



CITY OF MADISON HEIGHTS

CITY HALL EXECUTIVE CONFERENCE ROOM - 300 W. 13 MILE ROAD

CITY COUNCIL SPECIAL MEETING AGENDA

NOVEMBER 08, 2023 AT 6:00 PM

Honorable Mayor and Council:

Notice is hereby given that a Special Meeting of the Madison Heights City Council will be held for discussion and action upon the following:

CALL TO ORDER

ROLL CALL

MEETING OPEN TO THE PUBLIC

CLOSED SESSION:

1. Oakland County Circuit Court Cases pursuant to Section 8(e) of the Open Meetings Act, MCL 15.268(e): 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.
2. Closed session for discussion of attorney-client privileged communication with legal counsel under Section 8(e) of the Open Meetings Act, MCL 15.268(e).

APPOINTMENTS:

3. Appointment of Councilman Soltis as Council Representative to the Zoning Board of Appeals.

ORDINANCES:

- [4.](#) Ordinance 2196 Medical Marihuana Facilities Amendment, Second Reading
- [5.](#) Ordinance 2197 Marihuana Licensing Amendment, Second Reading

ADJOURNMENT

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Amended 11/7/23 12:09 PM

Sherman & Sherman, P.C.

30700 Telegraph Road, Suite 3420
Bingham Farms, MI 48025-4590
(248) 540-3366 Telephone
(248) 540-5959 Fax

Larry H. Sherman
Jeffrey A. Sherman
Tim Burns

September 22, 2023

VIA EMAIL ONLY

Mayor Roslyn Grafstein
and Members of the City Council
City of Madison Heights
300 West Thirteen Mile Road
Madison Heights, MI 48071

Re: Proposed Code of Ordinances Amendments for Medical Marihuana Facilities and Marihuana Establishments License Requirements

Dear Mayor Grafstein and Members of City Council:

In accordance with Council's motion to approve the recommendation of MMRMA special counsel Andrea Pike regarding resolution of litigation in the matters of *Artic Fox LLC vs City of Madison Heights* and *305 N. Euclid LLC vs City of Madison Heights*, please find attached two ordinance amendments for your review to be presented for first reading at your September 26th meeting. If Council approves first reading, second reading is scheduled for your October 23, 2023 meeting.

The first amendment revises Article XVI MEDICAL MARIHUANA FACILITIES Section 7-305(d) License Requirements to adjust the number of medical marihuana facility licenses for Grower – Class C, Processor and Provisioning Center from three (3) to five (5). The revision also clarifies that if a license is vacated or revoked that the City is not required to re-issue such license to an alternate party. It would be at Councils discretion to leave that license open indefinitely or seek applicants for it.

The second amendment revises Article XVII MARIHUANA ESTABLISHMENTS Section 7-405(e) License Requirements to adjust the number of adult use recreational marihuana establishment licenses for Processor and Retailer from three (3) to five (5). Additionally, Class C Grow licenses would be modified from fifteen (15) to twenty-five (25). The previously mentioned clarification language related to the vacating or revoking of licenses is also included for Marihuana establishment licenses in this amendment.

Revisions to the Green Zone Map regarding the allowable locations for marihuana licensees within the City are planned to be addressed after Second Reading of the ordinance amendments via a separate authorizing resolution.

If you have any questions concerning these proposed amendments do not hesitate to contact the City Attorney's office.

Sincerely yours,

SHERMAN & SHERMAN P.C.

Tim Burns
Assistant City Attorney

**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.

Sherman & Sherman, P.C.

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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

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