

City Council Regular Meeting
Madison Heights, Michigan
January 22, 2024

A City Council Regular Meeting was held on Monday, January 22, 2024 at 7:30 PM at City Hall
- Council Chambers, 300 W. 13 Mile Rd.

PRESENT

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

OTHERS PRESENT

City Manager Melissa Marsh
City Attorney Larry Sherman
Deputy City Manager/City Clerk Cheryl Rottmann

The invocation was given by Councilman Mier and the Pledge of Allegiance followed.

CM-24-12. Addition to the Agenda.

Motion to add under Reports: MMRMA Special Legal Counsel's Recommendation in Case No. 22-197464-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.

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

Voting Nay: Councilor Wright

Motion carried.

PRESENTATIONS:

2023 Fire Department Awards

Fire Chief Lelito and Captain Dwyer presented the following 2023 Fire Department Awards:

Firefighter of the Year

Dustin Toll

Award of Merit

Lt. Brown

FF. Roberts

FF. Levey

Civilian Citation

Robb Thompson

Kyle Marchetti

Mayor Grafstein thanked the Firefighters for all their hard work and their families for their support.

Oakland80 Initiative

Oakland County Director of Workforce Development, Jennifer Llewellyn, stated that in 2019, Michigan Governor Gretchen Whitmer set a goal to increase Michigan's adult post-secondary education rate to 60% by 2030. In Oakland County, 61% of adults already had a college degree or other post-secondary credential, prompting its leaders and key partners to set a goal of 80% adult post-secondary attainment by 2030. To achieve 80% and ensure attainment reflects progress for all Oakland County residents, County Executive David Coulter launched the Oakland80 initiative. Oakland County has partnered with the Corporation for a Skilled Workforce (CSW) to understand key data on the makeup, needs, and potential barriers facing adult residents without post-secondary education, as well as to develop comprehensive, data-informed strategies the Oakland80 partners and stakeholders could pursue to reach their goal. Ms. Llewellyn stated that advance education results in lower unemployment rates, higher wages, and a skilled and educated workforce. As part of this program, nine Career and Education Navigators meet with residents to pursue and reach their education goals. They are adding ten to twenty additional Navigators to be placed in high schools around the county, with the goal of removing barriers from those seeking advanced education. She thanked the City Council for their support.

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to speak.

CM-24-13. Consent Agenda.

Motion to approve the Consent Agenda as read.

Motion made by Councilor Wright, 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-24-14. Regular City Council Meeting Minutes of January 8, 2024.

Motion to approve the City Council Regular Meeting Minutes of January 1, 2024, as printed.

Motion made by Councilor Wright, 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-24-15. Resolution Supporting State's Implementation of the Ground
Emergency Medical Transportation Program (GEMT).**

Motion to approve the Resolution Supporting State's Implementation of the Ground
Emergency Medical Transportation Program (GEMT), as follows:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MADISON
HEIGHTS, MICHIGAN, EXPRESSING SUPPORT FOR IMPLEMENTATION OF
THE GROUND EMERGENCY MEDICAL TRANSPORTATION PROGRAM IN
MICHIGAN

WHEREAS, the City of Madison Heights Fire Department provides Ground Emergency
Medical Transportation (GEMT) services for City residents, which includes many
Medicaid beneficiaries; and

WHEREAS, the GEMT program available through the United States Centers for
Medicare and Medicaid Services provides reimbursement to public providers for services
provided to Medicaid patients; and

WHEREAS, the State of Michigan is not currently participating in the GEMT program,
which is a voluntary enrollment program at both the state and local levels; and

WHEREAS, according to the US Census Bureau, approximately 13.8% of residents
within the City of Madison Heights are Medicaid recipient; and

WHEREAS, the emergency services sector has struggled with workforce retention and
recruiting in the wake of the COVID-19 pandemic; and

WHEREAS, the GEMT program will help Michigan public agencies including the City
of Madison Heights retain and hire employees; and

WHEREAS, the GEMT program has shown to expand access, quality, and sustainability
of emergency services for Medicaid recipients for public providers; and

WHEREAS, the MI-GEMT coalition is advocating for the passage of legislation directing
the Michigan Department of Health and Human Services to enroll in the GEMT program;
and

WHEREAS, the MI-GEMT coalition includes the Michigan Association of Fire Chiefs,
Michigan Municipal League, Michigan Townships Association; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Madison Heights hereby conveys its support for efforts of the MI-GEMT coalition; and

IT IS FURTHER RESOLVED that the City of Madison Heights The City Council of the City of Madison Heights urges the Michigan State Legislature to adopt legislation directing the Michigan Department of Health and Human Services to enroll in the GEMT program through the Centers for Medicare and Medicaid Services State Plan Amendment process.

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-24-16. Interlocal Agreement between the City of Madison Heights and Habitat for Humanity of Oakland County to Manage all aspects of a Neighborhood Improvement Program.

Motion to approve the sub-recipient agreement between the City of Madison Heights and Habitat for Humanity of Oakland County to administer the CPF 2023 Grant program for Neighborhood Home Improvements as outlined in the grant application and authorize the City Clerk and City Manager to sign on behalf of the City.

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-24-17. MMRMA Special Legal Counsel's Recommendation in Case No. 22-197464-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 approve MMRMA Special Legal Counsel's recommendation in *Case No. 22-197464-CZ, Artic Fox, LLC v. City of Madison Heights* and *Case No. 2023-201613-CZ, 305 N. Euclid v. City of Madison Heights*, as discussed in Closed Session.

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

Mayor Pro Tem Bliss suggested, and Councilman Fleming concurred, that revenues from this settlement agreement be earmarked toward public safety.

Motion to postpone consideration of the MMRMA Special Legal Counsel's recommendation in *Case No. 22-197464-CZ, Artic Fox, LLC v. City of Madison Heights* and *Case No. 2023-201613-CZ, 305 N. Euclid v. City of Madison Heights*, as discussed in Closed Session. There was no second, therefore the motion failed.

Motion by Councilor Wright. There was no second, so the motion failed.

Councilor Rohrbach stated that as she has expressed in the past, she does not support this settlement.

Mayor Grafstein stated that she supports the settlement and agrees with the suggestion of earmarking the money towards public safety.

Roll Call Vote on Original Motion:

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

Voting Nay: Councilman Mier, Councilor Rohrbach, Councilor Wright

Motion carried 4-3.

CM-24-18. Establish a Public Hearing for the 29488 John R Rd Brownfield Plan.

Motion to schedule a Public Hearing for the consideration of the Brownfield Plan submitted for 29448 John R Rd, at the Regular City Council Meeting of February 12, 2024.

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-24-19. Networking Equipment Upgrade Phase I.

Motion to approve the purchase of the Cisco Meraki MS350 switches from CDW-G, of Chicago, Illinois, under the Michigan Master Computing MiDEAL, in the amount of \$109,208.00 as well as labor cost of \$15,525 for Phase I of the Networking Equipment Upgrade project for a total amount of \$124,733.00 Funding for this project has been authorized in the FY 23/24 Budget, account number 101-228-982-0000.

Motion made by Mayor Pro Tem Bliss, 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-24-20. Purchase of Bandshell Structure Materials – Budget Amendment.

Motion to approve a budget amendment to increase revenues for the bandshell grant of \$250,000 to Miscellaneous Revenues, Account No. 101-044-674-0000 and \$250,000 to increase park improvement expense to Parks Improvements, Account No. 101-752-987-0000.

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-24-21. Purchase of Bandshell Structure Materials.

Motion to approve the purchase of the bandshell materials from Penchura, who holds a Sourcewell contract in an amount not to exceed \$79,235.

Motion made by Mayor Pro Tem Bliss, 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-24-22. Ordinance No. 2196 - Medical Marihuana Facilities Amendment,
Second Reading (POSTPONED FROM 11-16-23).**

Motion to approve Ordinance No. 2196, Medical Marihuana Facilities Amendment on Second Reading, as follows:

**CITY OF MADISON HEIGHTS
ORDINANCE NO. 2196**

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 7, Article XVI, Sec. 7-305 (d) to adopt a new Section relating to Medical Marihuana License Requirements to insure the public health, safety, and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

The existing section 7-305 (d) of Article XVI of Chapter 7 of the Madison Heights Code of Ordinance is hereby repealed and the following new section is hereby adopted to stand in its place:

CHAPTER 7 – BUSINESS REGULATIONS AND LICENSES

ARTICLE XVI – MEDICAL MARIHUANA FACILITIES

Sec. 7-305. – License requirements.

- (d) *Number of licenses.* The city has limited the number of medical *marihuana* facility licenses issued under this article and may revise this limit from time to time. The city may issue up to the maximum number of each type of city medical *marihuana* facility licenses; however, in the event of a voluntary nonrenewal or a revocation of a medical *marihuana* facility license, the city is not required to take applications for the newly available licenses. The maximum number of each type of city medical *marihuana* facility license allowed by the city shall be as follows:

Type of Facility	Number of Licenses
Marihuana Grower – Class A (100 plants)	None
Marihuana Grower – Class B (500 plants)	None
Marihuana Grower – Class C (1,500 plants)	5
Marihuana Processor	5
Marihuana Secure Transporter	4
Marihuana Safety Compliance Facility	4
Marihuana Retailer	5

This is hereby adopted, published and approved by Madison Heights City Council together with all amendments, references and supplements are hereby adopted by reference as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The Police Department is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

THE REMAINDER OF THIS SECTION IS UNALTERED AND REMAINS IN FULL FORCE AND EFFECT AS IT WAS PRIOR TO THIS AMENDMENT.

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

Roll Call Vote:

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

Voting Nay: Councilman Mier, Councilor Rohrbach, Councilor Wright

Motion carried 4-3.

CM-24-23. Ordinance No. 2197 Marihuana Licensing Amendment, Second Reading (POSTPONED FROM 11-16-23).

Motion to approve Ordinance No. 2197, Marihuana Licensing Amendment, on Second Reading, as follows:

**CITY OF MADISON HEIGHTS
ORDINANCE NO. 2197**

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 7, Article XVI, Sec. 7-405 (e) to adopt a new Section relating to Medical Marihuana License Requirements to insure the public health, safety, and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

The existing section 7-405 (e) of Article XVI of Chapter 7 of the Madison Heights Code of Ordinance is hereby repealed and the following new section is hereby adopted to stand in its place:

CHAPTER 7 – BUSINESS REGULATIONS AND LICENSES

ARTICLE XVI – MARIHUANA ESTABLISHMENTS

Sec. 7-405. – License requirements.

(e) *Number of licenses.* The city has limited the number of *marihuana* establishment licenses issued under this article and may revise this limit from time to time. The city may issue up to the maximum number of each type of city *marihuana* establishment license; however, in the event of a voluntary nonrenewal or a revocation of a *marihuana* establishment license, the city is not required to take applications for the newly available licenses. The maximum number of each type of city *marihuana* establishment license allowed by the city shall be as follows:

Type of Facility	Number of Licenses
Marihuana Grower – Class A (100 plants)	None
Marihuana Grower – Class B (500 plants)	None
Marihuana Grower – Class C (2,000 plants) (Stacked up to 5 per each Marihuana Retailer location)	25
Marihuana Processor	5
Marihuana Secure Transporter	4
Marihuana Safety Compliance Facility	4
Marihuana Retailer	5

This is hereby adopted, published and approved by Madison Heights City Council together with all amendments, references and supplements are hereby adopted by reference as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The Police Department is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

THE REMAINDER OF THIS SECTION IS UNALTERED AND REMAINS IN FULL FORCE AND EFFECT AS IT WAS PRIOR TO THIS AMENDMENT.

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

Roll Call Vote:

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

Voting Nay: Councilman Mier, Councilor Rohrbach, Councilor Wright

Motion carried 4-3.

Council Comments:

Councilman Mier stated that he will be attending the MML Newly Elected Official training this Thursday. With the upcoming weather, he urged everyone to stay safe. He congratulated the firefighters who received awards tonight. He stated that he is not too happy with the about face on marihuana but thanked the City Attorneys for their work.

Mayor Pro Tem Bliss stated Go Lions! and congratulated them on their historic victory. He thanked Councilman Soltis for his leadership today, and noted that prior to this evening,

Councilman Soltis was opposed to everything Council has ever done on marihuana and it takes a lot to reconsider his stance and he thanked him for it.

Councilor Wright had no comments this evening.

City Attorney Sherman congratulated the firefighters and citizen recipients from this evening's Fire Department Awards. He gave a shout out to the University of Michigan for their National Championship and the Detroit Lions for winning two playoff games. He stated that he feels like he is in football nirvana, and it would be great to bring the Super Bowl to the incredible fan base that the Lions have.

City Manager Marsh announced the Oakland Saves grant program to help homeowners make energy efficient improvements to their homes. Information is available on the City's website. There are different tiers, both income qualified and non-income qualified, and she encouraged all to check out the program.

City Clerk/Deputy City Manager Rottmann stated that the Clerk's office has sent the initial mailing of absentee ballots for the February 27, 2024 Presidential Primary so they should be arriving in your mailbox shortly. If you'd like to receive an absentee ballot, please contact our office. Early voting starts on February 17th at the Royal Oak Senior Community Center. Address and time information can be found on the City's website under Election Information.

Councilor Rohrbach stated that she was disappointed in the City Council for settling the marihuana lawsuits. She commented that doing an about face is not leadership, and to do so goes against the best interest of our City. We do need to invest in public safety and parks, but not in this way. The pressure by outside groups is despicable. Go Lions!

Councilman Fleming thanked all of our firefighters for the great job they do for our city; we appreciate it. Congratulations to all of the award recipients tonight. He requested a snow plowing policy review, noting it has been hard to mitigate all the snow that has accumulated. The 2024 Memorial Day Parade Committee is looking for volunteers and vendors. The parade website will be posted on the City's website, so sign up and be part of this great event. This Thursday, the Library will be hosting the Jewish Community Relations Council/AJC Holocaust Education Panel beginning at 6:00 p.m., please come out, it will be a good program.

Councilman Soltis stated that he didn't even know who Dan Campbell was when he was on the Miami Dolphins. He credits Dan Campbell for his work with the team and he believes they will make it to the Super Bowl.

Mayor Grafstein concurred with Councilman Fleming's suggestion of a review of the snow plowing policy. She thanked the firefighters for their work and for their community outreach. She invited all to attend the Library event on Thursday; noting the City lost our Holocaust survivor this past December, and it is important to remember what happened 80 years ago. Please visit the Library to meet with Career and Education Navigator Jason to help with any questions you may have on obtaining advanced education. The next City Council meeting is February 12, 2024.

ADJOURNMENT:

Having no further business, Mayor Grafstein adjourned the meeting at 8:32 p.m.

Roslyn Grafstein, Mayor

Cheryl E. Rottmann, City Clerk