

City Council Regular Meeting
Madison Heights, Michigan
June 13, 2022

A City Council Regular Meeting was held on Monday, June 13, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street

PRESENT

Mayor Roslyn Grafstein
Councilwoman Toya Aaron
Councilman Sean Fleming
Councilor Emily Rohrbach
Councilman David Soltis
Councilor Quinn Wright

ABSENT

Mayor Pro Tem Mark Bliss

OTHERS PRESENT

City Manager Marsh
City Attorney Sherman
City Clerk Rottmann

Councilwoman Aaron gave the invocation and the Pledge of Allegiance followed.

CM-22-184. Excuse Councilmember.

Motion by Councilor Wright, seconded by Councilwoman Aaron, to excuse Mayor Pro Tem Bliss from tonight's meeting.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-185. Additions/Deletions.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to add to the agenda, under Communications, Item #16 - Request to Recognize Madison Heights Citizens United as a Non-Profit Organization for the Purpose of Obtaining a Charitable Gaming License.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-186. Special Approval PSP 22-05 - Lutfi Alrishood D/B/A 'Dino Land' - 32109 John R Road - Indoor Recreation In A B-3, General Business District.

City Manager Marsh reviewed Special Approval Request PSP 22-05 from Lutfi Alrishood, D/B/A 'Dino Land' at 32109 John R Road, for indoor recreation in a B-3, General Business District.

Mayor Grafstein opened a public hearing at 7:39 p.m. to hear comments on Special Approval PSP 22-05.

Stuart Frankle, owner and developer of Madison Plaza, stated that Dino Land is a tenant in another community and is a great tenant and would be an asset to the community.

Mr. Alrishood, owner, stated that this is a family owned business. He started in 2019 and the venue is an alternative to an arcade for kids. It provides a nice setting for kids to play in and cafe for parents to watch. He wanted to open a second store and this keeps kids active, off the screen and is a healthy entertainment for kids. There are daily admissions, memberships, birthday parties and a kitchen available and he is hoping for an October opening. Admission is \$12 for ages 2 and up and \$6 for ages under 2.

Seeing no one further wishing to speak, Mayor Grafstein closed the public comments at 7:43 p.m.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming:

WHEREAS, a Special Approval Board application has been received from 32109 John R Road, requests for approval for indoor entertainment in a B-3, General Business district; and

WHEREAS, a public hearing was published in the Royal Oak Tribune on May 25, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community and Economic Development Department stating:

Introduction

The applicant, Lutfi Alrishood, requests special use approval to operate an indoor children's recreation business within an existing commercial retail center. The subject property is located at 32109 John R Road (PIN 44-25-02-226-030), and is zoned B-3, General Business. The property is commonly known as 'Madison Place' shopping center. The applicant does not propose site modifications as part of this special approval request.

Background and Analysis

The applicant proposes to operate an indoor children's playground and café known as 'Dino Land' within a vacant retail space at the Madison Place shopping center. The vacant retail space is approximately 9,600 square feet. Per the project

description, the business will provide an indoor playground for children, four private birthday party rooms, and a café.

Per Section **10.326**, ‘*video arcade businesses and indoor and/or outdoor recreational businesses*’ are permitted as a special use within the B-3 zoning district.

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

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

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

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

Existing Zoning and Land Use

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

	Existing Land Use	Existing Zoning
Site	Retail/Commercial	M-2, Heavy Industrial
North	Retail/Commercial	M-2, Heavy Industrial
South	Retail/Commercial	M-2, Heavy Industrial
East (across John R Rd.)	Retail/Commercial	M-2, Heavy Industrial
West (across Barrington St.)	Multi-Family Residential	R-M, Multi-Family Residential

32109 John R Road is located within the Madison Place shopping center. With the exception of the Lexington Place apartments to the west, the site is surrounded by commercial and retail zoning/uses.

The subject site is zoned B-3, General Business, which, per the Zoning Ordinance, is, “*designed to provide sites for more diversified business types and is often located so as to serve the passer-by traffic.*”

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Mixed Use Innovation
North	Commercial
South	Mixed Use Innovation
East (across John R Rd.)	Commercial
West (across Barrington St.)	Multiple Family Residential

The future land use designation of the subject site is ‘*Mixed Use Innovation.*’ Per the Master Plan, Mixed Use Innovation is a new land use designation that is intended to, “*encompass existing areas within the city that are changing from older industrial and commercial uses to newer uses [...]. This designation encourages a mix of office, service, commercial, and light industrial uses.*” The Master Plan further calls out the Madison Place shopping center as an area where the City should encourage flexibility of uses and encourage reinvestment.

Site Plan Review Committee

The Site Plan Review Committee (SPRC) reviewed the special use application at their May 25th, 2022 meeting. The SPRC did not cite any concerns with the proposed use.

Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval to operate an indoor children’s recreation business within an existing commercial retail center at 32109 John R Road.
2. The subject property is zoned B-3, General Business, and is improved with the Madison Place shopping Center.
3. The proposed use is consistent and compatible with adjacent commercial/retail uses and adjacent zoning.
4. The proposed use is consistent and compatible with the Mixed Use Innovation future land use designation as envisioned within the Master Plan.
5. The proposed use generally satisfies the special use approval review standards and criteria listed in Section 10.201(4).

Based on these findings, staff recommends that the City Council **approve** the requested special use application for an *indoor recreational* use at 32109 John R Road.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.20 of the Code of Ordinances, hereby APPROVES the request for Special Use PSP 22-05 to permit indoor recreation at 32109 John R Road in a B-3, General Business District.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

Meeting Open To The Public.

Resident (no name or address given), stated that she was a 37-year tax payer in the City. She stated that statements made by Councilor Wright in the past were inaccurate and stated that HREC is not above criticism and other opinions should be taken into account.

Lynn Tinkham, resident, stated she lived behind the church of Nazarine and she requested the 3 story high cotton wood tree be taken down behind her lot. She also requested that the plasma business be cited by Code Enforcement since plasma bandages keep coming into her yard and her garage.

Kevin Wright, Board of Director on Citizen United, spoke in support for the Juneteenth event. We will gather on Saturday to celebrate liberty, freedom and what it is to be a part of the great American mosaic.

Laurie Gerald, spoke in support of the City Resolution to recognize Madison Heights Citizens United as a non-profit organization so that they can obtain a license to hold a raffle. She stated that Juneteenth is a labor of love with hundred of hours of labor and dedication going into making the event a success.

Michael Jerome Howard II, pastor and Madison Heights Citizens United Director, spoke on history of Juneteenth and stated they would love to have the full support of the City at the event.

CM-22-187. City Manager - Emergency Purchase, Change Order #1 and #2 - Adams Demolition for 901 and 945/959 E. Ten Mile.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to receive and file the Emergency Purchase, Change Order #1 and #2 - Adams Demolition for 901 and 945/959 E. 10 Mile.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-188. GFL - Service Update.

Don Barretta from GFL provided City Council with a service update for the City. He stated GFL has been with Madison Heights for several years and are happy to service the community. In response to Council questions, Mr. Barretta stated that it is very rare

to get complaints, but GFL does have a supervisor in the City five days per week to respond. Mr. Baretta stated that they have been operating a little later in the community. DPS Director Almas confirmed that DPS has not received very many complaints on late pickup, but the later pickups are resulting from construction in the area. Mr. Baretta informed Council that currently problems do arise from getting heavy duty equipment and parts. Mr. Almas advised that anyone with a complaint can call DPS staff and that complaint will be directed to GFL; he also reminded residents to put their can out by 7 a.m.

CM-22-189. Contract for Assessing Services (Budget Amendment).

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve a budget amendment for Fiscal Year 2023 in the amount of \$8,755.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-190. Contract for Assessing Services.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve a 1-year assessing services contract with Oakland County for July 1, 2022 to June 30, 2023 in the amount of \$212,776.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-191. 2022 Oakland County Local Road Improvement Program (LRIP) Cost Participation Agreement.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve the Cost Participation Agreement for the 2022 Local Road Improvement Program and authorize the Mayor to sign on behalf of the City.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-192. Council Approval of the 2022 Festival in the Park Fireworks Display Permit (Rescind Motion #22-140).

Motion made by Councilman Soltis, Seconded by Councilwoman Aaron, to rescind the previous permit approval to Great Lakes Fireworks, due to their inability to commit to delivering the 2022 Festival in the Park Fireworks Display.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-193. Council Approval of the 2022 Festival in the Park Fireworks Display Permit.

Motion made by Councilman Soltis, Seconded by Councilwoman Aaron, to approve permit for 2022 Festival Display from Pyrotecnico Fireworks, and authorize the Mayor to sign on the City's behalf.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-194. Resolution Adopting Poverty Exemption Guidelines.

Motion made by Councilor Wright, Seconded by Councilman Soltis, to approve the 2022 Poverty Exemption Guidelines Resolution, in compliance with PA 253 of 2020, as follows:

**RESOLUTION ADOPTING
POVERTY EXEMPTION GUIDELINES**

WHEREAS, Public Act 253 of 2020, which amended Section 7u of Act No. 206 of the Public Acts of 1893, as amended by Act No. 313 of the Public Acts of 1993, being sections 211.7u of the Michigan Compiled Laws, requires that the governing body of the local assessing unit determine and make available to the public the policy and guidelines used by the Board of Review in granting reductions in property assessments due to limited income and assets, referred to as "Poverty Exemptions."

THEREFORE, BE IT RESOLVED that in order to be eligible for poverty exemption in the City of Madison Heights, a person shall do all of the following on an annual basis:

1. Be an owner of and occupy as a principal residence the property for which an exemption is requested.
2. File a claim with the Board of Review on a form provided by the **City Assessor's Office**
The form must be filled out in its entirety and returned in person. Handicapped or

infirm applicants may call the **Assessor's Office** to make necessary arrangements for assistance.

3. Submit the most recent year's copies of the following:
4. All applicants and other persons residing in the homestead **must** submit last year's copies of the following:
 - a. Federal Income Tax Return-1040, 1040A or 1040E.
 - b. Michigan Income Tax Return-MI1040, MI1040A or MI1040EZ.
 - c. Senior Citizens Homestead Property Tax Form MI-1040CR-1.
 - d. General Homestead Property Tax Claim MI-1040CR-4.
 - e. Statement from Social Security Administration and/or Michigan Social Services as to moneys paid to you during previous year.
 - f. All copies of the prior year bank statements (including December) as well the statement(s) from the current month.
 - g. Family Independence Program (FIP) and/or Food Assistance Program (FAP) statement of benefits.
 - h. Complete IRS form 4506-T and return it with the application.
5. Produce a valid driver's license or other form of identification for all persons residing in the household.
6. Produce a deed, land contract or other evidence of ownership of the property for which the exemption is requested.

BE IT FURTHER RESOLVED that applications may be filed only once annually beginning January 1st each year for the March Board of Review or beginning May 1st until the day prior to the last day of the Board of Review meeting.

BE IT FURTHER RESOLVED that the applicant's total household income cannot exceed the Federal Poverty Guidelines published in the prior calendar year in the Federal Register set forth by the U.S. Department of Health and Human Services as established by the State Tax Commission-to be updated annually.

BE IT FURTHER RESOLVED that meeting the income level guidelines does not guarantee 100% exemption, at their discretion, the Board may approve 25%, 50% or 100% exemption, if deemed appropriate.

BE IT FURTHER RESOLVED that if the Board of Review determines that the applicant has or should have income from other sources, such as relatives, dependents and/or friends, they may add this income to the applicant's reported income. If the resulting sum of these incomes is greater than the income guidelines, then a poverty exemption may be denied. If the amount of this income is added to the applicant's reported income and the resulting sum is less than the income guidelines, then a poverty exemption may be granted.

BE IT FURTHER RESOLVED that the Board may review applications without the applicant being present. However, *the Board may request that any or all applicants be physically present to respond to any questions the Board or Assessor may have. This means that an applicant could be called to appear on short notice.*

1. At this meeting an applicant should be prepared to answer questions regarding their financial affairs, health, the status of people living in their home, etc.
2. All applicants appearing before the Board will be administered an oath, as follows:

"Do you, _____, swear and affirm that evidence and testimony you will give on your own behalf before the Board of Review is the truth, the whole truth, and nothing but the truth, so help you God."

Applicant responds, "I do" or "I will."

BE IT FURTHER RESOLVED that a poverty exemption shall not be granted to any applicant whose assets exceed \$10,000. An applicant's homestead and principal vehicles shall be excluded from consideration as an asset. All other property, including from all other persons residing in the household, shall be included as an asset. Property shall include, but is not limited to: cash, savings, stocks, bonds, mutual funds, insurance commodities, coin collections, art, motor vehicles, recreation vehicles, etc.

BE IT FURTHER RESOLVED that the designated City Official and the Board of Review must agree as to the disposition of the poverty claim for the exemption to be granted and any successful applicant may be subject to personal investigation by the City. This would be done to verify information submitted or statements made to the Assessor or Board regarding their poverty tax exemption claim. The designated City Official will tape and keep minutes of all proceedings before the Board of Review and all meetings must be held in a municipal building.

BE IT FURTHER RESOLVED a person filing a poverty exemption claim is not prohibited from also appealing the assessment on the property for which that claim is made before the March Board of Review in the same year.

BE IT FURTHER RESOLVED that the Board of Review shall follow the policy and guidelines set forth above when granting and denying poverty exemptions. The same standards shall apply to each taxpayer within the city claiming the poverty exemption for the assessment year. In reviewing the application and all supporting documentation, the Board of Review will consider income, assets, and potential earning capacity of the applicant.

BE IT FURTHER RESOLVED that in order to ease the burden on taxpayers, the assessor and the Board of Review and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the City of Madison Heights hereby resolves, according to provisions of MCL 211.30(8) of the General Property Tax Act, that the Board of Review shall receive letters of protest regarding assessments from resident taxpayers from the first Tuesday in March until it

adjourns from the public hearings for which it meets to hear such protests. All notices of assessment change and all advertisements of Board of Review meetings are to include a statement that the resident taxpayers may protest by letter to the Board.

BE IT FURTHER RESOLVED that to conform with the provisions of PA 253 of 2020, this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-195. Purchase of 2 Police Patrol Vehicles.

Motion made by Councilwoman Aaron, Seconded by Councilor Rohrbach, to award the purchase of two Dodge Durango Pursuit vehicles to Galeana's Van Dyke Dodge, of Warren, Michigan, in the total amount of \$78,110, under the Oakland County Cooperative Purchasing bid.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-196. Ordinance No. 2181 - Medical Marijuana Ordinance Amendment, Second Reading.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve Ordinance No. 2181, Medical Marijuana Ordinance Amendment, on Second Reading as follows:

ORDINANCE NO. 2181
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY,
MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

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

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

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

ARTICLE XVI. – MEDICAL MARIHUANA FACILITIES

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

- (a) In the event the City receives more eligible applications for a specific type of city license than is authorized by the City, the City shall select the Applicant or Applicants most suitable to operate its facility based on an objective and competitive process. This process is subject to the provisions of this Section. This process is only necessary if the City receives more eligible applications than is authorized for any given type of Medical Marihuana Facility.
- (b) A three person panel consisting of the City Manager, City Attorney, and Chairperson of the City's Planning Commission, or their designees, on behalf of the City shall assess, evaluate, score, and rank all impacted applications and authorize the City's issuance of all Marihuana 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. In the City's selection process, If no application receives a score higher than 170 in this process, the City reserves the right to reject all applicants.

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. All proposals must be entirely located in the designated

“green” zone from the map approved by City Council. The maximum number of scoring points in this category shall be ten (10) points;

- (3) Planned neighborhood physical area improvement on behalf of the Applicant, and whether the Applicant or its stakeholders have made, or plan to make, significant physical improvements to the area around the property or other areas contiguous to the property that would include, but not be limited to, plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood and improve the surrounding neighborhood and area. Planned outreach may also include plans to make significant physical improvements to other local private or public roads, right of ways, alleys, parks or any other private or public property that would benefit the surrounding area. The maximum number of scoring points in this category shall be twenty (20) points.
- (4) The business probity, moral reputation, and relevant criminal history of Applicant or any of its stakeholders; Whether the Applicant or any of its stakeholders have a clean record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; Whether the Applicant or any of its stakeholders have owned similar marihuana industry businesses in the nation with solid business practices. 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 parcel that will house the proposed marijuana business including the increase in taxable value, 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 derelict property 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 stormwater management design and plans that improve green infrastructure of the city;

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

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

- (6) Whether Applicant and its stakeholders have reasonably and tangibly demonstrated that it possesses sufficient financial resources to fund, and the requisite business experience to execute its business plan and proposed operations in its application; Whether Applicant or its stakeholders have disclosed the total investment dollar amount and supplied supporting documentation to support the estimate; 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 and Michigan Regulation and Taxation of Marihuana Act (MRTMA), at its proposed location in the City to co-locate a Medical Marihuana Facility Class C Grower, a Processor and Provisioning Center and Adult-Use Marihuana Establishment Class C Grower, Processor and Retailer 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 and retailer in the same location, in strict compliance with the conditions and provisions of the MMFLA, MRTMA the Administrative Rules and this Article and Article VII in Section 7 of the City's Code of Ordinances for the operation of these 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) Applicant agrees that is selected, issuance and renewal of Licenses is contingent on joining and participating in the city's Marihuana Community Advisory Committee. Licenses agree to donate \$25,000 annually plus provide 1% of annual net profits for the Marihuana Community Advisory Committee payable to the City of Madison Heights. Further the applicant will appoint one-member to serve on the Community Advisory Committee for the review and consideration of funding awards and community outreach. 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, a Certificate of Occupancy issued, and full compliance achieved in accordance with its application for such license and any relevant City ordinances regulating Marihuana Licensees within six months of issuance. Licensees delinquent in satisfying the requirements of this Section within the required time shall either post a surety bond of fifty thousand (\$50,000.00) dollars to assure imminent compliance or immediately surrender the license. Upon filing a surety bond, Licensee has an additional ninety (90) days to achieve compliance with the requirements of this Section or the surety bond amount shall be forfeited to the City and the license revoked. Licensee may appeal such a revocation to a hearing officer appointed by the City Council as allowed under Sec 7-33. The surety bond

amount will be returned to the Licensee within twenty (20) days of compliance with this Section if it has not been forfeited. The City may extend the time periods for Licensee compliance of this Section at sole discretion of City Manager for extraordinary circumstances. Failure by a Licensee to post a surety bond or relinquish a license in accordance with the provisions of this Section are punishable pursuant to Sec 1-7.

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.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilor Wright

Voting Nay: Councilman Soltis

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-197. Ordinance No. 2183 - 2021 Property Maintenance Code - First Reading.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve Ordinance No. 2183, 2021 Property Maintenance Code, by name and title only on First Reading and schedule a second reading for June 27, 2022, as follows:

ORDINANCE NO. 2183
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY,
MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An ordinance to amend ordinance 571 being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 6, Article VII, to adopt a property maintenance code to insure the public health, safety, and welfare.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-198. Ordinance No. 2186 - 2021 International Fire Code - First Reading.

Motion made by Councilwoman Aaron, Seconded by Councilman Soltis, to adopt Ordinance No. 2186, 2021 International Fire Code, by name and title only on First Reading and schedule a Second Reading for June 27, 2022, as follows:

ORDINANCE 2186
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 Chapter 12-26 and 12-27, of the Code of Ordinances to adopt by reference the 2021 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Pro Tem Bliss

Motion Carried.

CM-22-199. Rezoning Request PRZN 22-01(Ordinance No. 2184) - Rezone 30151, 30171 and 30183 Dequindre Road from R-3, One-Family Residential, to R-M, Multiple-Family Residential, First Reading.

Motion made by Councilwoman Aaron, Seconded by Councilor Rohrbach, to adopt Ordinance No. 2184, Rezoning request for 30151, 30171 and 30183 Dequindre Road, by name and title only on First Reading as follows, and schedule a public hearing and Second Reading on July 11, 2022.

ORDINANCE NO. 2184
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 the zoning map in connection therewith.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-200. Rezoning Request PRZN 22-02(Ordinance No. 2185) - Rezone three (3) parcels of land at 29022 Stephenson Hwy. from M-1, Light Industrial, to B-3, General Business, First Reading.

Motion made by Councilwoman Aaron, Seconded by Councilor Rohrbach, to adopt Ordinance No. 2185, Rezoning request for three (3) parcels of land at 29022 Stephenson Hwy, from M-1 Light Industrial to B-3, General Business by name and title only on First Reading as follows, and schedule a public hearing and Second Reading on July 11, 2022.

ORDINANCE NO. 2185
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 the zoning map in connection therewith.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-201. Regular City Council Meeting Minutes of May 23, 2022.

Motion made by Councilor Wright, Seconded by Councilman Soltis, to approve the Regular City Council Meeting minutes of May 23, 2022 as printed.

Voting Yea: Mayor Grafstein, Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright
Absent: Mayor Pro Tem Bliss
Motion Carried.

CM-22-202. Council Comments.

Councilwoman Aaron wished everyone a Happy Pride Month and a Happy Father's Day. She thanked Citizens United for hosting the Juneteenth Festival. As a black woman raising a black son, she is appalled at the racial narrative regarding the City. She has never been unwelcomed and always feels part of the community. She understands what is happening in the world, because she has a black son, so just because she doesn't see it doesn't mean it doesn't exist and she acknowledged others experiences.

Councilor Wright wished everyone a Happy Father's Day. It is also Men's Health Awareness Month and as men, we are taught to be providers but often not taught to take care of ourselves. Please remember to do so. He wished everyone a Happy Pride Month. He believes there is inequality, and talking about racism is not divisive; not talking about it is. He stated that he is open to having a dialogue about it. He stated that he is not retracting his previous statement referenced in the public comments and he wants our differences not to be marginalized, but celebrated. All our life stories are different. He encouraged all to come out to Juneteenth; come celebrate it and it is an event for all. Please remember to be kind.

Assistant City Attorney Burns had no comments this evening.

City Manager Marsh had no comments this evening.

City Clerk Rottmann stated that absentee applications were available for the August and November elections and they have been mailed to those on the permanent absentee application list. New Voter ID cards should be in resident's mailboxes soon; this is due to redistricting and changes in our precincts and legislative numbers.

Councilor Rohrbach thanked everyone who participated in the Arts and Pride event this past weekend. She stated that she is excited for Juneteenth and the Festival in the Park events. She wished a Happy Father's Day to all the dads. For many it is the last week of

school, and she expressed congratulations to the senior classes of the Lamphere and Madison high schools; you made it during these crazy times. She congratulated Katlyn Dugan for being Valevictoriam of Lamphere High School. With the upcoming election, please get out and vote. Councilor Rohrbach noted that gently used shoes are being collected for Youth Assistance.

Councilman Fleming had no comments this evening.

Councilman Soltis wished a Happy Father's Day to all. He stated that being up here as an elected official can be tough at times. He stated that while he understands freedom of speech, he wants to encourage us all to get along and not be divisive. We all work hard to be good public servants and this is what really matters.

Mayor Grafstein suggested implementing a Consent Agenda. She thanked everyone who came out to the meeting today and those who participated. She is hoping that this meeting taping is successful and the sound is good. She stated that this is the 40th anniversary of the beating of Vincent Chen, and on June 20th, Detroit Public Television will be airing programming about this event. She asked residents to please give GFL some grace; they aren't intending to pick up your garbage late. Juneteenth is this weekend, please come out. The next Council meeting is on June 27th here at Fire Station #1.

CM-22-203. Adjournment.

There being no further business, the meeting was adjourned at 8:51 p.m.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk