin – 19350 Rainbow Dr.- There are many who don't live in Lathrup Village who are in favor of cannabis. Not in favor of cannabis dispensaries.

Martha Mack 18200 Glenwood Blvd. – discussed an incident of a party that occurred in the alleyway near her home.

Kenneth Bryant – What is the intent of the cannabis initiative?

Lanie Dixon - 18619 Middlesex Ave – Concerned about the stigma of those who are in support of this ordinance. She is in support of cannabis in Lathrup Village.

Aric Klar – CEO and founder of Quality roots – said his company will be an asset to the city.

Darlene Holley – 27654 Lathrup Blvd.– In support of medical use of cannabis in the city.

Chris Aiello-Attorney at Law – 32411 Mound Rd. – Discussed other communities that are under litigation. Questioned the city's ordinance and scoring criteria.

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Greg Ruvolo and Tom Bayer - 27641 Lathrup Blvd are in favor of cannabis in Lathrup Village.

Noah Harfouch - Represents companies throughout Michigan who sell cannabis and discussed the scoring criteria.

City Attorney Scott Baker gave an overview of the scoring criteria. The ordinance does not contain scoring criteria. It will be a document that will be produced later and will need to be approved by City Council.

12. Action Requests - For Consideration / Approval

A. Evergreen – Farmington Sanitary Drain Drainage District – Chapter 20 Section 471 Agreement

Gary Nigro, Oakland County Chief Engineer – gave an overview and answered specific questions.

This agreement will allow wet weather sanitary flow in 15 participating communities which provides the system authority for establishing regional operations. The goal of this agreement is to reduce the frequency and volume of sanitary sewer overflows.

Mayor Pro Tem Kantor gave an overview and stated that part of the agreement will allow improvements on the 3-million-gallon tank that is in the city. The city is responsible for \$500,000 capital improvement bond will be used for the improvements to the tank. This is why the water bills have been increased to make improvements to prevent sewer back-ups.

Motion by Council member Medley, seconded by Mayor Pro Tem Kantor to approve the Evergreen-Farmington Sanitary Drain Drainage District – Chapter 20 Section 471 Agreement.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

B. Resolution to Approve Plans and Estimate for Ditch Repair for Cambridge Blvd. and to Direct City Treasurer to Make a Special Assessment Roll.

Scott Baker gave an overview and answered specific questions. He recommends to move this forward. second public hearing will be August 16, 2021.

Council member Medley asked how were residents notified about the Special Assessment District. Attorney Baker stated the notice was published in the newspaper and all residents affected by the SAD were notified in writing.

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to Adopt the Attached Resolution to Approve Plans and Estimate for Ditch Repair for Cambridge Boulevard and to Direct City Treasurer to make the Special Assessment Roll.

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Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

- C. 2nd Reading – Ordinance to Amend the City of Lathrup Village Code of Ordinances by Adding Chapter 18, Article VI – Cannabis Businesses.

Scott Baker gave an overview and answered specific questions. This is the general ordinances that will address the criteria, number of facilities and procedure by which the City Council will create a scoring matrix to rank the applicants.

Mayor Pro Tem Kantor gave an overview. City Council opted to take the time to study the available data, look at a good fit for Lathrup Village and waited another year to study more ordinances in the state and outside of the state. There has been a lot of time for residents to come out and speak on this topic. A total of 38 meetings have occurred discussing cannabis topic. There are several ways for residents to be informed: City's website, City's Facebook page, city calendar, weekly e-newsletter, public access t.v., municode, city council meetings are on Youtube, meeting minutes are available upon request. Sunset provision expires next month. If nothing is in place, it leaves an opportunity for any type of cannabis facility to come in the city.

Mayor Garrett gave an overview and stated it's important an ordinance in place to prevent the opportunity for cannabis businesses to open in the city. This vote will not authorize any cannabis licenses. It states that the city is open to the consideration of 2 license facilities in the city. Questioned how much revenue will come in for the city if there are cannabis facilities. City attorney said if Council is considering the revenue from the cannabis businesses as a decision maker, he wouldn't recommend them doing so. There are significant cost factors associated with having cannabis facilities - inspections, review component which will not balance the budget.

Council member Medley stated this is an ordinance where the city has control and has the ability to self-govern.

Council member Ferguson stated there is a high level of security at cannabis businesses, legitimate business, it's a retail business and testing facilities do not sell cannabis.

Council member Siddiqi this was not a rushed process. He's respectful of the residents' opinions. A lot of investigations were done, most people he's spoken with are in favor of cannabis in the city. This ordinance will put the city in control of cannabis businesses.

Dr. Sheryl Mitchell Theriot- Fees that will be generated are per business \$28,000 and the license fee per business is \$5,000. The economic development from this will benefit the city by investing in community and redevelopment is part of the scoring process.

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Motion by Mayor Pro-Tem Kantor, seconded by Council member Siddiqi to approve the Ordinance to Amend the City of Lathrup Village Code of Ordinances by Adding Chapter 18, Article VI – Cannabis Businesses. With the changes discussed at the City Council Study Session changing the requirement for the scoring matrix from 80% to 85%.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

D. Marijuana / Cannabis Zoning Ordinance - Consideration of Adoption

Jill Bahm gave an overview and answered specific questions. Discussed this matter with Planning Commission 5 times and a public hearing was held on July 20, 2021. The Zoning Ordinance will cover trash, hours of operation and parking. Planning Commission approved the recommended adoption of this Ordinance by City Council.

Motion by Mayor Pro Tem Kantor, seconded by Council member Ferguson to approve the Cannabis Zoning Ordinance.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

E. Comprehensive Plan - Adoption

Jill Bahm gave an overview and answered specific questions. Did not change the future land use map. Some highlights :1. Neighborhoods – local unit that city can use to promote engagement in the city. This will be used to inform residents of the resources that are available to them and to make sure residents know about what’s going on in the neighborhood such as road closures, water issues, pandemic, economic issues this will be used to spread the word for those who may not be engaged online. 2.Sustainability and Resiliency – such as storm water management and landscaping. Planning Commission has adopted the Comprehensive Plan and City Council is encouraged to do the same.

Motion by Council member Ferguson, seconded by Council member Siddiq to approve the Comprehensive Plan as recommended by the Planning Commission.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

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- F. Consideration of Resolution - Vacation of the Alley West of Southfield Road Between W. 11 Mile Road and Sunnybrook Avenue alley Vacation and Scheduling of Public Hearing - 18129 Sunnybrook

NOTE: PUBLIC HEARING HELD ON JUNE 21. NO VOTE TAKEN, REQUIRES 4 AFFIRMATIVE VOTES

Scott Baker, City Attorney gave an overview and answered specific questions.

This request was submitted by Mayor Pro Tem Bruce Kantor, he is present and will abstain from voting on this matter. This process has been utilized in the past and there was not a charge to the residents. The attorney's recommendation is to move forward with this item.

Motion by Council member Ferguson, seconded by Council member Siddiqi to approve the Resolution regarding the partial vacation of the public alley bounded by Sunnybrook Avenue, Southfield Road, Eleven Mile Road and Meadowbrook Way. This will increase tax revenue by vacating this property.

Ayes: Ferguson, Garrett, Medley, Siddiqi

No: None

Abstain: Kantor

Motion carried.

- G. Election - MML Workers Comp Fund Trustees

Dr. Sheryl Mitchell Theriot gave an overview and answered specific questions.

Motion by Council member Ferguson, seconded by Council member Siddiqi to Affirm the Nominations as Provided by the MML Workers Compensation Board and Authorize the City Clerk or City Administrator to notify the MML before August 13, 2021.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

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13. City Administrator Report

Dr. Sheryl Mitchell Theriot thanked everyone for working on Hybrid meeting.

14. City Attorney Report

No report

15. Reports of Boards, Commissions, and Committees

A. Minutes - Planning Commission Meeting - June 15, 2021- received and filed

16. Unfinished / New Business

Council member Ian Ferguson discussed mental health needs during COVID-19. Michigan Department of Human Services has a program called Warm Line they will assist mental health challenges hours 10:00 a.m. – 2:00 a.m. There will be more information on the city's website.

17. Public Comment

None

18. Mayor and Council Comments

Mayor Garrett thanked the staff and Police Department for attending the council meeting during a pandemic. Corrected a statement she made earlier in the meeting - DDA & City of Lathrup Village did give \$10,000 for the bike path.

Comments that did not make it into the packet -Mayor Garrett read the following letters from:

James Tate McBroom – letter received

Karen Miller - letter received

Barb Kenez - read letter received

Don Eichstaedt - letter received

Dawn Medley – responded to Mr. Eichstaedt letter - said she still lives in Lathrup Village, a registered voter and a member of this community. Also, she gave an overview of her employment working remotely.

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Council member Siddiqi - said Marijuana committee came in with an open mind and worked together for the good of the city.

Officer Roc Upshaw will retire after 23 years of service with the Police Department. Celebration will be Thursday.

Mayor Pro Tem Kantor thanked all who came out to take part of the process.

19. Adjourn

Motion by Mayor Pro Tem Kantor, seconded by Council member Siddiqi to adjourn this meeting.

Ayes: Ferguson, Garrett, Kantor, Medley, Siddiqi

No: None

Motion carried.

The meeting was adjourned at 10:40 p.m.

Transcribed by Yvette Talley

Mykale Garrett, Mayor

Transcribed by Yvette Talley

City Clerk