

City Council Regular Meeting [Postponed from 11/13/23]
Madison Heights, Michigan
November 16, 2023

A City Council Regular Meeting was held on Thursday, November 16, 2023 at 7:30 PM at City Hall - Council Chambers, 300 W. 13 Mile Rd.

PRESENT

Mayor Roslyn Grafstein
Mayor Pro Tem Mark Bliss
Councilwoman Aaron
Councilman Sean Fleming
Councilor Emily Rohrbach
Councilman David Soltis
Councilor Quinn Wright

OTHERS PRESENT

City Manager Melissa Marsh
Assistant City Attorney Jeffrey Sherman
Deputy City Manager/City Clerk Cheryl Rottmann

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

Mayor Grafstein asked for a moment of silence in honor of County Commissioner Gary McGillivray.

ADJOURNMENT OF THE THIRTY-FOURTH COUNCIL

Prior to adjourning the Thirty-fourth City Council, Mayor Grafstein asked Councilwoman Aaron if she would like to make any comments.

Councilwoman Aaron thanked her fellow Councilmembers for the opportunity to serve, stating it has been a pleasure making decisions and helping to move the City forward. She commented that this will not be the last you will see of her because there is much more to do. She congratulated the winners of the election, noting the campaigns were well run and well received.

Mayor Grafstein adjourned the Thirty-Fourth Council at 7:33 p.m.

OATH OF OFFICE TO THE THIRTY-FIFTH COUNCIL

Judge Keith Hunt administered the Oath of Office to newly elected members of the Thirty-fifth City Council: Councilman Fleming, Councilman Meir, Councilor Rohrbach, Councilor Wright and Mayor Grafstein.

ROLL CALL

PRESENT

Mayor Roslyn Grafstein
Councilman Mark Bliss
Councilman Sean Fleming
Councilman William Mier
Councilor Emily Rohrbach
Councilman David Soltis
Councilor Wright

OTHERS PRESENT

City Manager Melissa Marsh
Assistant City Attorney Jeffrey Sherman
City Clerk Cheryl Rottmann

ELECTION OF MAYOR PRO TEM:

CM-23-278. Election of Mayor Pro Tem.

Motion to appoint Mark Bliss as Mayor Pro Tem.

Motion made by Councilman Fleming, Seconded by Councilman Soltis.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilman Soltis

Voting Nay: Councilor Rohrbach, Councilor Wright

Motion carried 5-2.

MEETING OPEN TO THE PUBLIC:

Reese Sarah, attorney for 305 N. Euclid (Dispo), spoke in favor of the Council entering into a litigation settlement with them.

The following spoke in opposition of entering into a litigation settlement with 305 N. Euclid and Artic Fox, LLC:

David Lighter, President, Liberty Cannabis and Holistic Industries
Aric Klar, CEO, Quality Roots
Craig Aronoff, attorney for Quality Roots

City Clerk Rottmann read emails from the following residents into the record opposed to the expansion of marihuana facilities in the City from:

Lorraine Schag
Kathleen Young
Alleyna Mathers

CM-23-279. Consent Agenda.

To approve the Consent Agenda as read.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-23-280. City Council Special Meeting Minutes of October 23, 2023.

Motion to approve the Special City Council meeting minutes of October 23, 2023, as printed.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-281. City Council Regular Meeting Minutes of October 23, 2023.

Motion to approve the Regular City Council meeting minutes of October 23, 2023, as printed.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-282. Oakland County - Red Oaks Park Action Plan.

Chris Ward, Director, Oakland County Parks and Recreation, presented to Council the Red Oaks Nature Preserve and Ambassador Park Action Plan. Mr. Ward stated that they are excited to continue working together with the City to expand recreational activities and opportunities in the City.

Donna Folland, Supervisor, Oakland County Planning and Resource Development, presented the overall vision for the Nature Center and Ambassador Park. She stated that Oakland County will continue the Nature Center operations and the stewardship of nature resources, as well as continue programming and operation of the site. The plan calls for providing restrooms and an outdoor learning center. The Ambassador Park plan is to be universally accessible with intergenerational activities. Features include looping trails, play pockets, a pavilion, and restrooms. She stated that the next steps are to bring the Action Plan back to

the Parks Commission for final approval and transfer operation from the Soccer Complex to Ambassador Park. Construction is slated to begin in 2025.

Councilman Soltis complimented the Nature Center staff on their knowledge and helpfulness.

Motion to approve the Red Oaks Ambassador Action Plan.

Motion made by Councilor Rohrbach, Seconded by Councilman Soltis.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

**CM-23-283. Litigation - Case No. 22-197465-CZ, Artic Fox, LLC v. City of
Madison Heights and Case No. 2023- 201613-CZ, 305 N Euclid v. City
of Madison Heights.**

Motion to concur with the City's Special Counsel, City Attorney, and City Manager and approve settlement in the litigation of Case No. 22-197465-CZ, Artic Fox, LLC v. City of Madison Heights and Case No. 2023- 201613-CZ, 305 N Euclid v. City of Madison Heights.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming.

Councilor Rohrbach stated that she is not going to support this motion. While settling in this instance would bring under \$1 million to the City, this does not suit the best interests of our residents or our corporate citizens, and it is not doing what we said we were going to do in the first place. We told the people we would be having two, possibility 3 facilities. Now we are being sued and settling in this manner will open the flood gates to more marihuana facilities. She clarified that she is not opposed to marihuana facilities in general, but she supports the limit. She finds it shameful to change what the Council told the residents, and it would be wrong to change it now. We should not move forward. She stated that we all want to see our blighted buildings fixed, but not this way. Settling this would open the door to being bullied for further developers and she stated that she is vehemently opposed.

Mayor Pro Tem Bliss stated the Council has turned down two other settlement offers on the recommendation of our legal counsel. In these two cases before us, the recommendation is to approve the settlement based on the opinion of our counsel and management. He stated that it is easy to say no, but that will not address the blight issues. The Council has approved car washes despite having too many in the city. He stated that Council generally defers to our legal counsel expertise and must also consider the financial impact. Over 5 years, the financial impact is close to \$2 million dollars. If we go into a recession, we are going to regret not approving this. He stated that he will be voting yes. He added that it is important to note what these buildings look like today and what they will be in the future should this get approved.

Councilman Meir stated that he is the newcomer in this discussion, but he has had a crash course and is up to speed on the matter. He stated that he is a numbers person and that is what he looks at; however, he is also trying to use common sense and look at quality of life. He

stated that he has read through agreements and spent time with the City Manager and legal counsel, and he understands the financial implications. He stated that he couldn't help feeling a little bullied when reading through the settlement wording. While he sees the financial good, he wonders how it will affect quality of life and why we need so many marihuana places in such a small city.

Councilor Wright stated that as we begin our new session of Council, one of the things he consistently heard while in the community, was no to more marihuana facilities; not all felt this way, but that was the majority opinion. He stated that the financial impact is not as big as being presented. At the end of the day, it goes to what the residents want, and they do not want it, and we can't ignore that. We need to represent the residents. Our residents have been clear.

Councilman Soltis stated that he was against any marihuana facilities from the very beginning because of our kids. What kind of example are we setting for them. To him, this is a disaster in the making.

In response to Mayor Pro Tem Bliss' question, City Manager Marsh stated that the budget allocates about \$500,000 for parks projects.

In response to Mayor Grafstein's question, City Manager Marsh stated that if the settlement was approved, the business would generate approximately \$250,000 in recurring revenues for the city.

In response to Councilor Rohrbach's question, City Manager Marsh stated in the past year the city has obtained approximately \$1 million in grant funding and has another \$2 million in grant funding pending.

Councilor Rohrbach stated that the city does a fantastic job securing grants and she hopes this will continue. She stated that marihuana revenues are not the only revenue stream for special projects. She also understands that we don't want to use our litigation budget, but the city does fund this for the purpose of fighting lawsuits.

In response to Councilman Fleming's question, City Manager Marsh stated that the city does not spend much money to apply for grants. She stated that the city does have matching obligations for a lot of grants; however, most recent grants have not required matching funds.

Mayor Pro Tem Bliss noted that while we do have a fund for litigation, when we utilize the fund, we do have to replenish it.

Mayor Grafstein stated that if the city has an opportunity to obtain financial help, that should be considered and looked at. If our attorney and City Manager say that this is something we should consider, we should take that into consideration as well.

Councilman Meir stated that he is all for removing vacant buildings and for economic development. It is an eyesore on 12 Mile Road, and he is surprised the city can't do anything to help clean it up. He asked if we are filling buildings only to create newer vacant buildings by driving others out of business. He stated that he is very pro youth and has been involved in schools and with youth for 30+ years. He stated that the majority of those addicted to higher level drugs started with marihuana. I know they have a lot of security procedures in place and do an excellent job, but he must look at other considerations as well.

Roll Call Vote:

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming

Voting Nay: Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion fails 3-4.

CM-23-284. Ordinance No. 2196, Medical Marihuana Facilities Amendment, Second Reading and Ordinance No. 2197, Marihuana Licensing Amendment, Second Reading – POSTPONED.

Motion to postpone Ordinance No. 2196, Medical Marihuana Facilities Amendment on Second Reading and Ordinance No. 2197, Marihuana Licensing Amendment on Second Reading until they are reintroduced by staff.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

COUNCIL APPOINTMENTS:

CM-23-285. Active Adult Center Advisory Board Appointments.

Motion to appoint Quinn Wright as the Council Representative and Sean Fleming as the Council Alternate to the Active Adult Center Advisory Board with terms to expire November 10, 2025.

Motion made by Councilor Rohrbach, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-23-286. Arts Board Appointments.

Motion to appoint Mark Bliss as Council Representative and Bill Mier as Council Alternate to the Arts Board with terms to expire November 10, 2025.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Bliss.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-23-287. City-School Liaison Committee Appointments.

Motion to appoint Bill Mier as Council Representative and Quinn Wright as Council Alternate to the City-School Liaison Committee with terms to expire November 10, 2025.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-288. Crime Commission Appointments.

Motion to appoint Sean Fleming as Council Representative and Quinn Wright as Council Alternate to the Crime Commission with terms to expire November 10, 2025.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Soltis.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-289. Election Commission Appointment.

Motion to appoint Sean Fleming as Council Representative to the Election Commission with a term to expire November 10, 2025.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-290. Environmental Citizens Committee Appointment – Council Representative.

Motion to appoint Emily Rohrbach as Council Representative to the Environmental Citizens Committee with a term to expire November 10, 2025.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion Carried.

CM-23-291. Environmental Citizens Committee Appointment- Council Alternate.

Motion to appoint Quinn Wright as Council Alternate to the Environmental Citizens Committee with a term to expire November 10, 2025.

Motion made by Councilman Fleming, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-292. Historical Commission Appointments.

Motion to appoint Mark Bliss as Council Representative and Sean Fleming as Council Alternate to the Historical Commission with terms to expire November 10, 2025.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-293. Human Relations and Equity Commission Appointments.

Motion to appoint Quinn Wright as Council Representative and Emily Rohrbach as Council Alternate to the Human Relations and Equity Commission with terms to expire November 10, 2025.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-294. Information Technology Advisory Committee Council Appointments.

Motion to appoint Mark Bliss as Council Representative and Bill Mier as Council Alternate to the Information Technology Advisory Committee with terms expiring November 10, 2025.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-295. Library Advisory Board Council Appointments.

Motion to appoint David Soltis as Council Representative and Bill Mier as Council Alternate to the Library Advisory Board with terms expiring November 10, 2025.

Motion made by Councilman Fleming, Seconded by Councilor Rohrbach.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-296. Madison Heights Community Coalition Council Appointment.

Motion to appoint Quinn Wright as Council Representative to the Madison Heights Community Coalition with a term to expire November 10, 2025.

Motion made by Councilor Rohrbach, Seconded by Councilman Soltis.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-297. Parks and Recreation Advisory Board Council Appointments.

Motion to appoint Emily Rohrbach as Council Representative and Bill Mier as Council Alternate to the Parks and Recreation Advisory Board with terms expiring November 10, 2025.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-298. Planning Commission – Mayor's Council Appointment.

Motion to confirm the Mayor's appointment of Mark Bliss as Council Representative to the Planning Commission with a term expiring November 10, 2025.

Motion made by Councilor Rohrbach, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming,
Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor
Wright

Motion carried.

CM-23-299. Southeastern Michigan Council of Governments (SEMCOG) Council Appointments.

Motion to appoint Sean Fleming as Council Representative and Quinn Wright as Council Alternate to the Southeastern Michigan Council of Governments (SEMCOG) with terms expiring November 10, 2025.

Motion made by Councilor Rohrbach, Seconded by Councilman Mier.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-23-300. Youth Assistance – Council Appointment.

Motion to appoint Bill Mier as Council Representative to Youth Assistance with a term expiring November 10, 2025.

Motion made by Councilman Fleming, Seconded by Councilor Wright.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

CM-23-301. Zoning Board of Appeals – Council Appointment.

Motion to appoint Sean Fleming as Council Representative to the Zoning Board of Appeals with a term expiring November 10, 2025.

Motion made by Councilman Mier, Seconded by Councilman Soltis.

Voting Yea: Mayor Grafstein, Mayor Pro Tem Bliss, Councilman Fleming, Councilman Mier, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Motion carried.

COUNCIL COMMENTS:

Councilman Meir expressed thanks to Councilwoman Aaron for her service. He said that it is exciting to be on this side of the table and it has been a busy couple of weeks getting up to speed. He noted that it was a very difficult decision to make this evening regarding the legal settlements. In the past couple of weeks, he has attended the Lamphere School Board and he stated that he is going to try to attend a Madison District Board meeting as well. This Monday was World Kindness Day. He is going to attempt to fill in for Gary McGillivray at Little League opening day on May 11th as emcee. He stated that he is sad that Margene Scott had to miss the swearing-in this evening due to her knee surgery. He commented that he ran for this office because of Gary McGillivray,

and sad that he is not here to see it. He continued, Commissioner McGillivray he was just Gary to him. He was his neighbor and friend and noted that he was wearing Gary's lucky tie this evening in his honor. He only hopes that he can do half as good as Gary for the city and do him proud. He sent his condolences to his entire McGillivray family and stated that Gary is going to be missed.

Mayor Pro Tem Bliss thanked Toya Aaron for her service and for hitting the ground running as a member of Council, stating that she should be proud of the work she did. Congratulations to the winners, everyone ran a great campaign. Congrats to his daughter and the John Page Middle School Band, all the musicians did a phenomenal job, and they will be playing at the Tree Lighting Ceremony as well. He stated it was a sad week with the funeral for Gary McGillivray; the entire city is grieving along with the family. He stated that he personally doesn't have a memory of the city that doesn't include Gary. Gary was an incredible mentor and led by example. Gary McGillivray was a volunteer and neighbor first before a politician. Nobody can fill his shoes and we are so thankful for him and all that he has done. Remember all the good work that he did that led to the city being what it is; he was a giant. He stated that the Council's opinions are on the record, and we now must move on, noting that he is thankful in this democratic process. The Arts Board Gala is tomorrow night. There will be live music and there still are some tickets available online and there will be a limited number of tickets at the door. He stated that he is excited to see everyone at the event.

Councilor Wright expressed heartfelt condolences to the McGillivray family. To see his memories and family at the funeral was very touching. He congratulated Bill Mier for joining the Council, noting that he looks forward to their conversations. He thanked Toya Aaron for her service. Happy Thanksgiving to all.

City Attorney Sherman congratulated Councilwoman Aaron on her well-run campaign and wished her the best. Congratulations to Bill Mier and welcome to the Council. He stated that Gary and Diane McGillivray loved Madison Heights and Madison Heights loved them. He noted that It was a beautiful thing to have the park named after Gary while he was still with us. Former Deputy City Manager Pete Conners gave an incredible eulogy listing all Gary's accomplishments. Gary was very instrumental in the development of the city and had remarkable accomplishments. The city owes a great debt of gratitude for the McGilvery family for everything they have done. Gary's legacy will remain in our hearts and minds for all the good things he has done for the city.

City Manager Marsh congratulated all that won their elections, looking stated that she is looking forward to working with you. She invited all to attend the Tree Lighting on November 27th. At the Tree Lighting, the City will be presenting Volunteer Awards and at the Council meeting that evening, Consumers Energy will be presenting a check for \$250,000 for an amphitheater at Civic Center Park and she encouraged attendance.

City Clerk Rottmann had no comments this evening.

Councilor Rohrbach had no comments this evening.

Councilman Fleming stated on December 2nd, Lamphere is having a craft show. Congrats to the Bishop Foley Soccer team for going to the State Championships.

Councilman Soltis had no comments this evening.

Mayor Grafstein welcomed Bill Mier to the Council and congratulated the winners of the election and expressed thanks to Toya Aaron. She asked Toya Aaron to please stay active; we need your input. She stated that Gary McGillivray's funeral was difficult, and while he will be missed, he

lives on in everything he did for the city. She stated that she appreciates Councilman Mier's tribute to Gary. She congratulated the Women's Club for hosting the Veteran's Day ceremony. She spoke of the veteran's tree at the Library and noted that the ceremony was a nice way to honor our veterans. She commented that State Representative McFall had Mental Health Town Hall, and she encourages everyone to remove the stigma of mental health. She also thanked Representative McFall for inviting her to the anniversary dinner at the Holocaust Museum stating the event was interesting and moving. She noted that she was able to reconnect with a Holocaust survivor who was formerly a resident of Madison Heights and state "never again" is now. She encourages everyone to get educated on the events happening in the Middle East and learn what is happening. Please pray for everyone in the Middle East and for the release of the hostages. November 27th is the next Council meeting and she invited all to attend the Tree Lighting Ceremony that evening.

ADJOURNMENT:

Having no further business, Mayor Grafstein adjourned the meeting at 9:19 p.m.