



CITY OF AUBURN HILLS
REGULAR CITY COUNCIL MEETING
MINUTES

NOVEMBER 11, 2024

CALL TO ORDER & Mayor Marzolf at 7:00 PM.

PLEDGE OF ALLEGIANCE:

LOCATION: Council Chamber, 1827 N. Squirrel Road, Auburn Hills MI

ROLL CALL: Present: Council Members Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, and Verbeke

Absent: None

Also Present: City Manager Tanghe, Assistant City Manager Skopek, City Attorney Beckerleg, City Clerk Pierce, Chief of Police Gagnon, Fire Chief Massingill, DPW Director Baldante, Mgr of Public Utilities Deman, Community Development Director Cohen, Asst to Dir./Construction Coord. Lang, Director Recreation and Senior Services Adcock, IT Director/Manager Green, Management Assistant Hagge, Engineer Driesenga

43 Guests

4. APPROVAL OF MINUTES

4a. City Council Regular Meeting Minutes, October 21, 2024.

Moved by Knight, Seconded by Ferguson.

RESOLVED: To approve the City Council Regular Meeting Minutes of October 21, 2024.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.165

Motion Carried (7 - 0)

5. APPOINTMENTS AND PRESENTATIONS

6. PUBLIC COMMENT

There was no public comment.

7. CONSENT AGENDA

7a. Board and Commission Minutes

7a1. Tax Increment Finance Authority, October 8, 2024

7a2. Brownfield Redevelopment Authority, October 15, 2024

RESOLVED: To receive and file the Board and Commission Minutes.

7b. Motion – To approve the proclamation recognizing the dedicated service of Election Inspectors in Auburn Hills.

RESOLVED: To approve the Proclamation Recognizing the Dedicated Service of Election Inspectors in Auburn Hills. (Attachment A)

7c. Motion – To award the 1500 University Water Main Construction Contract.

RESOLVED: To award the Water Main Construction Contract to Superior Excavating, construction services to OHM, and material testing services to G2 Consulting. In Addition, to amend GL 592.536.971.002 in the amount of \$214,832. The funding of this project is subject to approval from the TIFA Board.

7d. Motion – To approve the reallocation of remaining ARPA funds to support road infrastructure in 2024.
RESOLVED: To approve the reallocation of remaining American Rescue Plan Act funds to support road infrastructure projects in 2024.

7e. Motion – To amend the General Fund Recreation Department Revenue and Expense for Tree Lighting Donation.

RESOLVED: To amend the 2024 General Fund Recreation Department budget by increasing revenues by \$2,500 to reflect donated funds and increase appropriations by \$2,500 to reflect the subsequent expense of the donated funds.

7f. Motion – To approve the CDBG Snow Service Contract.

RESOLVED: To award of the CDBG Snow Removal Service Program contract to C-Carre Lawn in the amount of \$24,990 following CDBG procurement and Public Service contract guidelines.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.166

Motion Carried (7 - 0)

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9a. Public Hearing/Motion – To adopt an Ordinance to amend Section 70-361. - Parking offenses; fines, of Article VII – Stopping, Standing, and Parking of Chapter 70- Traffic and Vehicles, of the Auburn Hills City Code on second reading.

Mr. Cohen presented the second reading to Section 70-361 regarding parking offenses and Article VII of Chapter 70. It was explained that this amendment will prohibit long-term parking of vehicles as well as the parking of covered vehicles in the municipal parking lots in the downtown parking structure. The ordinance states that long term parking is more than 7 consecutive days in one spot. This will not apply to vehicles that are approved appropriately in a city reserved space.

The Mayor opened the Public Hearing at 7:06 PM.

Hearing no public comment, the Mayor closed the Public Hearing at 7:07 PM.

Moved by Ferguson, Seconded by Fletcher.

RESOLVED: To adopt an ordinance to amend Section 70-361. - Parking offenses; fines, of Article VII – Stopping, Standing, and Parking of Chapter 70- Traffic and Vehicles, of the Auburn Hills City Code on Second Reading. The ordinance shall be known as Ordinance No. 24-942. (Attachment B)

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.167

Motion Carried (7 - 0)

9b. Motion – To award a contract for the City Council Chamber Audio/Visual Upgrade Project.

Mr. Skopek presented the necessity for upgrades to take place in the City Council Chamber with regard to the Audio/Visual equipment.

Moved by Fletcher, Seconded by Ferguson.

RESOLVED: To award the 2024 City Council Chamber audio/visual upgrade project to Advanced Lighting & Sound in an amount not to exceed \$36,654. Furthermore, to authorize a budget amendment increasing appropriations in the 2024 General Administration department budget by \$16,654 in support of this project.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.168

Motion Carried (7 - 0)

9c. Motion – To approve a three-year renewal to the IT Service Contract with Enertron, LLC.

Mr. Skopek presented the renewal for the IT Service Contract with Enertron, LLC. He commented that due to the strong performance of Enertron and positive working relationship with the city a three-year extension is recommended. Enertron has agreed to upgrade the contract terms including revised termination clause allowing the city to end the contract with 90 days notice, reduced from a six-month requirement.

Moved by Verbeke, Seconded by Hawkins.

RESOLVED: To approve a three-year extension to the information technology service contract with Enertron, LLC in the amount of \$253,932 per year and authorize the City Manager to execute the contract.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.169

Motion Carried (7 - 0)

9d. Consideration and award of four adult use marihuana establishment licenses and approval of plans.

Attorney Beckerleg provided a statement detailing the process and procedures that were followed for the four adult use marihuana establishment licenses. The detailed memo can be found in the city council packet.

Ms. Victoria Dobreanu of 2030 Joy Road, stated that three of the four licenses being given to the same person does not sound like competition.

Mr. Adam Saj of 769 Chicago, Troy on behalf of Lume, shared that this establishment is honored to be opening a store in Auburn Hills.

Ms. Brenda Ervin of 2757 Zelma Drive shared her concerns about what will be brought into her community.

Mr. Matthew Nellist of 2447 Snellbrook Road shared that the business should be the benefit to the community and not a dollar amount given.

Mr. Tom O'Connor of 3395 Shimmons Road sought clarification to the number of establishments allowed.

Ms. Sue Palivick of 165 S. Opdyke Road spoke to one person receiving three of the four licenses.

Mr. Lance Bouldery of 201 Townsend Street, Lansing, representing the applicants spoke at the meeting.

Ms. Patty Hassett of 2471 Joswick shared her concerns with the proximity of her home to the establishments.

Mr. Tyler Yaldo of 3123 Ramzi Lane spoke to the credibility of the recommendations being made.

Mr. Lawrence Marcinkowski of 3863 N. Shimmons Circle questioned how the community impact fund would be spent.

Ms. Verbeke provided clarification on the proximity of the establishments to the residential properties. There is no required distance from residential areas as there are with churches and schools. The locational requirements are being followed as they are stated in the initiated ordinance.

Moved by Knight, Seconded by Hawkins.

RESOLVED: To accept and adopt the City Manager's October 25, 2024, recommendation and findings that the following four applicants are best suited to operate adult use marijuana establishments in the City and approve the plans and award the adult use marijuana establishment licenses for the addresses shown to the following four applicants as well as authorize the City Manager to execute the indemnification/hold harmless agreements and the community benefits agreement:

1. Epoch Stone, Inc. – 2561 Lapeer Road
2. Green Stones, Inc. – 2548 Lapeer Road
3. Peace Stone, Inc. – 1801 N. Opdyke Road
4. Attitude Wellness d/b/a Lume Cannabis Co. – 1.6 acres of vacant land, a portion of tax identification No. 14-02-100-019

Subject to the following conditions:

1. That Epoch Stone, Inc., Green Stones, Inc., Peace Stone, Inc., and Attitude Wellness d/b/a Lume Cannabis Co., meet all Auburn Hills City Code requirements, including, but not limited to, the requirements set forth in Ordinance No. 22-934 and also comply with and meet all requirements and conditions that are set forth by City staff in their respective review reports.
2. That Epoch Stone, Inc., Green Stones, Inc., Peace Stone, Inc., and Attitude Wellness d/b/a Lume Cannabis Co. execute indemnification/hold harmless agreements agreeing to hold the City harmless from, indemnify and defend the City, from any lawsuits, causes of action, liability and/or damages that arise as a result of the awarding of the four adult use marijuana establishment licenses to each respective applicant, as well as execute the additional indemnification agreement required by Section 18-237 prior to the issuance of the adult use marijuana establishment licenses.
3. That Epoch Stone, Inc., Green Stones, Inc., and Peace Stone, Inc., all pay the agreed upon community benefit payments to the City and execute the Community Benefits Agreement with respect to those payments prior to the issuance of the adult use marijuana establishment licenses.
4. That on November 12, 2024, Attitude Wellness, LLC shall execute and file with the Oakland County Circuit Court a Stipulation for Dismissal agreeing to dismiss the lawsuit of *Attitude Wellness, LLC v City of Auburn Hills*, Oakland County Circuit case no. 2024-206040-CZ, with no costs or attorney fees awarded to either party.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.170

Motion Carried (7 - 0)

9e. Motion – To Amend the Text of the Zoning Ordinance / Article VIII. B-1, Limited Business Districts, and Article IX. B-2, General Business Districts.

Mr. Cohen presented the amendments to the Zoning Ordinance, Article VIII. B-1 and Article IX. B-2, to permit the locations for the four adult use marijuana establishments. The text amendment will permit the specific locations to be as follows: 2561 Lapeer Road, 2548 Lapeer Road, 1801 N. Opdyke and Parcel 1 which is a portion of tax identification number 14-02-100-019.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To accept the Planning Commission’s recommendation, with the proposed revisions, and approve the enclosed text amendment to Article VIII. B-1, Limited Business Districts, and Article IX. B-2, General Business Districts of the Zoning Ordinance. The ordinance shall be known as Ordinance No. 24-943. (Attachment C)

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.171

Motion Carried (7 - 0)

10. COMMENTS AND MOTIONS FROM COUNCIL

Mr. Knight congratulated and thanked the Veterans for their service and dedication.

Mr. McDaniel thanked City Attorney Beckerleg for the work he performed guiding the city through the process of the marijuana licenses. He also thanked the Veterans for their service.

Ms. Verbeke thanked Clerk Pierce for running an excellent Presidential Election. She also reminded people not to dispose of the leaves in the street as it could cause flooding.

Dr. Fletcher thanked the Veterans for their service and thanked the City Clerks’ Office for an amazing job on the Presidential Election. She also thanked the City Managers Office for the due diligence with the ranking that took place with the marijuana licensing.

Mr. Ferguson thanked his neighbors for coming to the city council meeting.

Mr. Hawkins thanked City Attorney Beckerleg and the committee for their hard work on the marijuana licensing process. He thanked and wished his father and others around the city a Happy Veteran’s Day.

Mayor Marzolf thanked the Veterans as well as his father and other family members for their service. He also thanked Clerk Pierce for an outstanding job on the Election.

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

Mr. Tanghe shared that while Auburn Hills is not as large as a town as others, the election was run by a 2.5-person office. He thanked Clerk Pierce for an incredible job on the election and her dedication to Auburn Hills.

13. CITY CLERK REPORT

Ms. Pierce presented an update on the elections, which had a 66% turnout. She commented that this was a community project with support from almost every Department within the city. She shared that the help made the election go smooth and she thanked the department staff members and election inspectors.

14. CLOSED SESSION

14a. Motion – To meet in closed session to discuss property acquisition.

Moved by Hawkins, Seconded by McDaniel.

RESOLVED: To meet in closed session to discuss property acquisition pursuant to MCL 15.268(1)(d) of the Open Meetings Act.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.172

Motion Carried (7 - 0)

The meeting recessed to Closed Session at 8:19 PM.

The meeting reconvened in Open Session at 8:56 PM.

Moved by Verbeke, Seconded by Fletcher.

RESOLVED: To authorize the purchase of the property with tax identification numbers 14-25-351-024, 025, 026, 033, and 035 in the amount of \$482,872.00, subject to the terms and conditions contained in the purchase agreement presented on November 11, 2024. Furthermore, authorize the City Manager to execute the agreement on behalf of the city and to execute all document on behalf of the city up to and including those at the real estate closing.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.173

Motion Carried (7 - 0)

15. ADJOURNMENT

Moved by Fletcher, Seconded by Verbeke.

RESOLVED: To adjourn the meeting.

VOTE: Yes: Ferguson, Fletcher, Hawkins, Knight, Marzolf, McDaniel, Verbeke

No: None

Resolution No. 24.11.174

Motion Carried (7 - 0)

The meeting was adjourned at 8:57 PM.

Brain W. Marzolf, Mayor

Laura M. Pierce, City Clerk



ATTACHMENT A

PROCLAMATION

PROCLAMATION RECOGNIZING THE DEDICATED SERVICE OF ELECTION INSPECTORS IN AUBURN HILLS

- WHEREAS,** Election Inspectors, including Precinct Inspectors, Absentee Counting Board Inspectors, and Receiving Board Members, play a critical role in maintaining the efficiency and success of the election; and
- WHEREAS,** the City of Auburn Hills Election Inspectors dedicate their time, knowledge, and commitment to ensuring the integrity and smooth operation of the election; and
- WHEREAS,** these individuals uphold the highest standards of accuracy, fairness, and respect while serving the voters of Auburn Hills, enhancing public confidence in our election process; and
- WHEREAS,** Election Inspectors in Auburn Hills work diligently to manage polling locations, assist voters and process absentee ballots to ensure that all eligible ballots are securely counted and that all required documentation is done accurately; and
- WHEREAS,** their contributions are instrumental in fostering trust in our elections and promoting civic engagement within the Auburn Hills community; and
- NOW, THEREFORE, BE IT RESOLVED** that the Auburn Hills City Council formally recognizes and extends its heartfelt appreciation to each Election Inspector, Absentee Counting Board Inspector, and Receiving Board Member for their essential role and unwavering commitment to protecting the integrity of our elections.

Hereby presented on this 11th day of
November, 2024, on behalf of the Auburn
Hills City Council.

Brian W. Marzolf, Mayor

ATTACHMENT B

CITY OF AUBURN HILLS ORDINANCE NO. 24-942

AN ORDINANCE TO AMEND SECTION 70-361. - PARKING OFFENSES; FINES, OF ARTICLE VII. - STOPPING, STANDING, AND PARKING OF CHAPTER 70 - TRAFFIC AND VEHICLES OF THE AUBURN HILLS CITY CODE, AS AMENDED, TO ALLOW THE RESTRICTION AND REGULATION OF OFF-STREET PARKING IN MUNICIPAL-OWNED FACILITIES IN DOWNTOWN AUBURN HILLS.

THE CITY OF AUBURN HILLS ORDAINS:

SECTION 1.

Section 70-361. - Parking offenses; fines, of Article VII – Stopping, Standing, and Parking of Chapter 70- Traffic and Vehicles, of the Auburn Hills City Code, as amended, is hereby amended to add Subsections 29-30 and to read as follows:

- (29) Unless otherwise provided by a more restrictive ordinance or traffic control order, no vehicle may be parked at one location in any downtown city-owned off-street parking lot or parking structure for more than seven continuous days unless the vehicle is parked in a city-approved reserved space assigned to the vehicle's registered owner. The vehicle shall not be junk or inoperable. Inoperable vehicle means any vehicle or motor vehicle that cannot be started or legally or physically operated on city streets or public highways and/or does not bear valid and current license plates and registration. The police department may issue a citation to the vehicle's registered owner if found in violation. The police department may call a towing agency and impound the vehicle. If the vehicle is impounded, the police department must follow the procedures set forth in MCL 257.252d.
- (30) No vehicle may be parked under a tarp, cloth screen, fitted cover, or similar partial or full vehicle covering material in any downtown city-owned off-street parking lot or parking structure. The police department may issue a citation to the vehicle's registered owner if found in violation. The police department may call a towing agency and impound the vehicle. If the vehicle is impounded, the police department must follow the procedures set forth in MCL 257.252d.

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.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

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 when they were commenced.

SECTION 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the ____ day of _____, 2024, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

AYES:
NAYES:
ABSTENTIONS:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 24-942 adopted by the Auburn Hills City Council on the ____ day of _____, 2024, the original of which is in my office.

Laura M. Pierce
City Clerk

ATTACHMENT C

CITY OF AUBURN HILLS COUNTY OF OAKLAND STATE OF MICHIGAN

ORDINANCE NO. 24-943 TEXT AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE VIII. B-1, LIMITED BUSINESS DISTRICTS AND ARTICLE IX. B-2, GENERAL BUSINESS DISTRICTS OF THE AUBURN HILLS ZONING ORDINANCE NO. 372

THE CITY OF AUBURN HILLS ORDAINS

Section 1.

Article VIII. B-1, Limited Business Districts of Auburn Hills Zoning Ordinance No. 372 is amended to add a new Section 804 to read as follows:

SECTION 804. OTHER USES PERMITTED BY THE CITY COUNCIL ON CERTAIN PROPERTIES:

Adult use marihuana establishments, which term includes marihuana retail establishments, located in the City of Auburn Hills shall be limited to a total of four (4) adult use marihuana establishments. One (1) of the four (4) locations shall be permitted on property in the B-1, Limited Business Districts as set forth in this Section, as approved by the City Council, and said location must be in compliance with the November 8, 2022 voter-approved Initiated Ordinance.

One (1) of the four (4) permitted adult use marihuana establishments within the City of Auburn Hills shall be located on tax identification number 14-14-303-016, with the one (1) adult use marihuana establishment to be located on the said parcel as approved by and subject to the conditions imposed by the City Council.

This Section, Section 905 of the Zoning Ordinance, and the Initiated Ordinance shall establish the locations for the adult use marihuana establishments in the City of Auburn Hills for the purposes of Ordinance No. 22-934.

Section 2.

Article IX. B-2, General Business Districts of Auburn Hills Zoning Ordinance No. 372 is amended to add a new Section 905 to read as follows:

SECTION 905. OTHER USES PERMITTED BY THE CITY COUNCIL ON CERTAIN PROPERTIES:

Adult use marihuana establishments, which term includes marihuana retail establishments, located in the City of Auburn Hills shall be limited to a total of four (4) adult use marihuana establishments. Three (3) of the four (4) locations shall be permitted on property in the B-2, General Business Districts as set forth in this Section, as approved by the City Council, and said locations must be in compliance with the November 8, 2022 voter-approved Initiated Ordinance.

Three (3) of the four (4) permitted adult use marihuana establishments within the City of Auburn Hills shall be located on the following three (3) parcels of property, with one (1) adult use marihuana establishment

to be located on each parcel of property, as approved by and subject to the conditions imposed by the City Council: Parcel 1 - tax identification number 14-02-100-019; Parcel 2 - tax identification numbers 14-11-352-013, 014, 015, and 016, and Parcel 3 - tax identification number 14-11-353-003.

This Section, Section 804 of the Zoning Ordinance, and the Initiated Ordinance shall establish the locations for the adult use marihuana establishments in the City of Auburn Hills for the purposes of Ordinance No. 22-934.

Section 3. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. This Ordinance shall repeal the required locations as contained on the map for the four (4) allowed adult use marihuana establishments in Section 18-232 - Limitation of Adult Use Marihuana Establishments of Ordinance No. 22-932.

Section 4. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5. Savings.

The 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 when they were commenced.

Section 6. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

Section 7. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 11th day of November 2024 and ordered to be given publication in a manner prescribed by the Charter of the City of Auburn Hills.

AYES:

NAYES:

ABSTENTIONS:

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No 24-943 adopted by the Auburn Hills City Council on the 11th day of November 2024 the original of which is in my office.

Brian W. Marzolf, Mayor

Laura M. Pierce, City Clerk