

PONTIAC CITY COUNCIL

Kermit Williams, District 7
President
Randy Carter, District 4
President Pro Tem



Patrice Waterman, District 1
Don Woodward, District 2
Mary Pietila, District 3
Gloria Miller, District 5
Dr. Doris Taylor Burks, District 6

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

Garland S. Doyle, M.P.A.
Interim City Clerk

STUDY SESSION (AMENDED AGENDA)

February 26, 2019

6:00 P.M.

72nd Session of the 10th Council

Call to order

Roll Call

Authorization to Excuse Councilmembers

Amendments to and Approval of the Agenda

Approval of the Amended Agenda

Approval of the Minutes

1. Meeting of February 19, 2019

Public Comment

Presentations (Each presentation is limited to 10 minutes.)

2. Community Development Block Grant (CDBG) Yard Services for Senior Citizens Program; a Partnership between the City and Oakland Livingston Human Services Agency (OLHSA)
Presentation Presenters: Jane Bais DiSessa, Deputy Mayor, Eric Karfonta, Health, Housing & Nutrition, Director, (OLHSA), and Heather Zeigler, Deputy Director, Health, Housing & Nutrition (OLHSA).
3. Building & Safety and Code Enforcement Investigation Regarding News Report of Facility Problems at North Hill Farms Apartments
Presentation Presenters: Mike Wilson, Building Official, Wade Trim, Chip Smith, Wade Trim, and Patrick Brzozowski, Code Enforcement Supervisor
4. Snow Emergency Report & Cost Estimate for Equipment and Labor Costs to Upgrade City Services (Comparable to e.g. Rochester Hills)
Presentation Presenter: John Balint, DPW Director

Agenda Items for Consideration

Resolutions

City Council

5. Resolution for Mayor to Provide the City Council with a Monthly Report on City Personnel.
6. Resolution for Mayor to Provide the City Council with Monthly Credit Card Statement.

Office of the City Clerk

7. Resolution Adopting a Conflict of Interest Policy for the Review of Medical Marihuana Permit Applications

Departmental Correspondence

City Attorney

8. Memorandum Response from the City Attorney Regarding Councilwoman Miller's Request for a Memorandum from the City Attorney detailing all of the Required Steps for a Zoning Ordinance including the Technical Review by Planning. (This item was tabled from the February 19, 2019 Council Session.)

Communication to the Planning Commission

9. Revised Carter/City Council Ordinance with the Amendment that was moved by Councilwoman Taylor-Burks and Seconded by Councilwoman Miller that was Approved by the City Council on February 5, 2019 to be Referred to the Planning Commission to be Considered at its Meeting on March 6, 2019 at 6:30 p.m.

Adjournment

MINUTES

February 19, 2019

**Official Proceedings
Pontiac City Council
71st Session of the Tenth Council**

A Formal Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, February 19, 2019 at 12:00 p.m. by Council President Kermit Williams.

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Members Present: Carter, Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-48 **Approval of the Agenda.** Moved by Councilperson Pietila and second by Councilperson Woodward.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams, Woodward and Carter

No: None

Motion Carried.

19-49 **Approve minutes of February 12, 2019.** Moved by Councilperson Woodward and second by Councilperson Pietila.

Ayes: Pietila, Taylor-Burks, Woodward and Miller

No: Waterman, Williams and Carter

Motion Carried.

Recognition of Elected Officials – Mattie Hatchett, President of the Pontiac Library Board

19-50 **Resolution for Leona Smith.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, It is the sense of this legislative body to pay proper tribute to individuals of remarkable character whose lives have been dedicated to uplifting, inspiring and empowering the community; and;
WHEREAS, it is feelings of the deepest regret that the Pontiac City Council mourns the passing of Leona Smith, a giving and loyal member of this community; and,
WHEREAS, Leona Smith was born and raised in Detroit, Michigan where she was educated in the Detroit Public School system and attended Lewis Business College and Oakland Community College; and,
WHEREAS, Leona Smith at a very young age was exposed to the joyful sounds of spiritual songs, as her grandmother was her first music teacher; and,
WHEREAS, Leona Smith since the age of 14, was incessantly and unselfishly committed to the music ministry; and,
WHEREAS, Leona Smith was married to the late Rev. Dr. Solomon Smith Sr., who served as pastor of New Hope Missionary Baptist Church in Pontiac, Michigan for 39 years; and,
WHEREAS, Leona Smith after devoting 27 years of faithful service, retired from Leo Burnett Advertising in 2006; and,
WHEREAS, Leona Smith's musical talents allowed her to transcend to immeasurable heights and to serve in various distinguished roles including; Minister of Music at New Hope Missionary Baptist Church for 39 years, a music class instructor for her district, a teacher for the Metropolitan District Association, Music Coordinator for the Crystal Lake District Association for 25 years, Musical Coordinator of the Wolverine State Baptist Convention (the last 12 years), a musician for the Wolverine State Women's Auxiliary, a recently appointed organist for the National Baptist Convention's Woman's Auxiliary and chairperson of the Crystal Lake District Ministers Wives and Widows; and,
WHEREAS, Leona Smith also served as a loyal, assistant Sunday School instructor who taught Tuesday night Bible Study sessions, was a phenomenal orator who was privileged enough to be asked to speak at many Women's Day programs, women's workshops and retreats, in Pontiac, Saginaw, Flint and Detroit; and,
WHEREAS, Leona Smith received countless awards, some include; the 2008 "Pillar of Strength" award from her church, for loyal and dedicated service, the Pontiac Musicians Ministry Fellowship Award of Appreciation, the "Minister's Wife of the Year" award, the "Living Legend" award from the Sisters Keepers organization, the Wolverine State Nurses Award of Dedication and Faithfulness in 2013 and was a two-time award recipient from the Wolverine State Congress of Christian Education for dedicated service in the music ministry; and,
WHEREAS, Leona Smith often loved to reference her favorite scripture, Romans 12:1, "I beseech you therefore brethren, by the mercies of God, that ye present your bodies a living sacrifice, holy, acceptable unto God, which is your reasonable service."
NOW, THEREFORE BE IT RESOLVED, that the Members of the Pontiac City Council and members of this great community will greatly miss Leona Smith, as her life was a portrait of service, a legacy that will long endure the passage of time and will remain as a comforting memory to all those whose lives she touched; we give our sincerest condolences to the family and friends of Leona Smith.

Ayes: Taylor-Burks, Waterman, Williams, Woodward, Carter, Miller and Pietila

No: None

Resolution Passed.

19-51 **Resolution to approve Zoning Map Amendment ZMA 18-10, for 99 S. Jessie Street, to change from R-1 One Family Dwelling, to R-2 Two Family and Terrace Family Dwelling.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Whereas, the City has received an application for a Zoning Map Amendment for 99 S. Jessie Street, identified as PIN 64-14-28-383-013 from Karen Daniel, Owner and James Trevor, applicant is for the rezoning of the aforementioned parcel; and,

Whereas, the Planning Division has reviewed the applicant's rezoning request in regards to the City's Master Plan and the request conforms to the goals and vision contained within the plan; and

Whereas, the Planning Division has reviewed the applicant's rezoning and the requirements set forth by Section 6.804 of the Zoning Ordinance, and the Planning Division has determined the aforementioned request and proposed intended use of the property complies with the City of Pontiac Zoning Ordinance; and,

Whereas, in accordance with procedures outlined in the Zoning Ordinance, Sections 6.802 as it relates to Zoning Map Amendments, the request has undergone the required: Technical Review, Public Hearing, and Planning Commission recommendation; and

Whereas, on November 28, 2018, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map Amendment request for 99 S. Jessie Street, approving the change from the current R-1 One Family Dwelling District to R-2 Two Family & Terrace Family Dwelling District; and

Now, Therefore, Be It Resolved, that the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment (ZMA 18-10) request for 99 S. Jessie Street, also known as PIN 64-14-28-383-013, to amend the current site zoning from R-1 One Family Dwelling District to R-2 Two Family & Terrace Family Dwelling District.

Ayes: Waterman, Williams, Woodward, Carter, Miller, Pietila and Taylor-Burks

No: None

Resolution Passed.

19-52 **Motion to approve amending the Development Agreement for the Henry Ford Health Center Signs at the Village at Bloomfield and authorize the City Attorney to prepare an amendment to the Development Agreement for Mayor and City Council Signatures.** Moved by Councilperson Pietila and second by Councilperson Waterman.

February 19, 2019

Ayes: Williams, Woodward, Carter, Miller, Pietila, Taylor-Burks and Waterman

No: None

Motion Carried.

19-53 **Deny resolution to approve a Zoning Map Amendment ZMA 18-07, 600 E. Pike Street, to change from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Whereas, the City has received an application for a Zoning Map Amendment for 600 E. Pike Street, identified as PIN 64-14-28-479-017 from JRS Investment Properties, LLC and the applicant's petition is for the rezoning of the aforementioned parcel; and,

Whereas, the Planning Division has reviewed the applicant's rezoning request in regards to the City's Master Plan and the request conforms to the goals and vision contained within the plan; and

Whereas, the Planning Division has reviewed the applicant's rezoning request and the requirements set forth by Section 6.804 of the Zoning Ordinance, and the Planning Division has determined the aforementioned request and proposed intended use of the property complies with the City of Pontiac Zoning Ordinance; and,

Whereas, in accordance with procedures outlined in the Zoning Ordinance, Sections 6.802 as it relates to Zoning Map Amendments, the request has undergone the required: Technical Review, Public Hearing, and Planning Commission recommendation; and

Whereas, on November 28, 2018, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map Amendment request for 600 E. Pike Street, approving the change from the current R-1 One Family Dwelling District to R-3 Multiple Family Dwelling District; and

Now, Therefore, Be It Resolved, that the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment (ZMA 18-07) request for 600 E. Pike Street, also known as PIN 64-14-28-479-017, to amend the current site zoning from R-1 One Family Dwelling District to R-3 Multiple Family Dwelling District.

Ayes: Woodward, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: Carter

Resolution Passed to Deny.

19-54 **Table for one week to discuss the status update of Councilwoman Miller's request for a Memorandum from the City Attorney detailing all of the required steps for a Zoning Ordinance including the Technical Review by Planning.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

February 19, 2019

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward
No: None
Motion Carried.

Point of Privilege for Mayor to speak about Snow Emergency

Four (4) individuals addressed the body during public comment.

Councilwoman Mary Pietila left meeting before closing comments.

Councilwoman Patrice Waterman left meeting before closing comments.

Mayor Deirdre Waterman, Councilman Don Woodward, Councilwoman Doris Taylor-Burks, Councilwoman Gloria Miller, Pro-tem Randy Carter, Interim Clerk Garland Doyle and President Kermit Williams made closing comments.

President Kermit Williams adjourned the meeting at 1:36 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

PRESENTATION

#2



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President and City Council Members

FROM: Jane Bais DiSessa, Deputy Mayor

Cc: Rachel Loughrin, Economic & Community Development Director

DATE: February 21, 2019

RE: CDBG Senior Citizen Yard Services Program – OLHSA Partnership

On December 27, 2018, Mayor Waterman introduced a resolution to allow the Executive Office to enter into an agreement with Oakland Livingston Human Service Agency (OLHSA) to provide Yard Services for the City's Senior Citizens. These vital services will enhance the quality of life for our Senior Citizens, especially for those with limited financial resources.

Recent studies have shown that the seniors of today are looking for ways to continue to live independently. Through the provision of this program, Senior Citizens will receive yard services that will allow them to not just simply maintain their properties, but allow them "to age in place."

Through this contract, OLHSA will provide general yard services that include program administration, snow removal, lawn mowing, and yard cleanup. In accordance with the City's Request for Proposal (RFP), the following is a brief summary of how these services are to be administered and provided:

Scope of Work:

Technical Specifications:

OLHSA is responsible for the maintenance and repair of all equipment used for this program. They are also responsible for the reimbursement of any repairs for any damages caused.

Administrative Services:

OLHSA is responsible for the certification of eligible clients and will comply with all HUD-CDBG approved forms and follow the required standards for very low-income eligibility. They will also provide the management and personnel to perform the services. OLHSA is also responsible for providing the required insurance.

Snow Removal:

Snow removal may be by shovel or snow blower. Caution must be demonstrated in the blowing or piling of snow on neighboring homes, vehicles, and structures. Snow removal shall include the City sidewalk, walkway to the home, driveway, and driveway apron to the street. Access to and from the home (including porch), mailbox and garage, and access to and from home dependent on client need (may need removal including walkway to side or back door due to mobility issues) as well.

Memo: CDBG Senior Citizen Yard Services Program – OLHSA Partnership

February 21, 2019

Page 2 of 2.

Lawn Mowing:

Cutting the lawns includes cutting the front grass from curbside up from one side of the property line to the other and cutting the backyard everything within the fence line. Also included is weed whipping for any and all weeds (including between the sidewalk and driveway cracks, all grass or weeds behind garages, ramps and porches, grass strips between property lines and grass strips coming down the middle of the driveway and blowing of grass clippings off of walkways, drives, and flower beds around bushes and alongside of houses.

Yard Cleanup:

Yard clean ups include the bagging of all leaves on the entire property in approved paper yard waste bags.

OLHSA representatives will also attend the City Council meeting to describe the scope of the program and to answer any questions.

JBD

PRESENTATION

#3

Memo

To: Mayor Waterman
From: Chip Smith
cc: Jane Bais-DiSessa, Anthony Chubb, Mike, Wilson, Vernon Gustafsson, Shawn Keough
Date: 20 February, 2019
Re: North Hill Farms – Heat Issues

Background

Three residents from the he North Hills Farms development were part of a Channel 7 investigation which aired Monday night, February 18, 2019. At issue is the lack of heat provided by the complex management. None of these residents contacted the Building Safety Department to report no heat. At this point, it is unknown if they contacted the Mayor's office to report the conditions

North Hills Farms is a complex of approximately 525 units spread in approximately 76 single story buildings. Each building has a boiler system to provide heat to the individual units within the building. For heat, the majority of these buildings use a boiler system heats which provides steam heat via a radiator, which require periodic bleeding to eliminate air from the system which limits the effectiveness of heat distribution.

Since October 1, 2018, which we use as the start of the heating season, the Building Safety Department has not received a single complaint about no heat. Since October 1, 2018, there have been four tenant complaints about units within North Hills Farms.

Day of Action

Following direction from the Mayor received at 6:45 pm on Tuesday 2/19/19, staff formulated an action plan to contact residents directly, to provide information to tenants that landlords are not permitted to cut off essential services (gas, heat, water, electricity). The fliers distributed also

provided phone numbers to contact the Building Safety Department or Mayor Waterman's office to report any heat outages.

As of noon, Building Official Mike Wilson is on site with the rental housing and code enforcement staff, going door-to-door to investigate heat and to provide tenants with information about how to report outages. By noon today, staff has knocked 275 of the 525 total units. Staff was able to speak with 155 residents. When a tenant was not home or refused to answer, a flier was left on the door with information on how to contact the Building Safety Dept and the Mayor's office to report heat outages. When permitted access, inspectors tested the heat and observed and recorded other potential violations. We anticipate completing this outreach by the close of business today.

Results (as of noon)

As mentioned, staff had spoke directly to 155 residents, left fliers at approximately 125 units that did not answer or appeared vacant. 32 units were found to be without adequate heat. The property manager, Angela White (Legacy LLC)-has been provided with the notice and given until tomorrow to have these repairs made.

Many residents were hesitant about providing information and most were not willing to state that the landlord had been notified. We were able to document, based on interviews with tenants only the following:

- 7 did not report heat outage to property manager and those remain unresolved
- 11 reported the outage to a property manager, but the issue has not been repaired
- 4 reported they had notified the property manager and the heat had been repaired.

Only two tenants reported they had made complaints to the city and in our search of complaint records, we were able to find no record of complaints being made.

Next Steps

We will continue contacting residents of North Hill Farms and expect to complete this outreach late this afternoon. We have scheduled re-inspections for the 32 units without heats tomorrow morning. We will provide Legacy LLC, the property manager, with an updated list of units discovered without heat following completion of the outreach this afternoon and notify her that the repairs must be completed by 2/22/19.

Further, we will produce a Spanish language version of the flier for distribution.

Finally, we will provide a status update tomorrow morning summarizing the completion of the day's outreach and inspection efforts.

City of Pontiac
Building Safety Dept.

Memo

To: Angela White, Property Manager, Legacy LLC (North Hills Farms)

From: Mike Wilson, Building Official

cc: Mark Tuckerfield, NHF (property owner), Mayor Waterman, Deputy Mayor DiSessa, Vernon Gustafsson, Anthony Chubb

Anthony Chubb Date: Feb 20, 2019

Re: Units without working heat

As discussed with you this morning, our team has launched an outreach campaign to investigate the complaints of residents about having no heat. As of noon, we have knocked the doors of approximately 275 units. Upon investigation, the following 32 units have no heat or problems with heat:

Lantern Lane (5)

40, 46, 49, 52, 60

Fireside Dr. (3)

9, 16, 25

Firelite Dr. (12)

13, 15, 23, 26, 29, 31, 32, 37, 53, 60, 68, 101

Cherry Hill Dr. (9)

105, 107, 122, 124, 135, 136, 149, 153, 155,

Candlelight Dr. (3)

47, 51, 71

This memo serves as notice that these repairs need to begin immediately. We will reinspect the above identified units tomorrow (2/21/19). Failure to comply with this notice will result in tickets being issued upon reinspection and potentially certificates of occupancy being revoked.

We will provide another list of units without working heat as we complete our outreach today.

PRESENTATION

#4

Snow and Ice

February 14-19, 2019

Timeline of Events

Thursday, February 14

Snow: Approximately 1-2 inches of snow fell. DPW staff maintained major roads through the early morning hours. During the day, the temperature climbed up into the upper 30's. This caused the melting of the snow that fell, but it wasn't warm long enough or the snow to completely melt off and drain away.

Friday, February 15

Overnight, the temperature dropped from the upper 30's, down into the mid 20's, then into the upper teen's overnight. This caused the freezing of the snow that was previously melting, forming a sheet of ice late Friday. DPW crews salted all locals.

Saturday, February 16

DPW staff began pothole patching on major roads. We salted based on complaints on Saturday with one truck. We performed additional salting as needed. We filled all trucks with salt just prior to RCOC yard closing.

Sunday, February 17

DPW staff began salting the local streets 5 am and salted all local streets. The streets that were missed were between Baldwin and Price from Walton and Columbia. We ran out of salt due to RCOC closed at 3 pm on Saturday. The exact streets are:

- Lehigh
- E. Sheffield
- E. Princeton
- E. Hopkins
- E. Yale
- E. Ypsilanti
- E. Ann Arbor

Ice was so thick, that the salt melted down, then refroze overnight.

Snow began falling at approximately 5:00 pm. DPW staff mobilized and began maintaining major roads around 5:30 pm. The City received 4.5 to 5 inches of snowfall. We completed a first round of major roads around 9 pm.

Monday, February 18

Staff returned at 2 am to clear major roads and was complete by 6 am. Once major roads were clear, we went back into local streets to salt with 4 trucks, as two has broken down. DPW staff plowed criticals and salted as needed. Our contractor for local streets was contacted and told to prepare to mobilize to clear local streets.

The Mayor, Deputy Mayor and I drove the local streets between noon and 3 pm. Streets were snow covered, but not icy. The snowfall and salt that had been applied melted the ice.

Tuesday, February 19

The City's contractor is currently in town with 8 trucks clearing all local streets. This should be completed by tomorrow afternoon.

Between Friday, February 15 and Sunday, February 19th, DPW staff used 184.5 tons (369,000 lbs) of rock salt on the City's local streets.

See pictures of Pontiac Streets from February 20th







Orion Township Residential Street on 2-21-19



Snow Operations

As presented to City Council early last year as part of the Department Head Reports, the City has a Snow Operation plan. This plan has background and Goals and Objectives. With respect to local streets, our current goals and objectives, secondary streets (residential) are not plowed or salted with accumulations of less than 6-inches of snow. The objective is that they are snow covered, but passable. When accumulations exceed 6-inches in a single event, we plow all local streets. Attached is a copy of our 2018 Snow Operations.

How DPW Handled Recent Events (please see timeline above for specifics)

In the past few weeks, DPW has exceeded our operations plan by plowing all local streets during two of the last three snow events. In addition, we have salted our local streets multiple times this season. Most years, we do not salt local streets at all. So far this season, we have salted local streets 3 times.

Expectations

Snow operations methods vary by event and intensity. Expectations should be consistent as the expectations are somewhat of a budgeted item. When the Department publishes the snow operations, those operations are a budgeted item and should only change with investment in equipment and manpower.

For example, if the expectation is our current for local streets of plowing only when there is an event of 6-inches or more, that is budgeted for and should only change in the next fiscal year as a budgeted item. If in fact the goal is to plow locals during every storm event (this is the only way to get the roadway down to bare pavement), it will require a significant investment in equipment and manpower as we will have to have enough staff and equipment to start local streets at the same time other staff is working on major roads. A great example is the City of Rochester Hills. They have adequate staff and equipment to put 34 trucks on the road during any given storm event. By contrast, the City of Pontiac, who has 6 trucks and 6 CDL drivers, and an equivalent amount of lane miles, cannot match that force. In order to do so, we would have to double the amount of dump trucks (6 trucks at \$180,000 each), build a salt barn (minimum of \$2 million), property and staff.

As many of you remember, this is the first year we have taken back the Major Roads. We took this work back from the Road Commission for Oakland County. They had two trucks and two drivers who were responsible for the City's major roads. By our DPW taking this work, we place 6 trucks and 6 drivers out in any given event. As such, we get the major roads cleared significantly faster, making travel in and around the City much safer and easier for all. The plowing of the major roads is the first of hopefully many work items that DPW will take on in the future.

Therefore, as stated above and in our Snow Operations Guide, we have stated expectations, of which

we have consistently exceeded. If there is a proposal to change the expectations for the upcoming year, adequate dollars must be budgeted to allow for the staff and equipment necessary.

Comments

There was a comment by **Councilman Carter** that the City issued a snow emergency, but never lifted it. That is untrue. Both memos were issued by the Department of Public Works and posted on the City's website and Facebook page. The only snow emergency issued this year was issued on January 27th and lifted on January 31. Please see the attached memo's. Another comment regarded adding chlorine to the salt. Adding chlorine to the salt will not do anything except pollute the environment. You may have been thinking of chloride, but chloride would not assist in snow removal either.

There was a comment by **Councilwoman Taylor-Burks** that we have not plowed or salted her street yet this year. While I am not sure where you live, but the DPW has plowed and salted **ALL** City local streets multiple times this season. We have had our contractor plow local streets 2 times now as well as DPW staff salting at least two times. In addition, the statement was made that if we had employees that live in the City, they would do a better job. We take exception to that comment especially since 5 of the 6 employees we just hired **ARE** City of Pontiac residents. It was also mentioned that the Seniors are big time tax payers. There is not a dime of City tax dollars that goes toward winter road maintenance. Winter maintenance is completely funded by the ACT 51 dollars. If you would like to dedicate additional general fund tax dollars to winter maintenance, we would gladly accept more funding.

Councilwoman Miller stated that you could not walk down the sidewalk. Sidewalks are the homeowners responsibility. People walk in the street because residents and property owners do not shovel their sidewalks. In the City ordinance, property owners are responsible for their adjacent sidewalks.

Council President Williams stated that we need an ice policy. We did salt all locals and we will salt when it gets icy. As stated above, we used 184.5 tons of salt on local streets from February 15th through 18th. In addition, there was a statement that there was a lot of accidents. A report from the OCSD stated that there were less accidents over the weekend than there was the week before when there was no snow.

2-12-19 - Tuesday – 10 accident reports

2-13-19 - Wednesday – 13 accident reports

2-14-19 - Thursday– 9 accident reports

2-15-19 - Friday – 7 accident reports

2-16-19 - Saturday – 10 accident reports

2-17-19 - Sunday– 7 accident reports

2-18-19 - Monday– 10 accident reports



City of Pontiac Michigan

Mayor Deirdre Waterman

Department of Public Works

PRESS RELEASE

City of Pontiac Declares a Snow Emergency

Due to the forecasted winter storm, the City of Pontiac has declared a snow emergency, effective **8 AM Monday, January 28, 2019, until further notice.** No parking on residential streets is permitted after 3 PM on local streets.

This will allow City workers and contractors to clear the roads in residential neighborhoods as quickly and completely as possible.

Anyone who does not have to travel is advised to stay off the roadways during the storm. We appreciate the public's cooperation during this time.

Sincerely,

City of Pontiac



City of Pontiac Michigan

Mayor Deirdre Waterman

Department of Public Works

PRESS RELEASE

City of Pontiac Ends Snow Emergency

The City of Pontiac snow operations has been able to clean all of the local streets and can now end the snow emergency, effective **10 AM Thursday, January 31, 2019.**

We would like to thank those residents who took the time to remove their vehicles from the local streets. Unfortunately, there were still many vehicle in the street when our trucks came through. For those areas, we will not be coming back to plow.

With the continued frigid temperatures today, anyone who does not have to travel is advised to stay indoors. If you do have to travel, please keeps speeds down on the City streets as there is still a hard pack of snow which may remain slippery.

Sincerely,

City of Pontiac

2018 Snow Operations

Background

Winter snow storms become unpredictable because of various accumulations, moisture content of the snow, ambient and wind chill temperatures, timing, duration, and wind direction and velocity. These factors suggest that no two storms are identical, creating a unique plan to mitigate the hazardous conditions for each individual snow storm.

Goals and Objectives

The City of Pontiac's goal is to abate the hazardous conditions created from snow and ice accumulation on major roads, city operated facilities, and secondary roads. Motorist and pedestrians should continue to use caution while operating and functioning on roads and sidewalks during the winter months because of the potential hazards created by snow, ice, wind, and freezing temperatures.

The City of Pontiac will develop and implement a plan in attempts to make streets accessible for vehicles properly equipped for winter driving conditions during and after each storm, in accordance with the guidelines set herein. This plan includes attempts to clear all primary routes to bare pavement within twelve (12) hours from the end of the snow storm, designated as the first priority. Secondary routes may be snow packed but passable during and after snow storms with less than six (6) inches of accumulation. When accumulations exceed six (6) inches from a single snow storm and weather forecasts suggest continual freezing temperatures, the City of Pontiac will begin plowing subdivision streets, designated. The subdivision streets have a completion objective of 48 hours from the time the snow stops when the accumulation range is from six (6) to ten (10) inches. This objective will result in removed snow accumulating on areas adjacent to roads creating additional sight hazards for motorists and pedestrians. These objectives will also likely leave areas where pavement is not bare because of now packed snow.

The City of Pontiac will accomplish these goals and objectives using the available resources and implementing a unique plan to each snow and ice event.

RESOLUTION

#5

Pontiac City Council Resolution



WHEREAS, in an effort to keep apprised of staffing and staffing changes, the Pontiac City Council believes it is in the best interest of the Council to be routinely informed of City of Pontiac employment and or vacancies.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council requests that the Mayor provide census of employment changes, effective date, job title, hire date, and last day worked (if applicable) each month, to be included in the Pontiac City Council Agenda, the first meeting of each month, commencing with the March 5, 2019 Agenda.

RESOLUTION

#6

Pontiac City Council Resolution



WHEREAS, Revenue and Expenditure reports are provided to the finance subcommittee monthly; and,

WHEREAS, it is in the best interest of the Pontiac City Council body as a whole, to have an opportunity to address any issues or concerns that may arise as it relates to expenditures; and,

NOW, THEREFORE BE IT RESOLVED, that the Mayor will provide the monthly credit card statements for the prior month, to the City Clerk, to be included in the Pontiac City Council Agenda, the first meeting of each month, commencing with the March 5, 2019 Agenda.

RESOLUTION

#7



Resolution Adopting a Conflict of Interest Policy for the Review of Medical Marihuana Permit Applications

WHEREAS, the City of Pontiac has adopted Ordinance 2357B ("City of Pontiac Medical Marihuana Facilities Ordinance") ("Ordinance") to allow medical marihuana facilities to operate in the City of Pontiac;

WHEREAS, the City of Pontiac City Clerk is responsible for administering the medical marihuana facility permit application process pursuant to the Ordinance;

WHEREAS, upon receipt of a completed medical marihuana facility permit application ("Medical Marihuana Application") the City Clerk is responsible for forwarding the Medical Marihuana Application to the Fire, Building and Safety, and Planning Departments/Divisions, and the City Clerk may forward the Medical Marihuana Application or certain parts thereof to any other relevant department/division of the City (including contractors of the City) to review the Medical Marihuana Application for compliance with certain requirements of the Ordinance;

WHEREAS, any employees, agents or contractors in such departments or divisions asked to review a Medical Marihuana Application or any part thereof will be required to disclose any conflict of interest to the City Clerk in accordance with the conflict of interest policy in the form of Exhibit A attached hereto ("Conflict of Interest Policy");

NOW BE IT THEREFORE RESOLVED, that the City of Pontiac adopts the Conflict of Interest Policy in relation to the review of Medical Marihuana Applications.

EXHIBIT A



CITY OF PONTIAC

MEDICAL MARIHUANA PERMIT REVIEWER CONFLICT OF INTEREST POLICY

Purpose

The City of Pontiac (the "City") has approved an ordinance to allow medical marihuana facilities to operate in the City. After receipt of a completed application, the Pontiac City Clerk is responsible for forwarding the application to the Fire, Building and Safety, and Planning Departments/Divisions, and the Pontiac City Clerk may forward the application or certain parts thereof to any other relevant department/division of the City (including contractors of the City) to confirm compliance with certain requirements of the City of Pontiac Medical Marihuana Facilities Ordinance ("Ordinance").

The City provides this Conflict of Interest Policy to ensure that there is full disclosure in connection with approval/review of any medical marihuana facility permit application ("Medical Marihuana Application") or inspection of any proposed medical marihuana facility that may provide an economic or other personal benefit to an employee, agent or contractor, or to any person or entity with whom they are related or have a financial interest. This will help to ensure that decisions are based entirely on merit. This policy is intended to supplement but not replace any applicable City, state or federal laws relating to conflicts of interest.

Definitions

1. Interested Person. An "Interested Person" is an individual who is in a position to review, inspect and/or approve components of an applicant's Medical Marihuana Application or proposed medical marihuana facility on behalf of the Fire, Building and Safety, or Planning Departments/Divisions or any other relevant department/division of the City (including contractors of the City) tasked with reviewing, inspecting and/or approving any components of Medical Marihuana Applications or proposed medical marihuana facilities.
2. Family Member. A "Family Member" includes: the spouse of, or a brother, sister, in-law, ancestor (including parents and grandparents), child, grandchild or great grandchild of an Interested Person, or the spouse of any child, grandchild, or great grandchild of an Interested Person.
3. Financial Interest. An Interested Person has a "Financial Interest" if:
 - (a) such Interested Person, or any Family Member or Related Entity of such Interested Person, is directly or indirectly involved in any transaction or exchange with an entity or individual that has submitted or plans to submit a Medical Marihuana Application to operate a medical marihuana facility in the City (other than retail purchases of medical marihuana at a provisioning center in compliance with applicable laws); or
 - (b) such Interested Person, or any Family Member or Related Entity of such Interested Person, has a compensation arrangement or a potential compensation arrangement of any form, direct or indirect, with any entity or individual that has submitted or plans to submit a Medical Marihuana Application to operate a medical marihuana facility in the City.

4. Related Entity. A "Related Entity" means: any corporation, partnership, limited liability company, estate, trust or other entity or organization in which any Interested Person or any Family Member of such Interested Person, directly or indirectly, owns or controls or is negotiating to own or control (including through other entities or organizations) 1% or more of the voting power, 1% or more of the profits or economic interest or 1% or more of the ownership interest of such entity or organization.

Acceptance of Benefit

Employees, agents and contractors reviewing, inspecting and/or approving components of an applicant's Medical Marihuana Application or proposed medical marihuana facility (and their Family Members and Related Entities) shall not solicit, accept or retain any direct or indirect gift, gratuity, compensation, payment or other benefit (collectively, "Benefit") from any individual or entity operating or seeking to operate a medical marihuana facility in the City.

Procedures for Conflicts of Interest

1. Duty to Disclose. Each year, promptly after the release of the Medical Marihuana Application by the City Clerk and on each anniversary thereafter (and in any case prior to any review by such Interested Person of any Medical Marihuana Application), each Interested Person shall complete and submit to the City Clerk the Conflict of Interest Disclosure Statement/Affidavit For Medical Marihuana Facility Permit Applications attached hereto ("Conflict of Interest Disclosure Statement"). Even if an Interested Person has completed a Conflict of Interest Disclosure Statement, if the Interested Person receives a Medical Marihuana Application in which such Interested Person has a Financial Interest or other actual or potential conflict of interest, before such Interested Person may review the Medical Marihuana Application, such Interested Person shall disclose to the City Clerk the existence of such Financial Interest or conflict together with a statement of facts that describe and explain such Financial Interest or conflict.

2. Reappointment. Upon receipt of the Interested Persons' disclosure of Financial Interest or other actual or potential conflict (or any other discovery of the same), the City Clerk shall report such Financial Interest or conflict to the respective head of the department or division and another employee, agent or contractor shall be assigned to the particular Medical Marihuana Application.

3. Violations.

(a) If the City Clerk or head of the respective department or division has reasonable cause to believe that an Interested Person has failed to disclose any actual or potential conflict of interest (including without limitation any Financial Interest) or has directly or indirectly solicited, accepted or retained a Benefit from any individual or entity operating or seeking to operate a medical marihuana facility in the City, the City Clerk or such department/division head shall inform the Interested Person of the basis for such belief and afford him/her an opportunity to explain the alleged failure to disclose or explain the improper Benefit.

(b) If, after hearing the response of the Interested Person and making such further investigation as may be warranted under the circumstances, the City Clerk or respective department/division head determines that the Interested Person has in fact failed to disclose an actual or potential conflict of interest or directly or indirectly solicited, accepted or retained a Benefit, the City Clerk or respective department/division head shall take appropriate disciplinary and corrective action, and may forward the matter to the appropriate law enforcement agency to investigate.

Approved by City of Pontiac:

Date

**CITY OF PONTIAC ("CITY")
CONFLICT OF INTEREST DISCLOSURE STATEMENT/AFFIDAVIT
FOR MEDICAL MARIHUANA FACILITY PERMIT APPLICATIONS**

Name: _____ (Interested Person)

1. As an Interested Person, please list any Related Entity (as defined in the City's Conflict of Interest Policy) that has or plans to submit an application to the City to operate a medical marihuana facility.

Entity	Percentage Interest	<u>Date</u> From	<u>(Yrs)</u> To	Person Involved (relationship)

2. As an Interested Person, please list any organization or entity (profit or nonprofit) that you or a Family Member (as defined in the City's Conflict of Interest Policy) or Related Entity currently (or plan to) serve as an employee, contractor, agent, manager, director, officer or similar position or receive or are entitled to any form of compensation, that has or plans to submit an application to the City to operate a medical marihuana facility.

Organization/Business	Position/Involvement	Person Involved (Relationship)

3. As an Interested Person, please list any other organization, entity, involvement, relationship, conditions or circumstances that place or may place you in a conflict or potential conflict regarding the review, inspection or approval of any medical marihuana facility permit application for the City, including without limitation any Financial Interest (as defined in the City's Conflict of Interest Policy).

Organization or Circumstance	Conflict or Potential Conflict

4. Neither myself nor any of my Family Members or Related Entities have solicited, accepted or retained any direct or indirect gift, gratuity, compensation, payment or other benefit from any individual or entity operating or seeking to operate a medical marihuana facility in the City.

Under penalties of perjury, I declare that: (i) I have completed this Disclosure Statement/Affidavit and that to the best of my knowledge and belief it is true, correct and complete; and (ii) I will update this Disclosure Statement/Affidavit within one (1) business day after any relevant circumstances change by notifying the City Clerk of such change.

Signature: _____

Date: _____

STATE OF _____)
COUNTY OF _____)SS

The foregoing instrument was acknowledged before me this _____ day of _____, 201____, by _____.

_____, Notary Public
_____, County, Michigan
My commission expires: _____

DEPARTMENTAL CORRESPONDENCE

#8

MEMORANDUM

TO: Pontiac City Council
Mayor Deirdre Waterman

FROM: Anthony Chubb, Esq.

DATE: February 18, 2019

RE: Amendment of the Zoning Ordinance

You have requested an opinion regarding the required steps for a Zoning Ordinance including the Technical Review by Planning. Amendment of the Zoning Ordinance must follow the procedures for amendment set forth therein at Section 6.801, *Initiation of Amendment*. Therein, it is established that "City Council may, from time to time, on recommendation from the City Planning Commission or on its own motion or on petition, amend, supplement, modify or change this ordinance in accordance with the authority of Public Act no. 110 of 2006 (as amended)." Pursuant to MCL 125.3202, this amendment is subject to the Amendment Review Procedure, which as follows:

Section 6.802 Amendment Review Procedure

The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

- A. **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City officials and staff for review and comment. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated City consultants for review.
- B. **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) as summarized in Article 6, Chapter 90, Public Hearing Procedures.
- C. **Planning Commission Recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the

petition, including the appropriate criteria listed in this chapter and shall report its findings and recommendation to the City Council.

- D. City Council Decision. Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section.

As stated therein, for this process to begin, the City Council must provide the proposed amendment in its entirety to the Administration for the completion of the Technical Review.

Should you have any further questions in this regard, please do not hesitate to contact me.

COMMUNICATION

#9

CITY OF PONTIAC
ORDINANCE NO. •. _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE USES OF MEDICAL MARIHUANA FACILITIES IN DESIGNATED OVERLAY DISTRICTS.

THE CITY OF PONTIAC ORDAINS:

Article 2 Chapters 1 and 2 Section 2.101 Table 1 and Section 2.203 Table 2 Zoning Districts is amended to added:

Abbreviation	General Zoning Districts	Abbreviation	Special Purpose Zoning Districts
To Remain The Same	To Remain The Same	--	--
		--	--
		MMOD	Medical Marihuana Overlay Districts

Amend Article 2 I Chapter 2 - Section 2.203 Table 2 (Uses Permitted By District). Not more than five (5) Medical Marihuana Provisioning Center Facilities are to be located in any one of the three MMOD overlay districts, described in Section 3.1106.

Commercial, Office, and Service Uses											
Residential Districts				Commercial Districts				Industrial Districts			Development Standards
R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
								■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 - 3.1111
								■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 - 3.1111
			■	■	■	■	■	■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 - 3.1111
			■	■	■	■	■	■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 - 3.1111
			■	■	■	■	■	■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 - 3.1111

- Principal Permitted Uses

Article 2 Chapter 5 - Development Standards for Specific Uses is amended to add Sections 2.544, 2.545, 2.546, 2.547, and 2.548 as follows:

Section 2.544 - Medical Marihuana Grower Facilities

Grower means a commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center, as defined in the Medical Marihuana Facility Licensing Act ("MMFLA"). As used in this ordinance, Grower shall include Class A Growers, Class B Growers, and Class C Growers.

1. Class A Grower means a grower licensed to grow not more than 500 marihuana plants.
2. Class B Grower means a grower licensed to grow not more than 1,000 marihuana plants.
3. Class C Grower means a grower licensed to grow not more than 1,500 marihuana plants.

A. General Provisions

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of Medical Marihuana Grower Facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.
3. All activity related to the Medical Marihuana growing shall be done indoors.
4. Any Medical Marihuana Grower Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana and the number of Medical Marihuana plants on the premises which shall not exceed the amount permitted under the Grower license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the Medical Marihuana Grower does not have more Medical Marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of Medical Marihuana at the Facility.
5. The Medical Marihuana Grower Facility shall, at all times, comply with the MMFLA and the rules and regulations of the Department of Licensing and Regulatory Affairs – Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

B. Security

1. Medical Marihuana Grower Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sherrieff Department.

2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Grower while the Medical Marihuana Facility is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation

1. Unless permitted by the MMFLA, public areas of the Medical Marihuana Grower Facility must be separated from restricted or non-public areas of the Grower Facility by a permanent barrier.

2. Unless permitted by the MMMA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited

1. Medical Marihuana Grower Facilities shall be free from Infestation by insects, rodents, birds, or vermin or any kind.

2. Medical Marihuana Grower Facilities shall produce no products other than useable Medical Marihuana intended for human consumption.

3. No Medical Marihuana Grower shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Medical Marihuana Grower is operated.

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Grower Facility.

F. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents it's acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where Medical Marihuana is exposed.

3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Medical Marihuana Grower shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location

1. There shall be no other accessory uses permitted within the same facility other than those associated with a Processor and Provisioning Center.
2. Multiple Class C licenses may be stacked in the same facility as defined by the MMFLA, and shall only be considered as one facility for the purposes of this subsection, provided that a separate application fee is paid for each Class C license.

I. Building Design

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.

Section 2.545 - Medical Marihuana Processor

Processor means a commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a Marihuana-infused product for sale and transfer in package form to a Provisioning Center.

A. General Provisions

1. The Processor shall comply at all times and in all circumstances with the MM FLA, and the general rules of LARA, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of Medical Marihuana Processor, and a sign shall be posted on the premises of each Medical Marihuana Processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.
4. Any Processor Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana and the number of Medical Marihuana product on the premises which shall not exceed the amount permitted under the Processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the Processor does not have more Medical Marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of Medical Marihuana at the Facility.
5. Processor Facilities shall not produce any products other than those marihuana-infused products allowed by the MMFLA and the rules promulgated thereunder.

B. Security

1. Medical Marihuana Processor Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sherriff Department.
2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Processor while the Medical Marihuana Facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All Medical Marihuana shall be contained within the building in an enclosed, locked Facility in accordance with the MM FLA, as amended.

C. Space Separation

1. Unless permitted by the MMFLA, public areas of the Medical Marihuana Processor Facility must be separated from restricted or non-public areas of the Processor Facility by a permanent barrier.
2. Unless permitted by the MMFLA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited

1. Processor Facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind.
2. No Medical Marihuana Processor shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Medical Marihuana Processor is operated.

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Processor Facility.

F. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where Medical Marihuana is exposed.

G. Signage

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Medical Marihuana Processor shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:

- i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
- ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location

1. There shall be no other accessory uses permitted within the same facility other than those associated with a Grower and Provisioning Center.
2. The dispensing of Medical Marihuana at the Processor Facility shall be prohibited.

I. Building Design

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.

Section 2.546 - Medical Marihuana Provisioning Center

Provisioning Center means a commercial entity that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marihuana is sold at retail to registered, qualifying patients, or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a Provisioning Center for purposes of this ordinance.

A. General Provisions

1. Medical Marihuana Provisioning Centers shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Provisioning Center, and a sign shall be posted on the premises of each Medical Marihuana Provisioning Center indicating that consumption is prohibited on the premises.

3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.

B. Security

1. Medical Marihuana Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sherriff Department.

2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Provisioning Center while the Medical Marihuana Provisioning Center is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation

1. Unless permitted by the MMFLA public areas of the Medical Marihuana Provisioning Center must be separated from restricted or non-public areas of the Provisioning Center by a permanent barrier.

2. Unless permitted by the MMFLA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public.

3. Medical Marihuana may be displayed in a sales area only if permitted by the MMFLA.

D. Nuisance Prohibited

1. No Medical Marihuana Provisioning Center shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Medical Marihuana Provisioning Center is operated.

E. Drive-Through

1. Drive-through windows on the premises of a Medical Marihuana Provisioning Center shall be prohibited.

F. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Provisioning Centers.

2. All registered patients must present both their Michigan Medical Marihuana patient/caregiver ID card and Michigan state ID prior to entering restricted/limited areas or non-public areas of the Medical Marihuana Provisioning Center.

G. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

H. Signage

1. It shall be prohibited to display any signs that are inconsistent with local laws of regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It- shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Medical Marihuana Provisioning Center shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:
 - i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducts.

I. Co-Location

1. There shall be no other accessory uses permitted within the same Facility other than those associated with a Grower and Processor..

Section 2.547 - Medical Marihuana Safety Compliance Facility

Safety Compliance Facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to a Medical Marihuana Facility.

A. General Provisions

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Safety Compliance Facility, and a sign shall

be posted on the premises of each Medical Marihuana Safety Compliance Facility indicating that consumption is prohibited on the premises.

2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.

3. Any Medical Marihuana Safety Compliance Facility shall maintain a log book and/or a database identifying by date the amount of Medical Marihuana on the premises and form which particular source. The Facility shall maintain the confidentiality of qualifying patients in compliance with the MMMA, and MMFLA, as amended.

B. Security

1. Medical Marihuana Safety Compliance Facility shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sherriff Department.

2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Safety Compliance Facility while the Medical Marihuana Safety Compliance Facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All Medical Marihuana shall be contained within the building in an enclosed, locked Facility in accordance with the MM FLA, as amended.

C. Space Separation

1. Unless permitted by the MMFLA, public areas of the Medical Marihuana Safety Compliance Facility must be separated from restricted or non-public areas of the Safety Compliance Facility by a permanent barrier.

2. Unless permitted by the MMFLA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited

1. No Medical Marihuana Safety Compliance Facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Medical Marihuana Safety Compliance Facility is operated.

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Safety Compliance Facility.

2. All registered patients must present both their Michigan Medical Marihuana patient/caregiver ID card and Michigan state ID prior to entering restricted/limited areas or non-public areas of the Medical Marihuana Safety Compliance Facility.

F. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the city so that they do not constitute a source of contamination in areas where Medical Marihuana is exposed.

G. Signage

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Medical Marihuana Safety Compliance Facility shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:

i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and

ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Building Design

1. Floors, walls and ceilings shall be constructed in such a manner that they may adequately cleaned and kept clean and in good repair.

2. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

Section 2.548 - Medical Marihuana Secure Transporter

Secure Transporter means a commercial entity located in this state stores marihuana and transports marihuana between medical marihuana facilities for a fee. A Secure Transporter shall comply at all times with the MMFLA and the rules promulgated thereunder.

A. General Provisions

1. Consumption and/or use of marihuana shall be prohibited at a facility of a Secure Transporter.
2. A vehicle used by a Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of medical marihuana to determine compliance with all state and local laws, rules, regulations and ordinances.
3. A Secure Transporter licensee and each stakeholder shall not have an interest in a Grower, Processor, Provisioning Center, or Safety Compliance Facility.
4. A Secure Transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.

B. Secure Storage

1. Storage of medical marihuana by a Secure Transporter shall comply with the following:
 - i. The storage facility shall not be used for any other commercial purpose.
 - ii. The storage facility shall not be open or accessible in the general public.
 - iii. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinances.
2. All marihuana stored within the facility shall be stored within enclosed, locked facilities in accordance with the MMFLA, as amended.

C. Sanitation

1. All persons working in direct contact with marihuana being stored by a Secure Transporter shall conform to hygienic practices while on duty, including but not limited to:
 - i. Maintaining adequate personal cleanliness.
 - ii. Washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated.
 - iii. Refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

D. Disposal of Waste

1. Disposal of medical marihuana shall be accomplished in a manner that prevents its acquisition by a person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

E. Transport Driver

1. A Secure Transporter shall comply with all of the following:

i. Each driver transporting marihuana must have a chauffeur's license issued by the state.

ii. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years.

iii. Each vehicle shall always be operated with a two-person crew with at least one individual remaining with the vehicle during the transportation of marihuana.

2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement office upon request.

3. The medical marihuana shall be transported by one or more sealed containers and not be accessible while in transit.

4. A secure transporter vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana infused product.

F. Signage

1. It shall be prohibited to display any signs that are inconsistent with local laws of regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Medical Marihuana Secure Transporter shall place or maintain, or cause to be placed or maintained, an advertisement of medical marihuana in any form or through any medium:

- i. Within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school; and
- ii. Within one hundred feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

Article 3 - Special Purposes - Zoning District is amended to add Chapter 11 as follows: Chapter 11- Medical Marihuana Districts

Section 3.1101 – Intent

The purpose of the Medical Marihuana Overlay District (MMOD) is to provide for the placement of Medical Marihuana related uses as authorized pursuant to State regulations with a goal of minimizing potential adverse impacts on adjacent property owners, neighborhoods, and the City.

Section 3.1102 - Medical Marihuana Overlay District Principal Permitted Uses

The following are principal permitted uses in the Medical Marihuana Overlay District, provided the development also meets the Design & Building Standards set forth in Section 3.1109 and Article 2 Chapter 5 Development Standards for Specific Uses:

1. Provisioning Center;
2. Safety Compliance Facility;
3. Secure Transporter;
4. Grower; and
5. Processor.

Section 3.1103 - Medical Marihuana Overlay District Permitted Accessory Uses

1. Off-Street Parking, Loading and Unloading as required per Section 4.307; and
2. Any use that is not incidental to the permitted principal use.

Section 3.1104 - Medical Marihuana Overlay District Principal Permitted Uses Requiring Site Plan Review

All principal permitted uses of the MMOD are subject to Site Plan Review set forth in Article 6, Chapter 2, Section 6.202.

Section 3.1105 – Licensing

All operators of medical marihuana facilities must obtain a State of Michigan & City of Pontiac License.

Section 3.1106 - MMOD Location Description

The Medical Marihuana uses permitted in the MMOD must meet the following requirements:

- A. OVERLAY #1:** All properties along Walton Blvd and streets north of Walton Blvd between the west side of Telegraph Road to Joslyn Avenue including those contained within Overlay Map 1 for this MMOD.
 - a. Not more than five (5) licenses to operate a Provisioning Center shall be awarded in this Overlay District #1.
- B. OVERLAY #2:** Maintain frontage along Cesar Chavez, starting from the west side of West Blvd in the City of Pontiac to northern side of W. Montcalm St., also including:
 - 1. Pershing Ave;
 - 2. Durant Ave;
 - 3. Inglewood Ave; and
 - 4. Ojista Ave.

Not more than five (5) licenses to operate a Provisioning Center shall be awarded in this Overlay District #2. See Overlay Map #2 for this MMOD.

- C. OVERLAY #3:** All properties within C-2 Downtown zoned district.
 - a. Not more than five (5) licenses to operate a Provisioning Center shall be awarded in this Overlay District #3.

Section 3.1107 - Permitted Uses in Commercial Districts (Non-Overlay)

In addition to MMOD Locations as described in Section 3.1106, all medical marihuana uses, excluding Medical Marihuana Grower and Processor, are permitted in C-0, C-1, C-3, C-4, M-1 and M-2 districts subject to all requirements under this Chapter 11, including but not limited to Section 3.1108 - Buffer

Distance Restrictions. There shall be no more than five (5) Medical Marihuana Provisioning Centers allowed in all of C-0, C-1, C-3, C-4, M-1 and M-2 districts combined, and shall be awarded based on the highest scoring applications received for those proposed qualifying locations that are not in one of the three Overlay Districts described in Section 3.1106 above.

Section 3.1108 - Buffer Distance Restrictions

- A. The proximity of the proposed medical marihuana facility shall not be less than:
1. 1,000 feet from an operational public or private school;
 2. 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed and registered with the State of Michigan Department of Health and Human Services or its successor agency;
 3. 500 feet from a public park with playground equipment;
 4. 500 feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and
 5. Applicable only for properties located in a C-0, C-1, C-3, and C-4 Commercial and M1 and M2 zoned districts:
 - i. 200 feet from a residential-zoned property. Notwithstanding anything contained within Section 3.1107. B to the contrary, such distance between a residentially-zoned property and the contemplated location shall be measured at right angles.
- B. Such distance between the school, childcare center, public park, or religious institution, and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines at right angles to the centerline from the primary point of ingress to the school, childcare center, or religious institution, or from the playground equipment in a public park, and from the primary point of ingress to the medical marihuana facility along the centerline to the primary site entrance driveway

Section 3.1109 - Co-Location

- A. Consistent with the MMFLA and rules promulgated by the department, any combination of Growers, Provisioning Centers, and Processors may operate as separate medical marihuana facilities at the same physical location;

- B. A maximum of two medical marihuana facilities with state operating licenses may co-locate on a single parcel;
- C. No two medical marihuana facilities of the same type may be located on the same parcel;
- D. Medical Marihuana Provisioning Center, consistent with the MMFLA, any combination of Grower, Processor, and Provisioning Centers may operate as separate medical marihuana facilities in the physical location. Provided that the Provisioning Center is incidental to the principal use and that the total amount of internal floor areas of the structure locate to the Provisioning Center does not exceed 20% of the floor area of the total establishment;

Section 3.1110 - Building Design, Area, Height, Bulk, and Placement

- A. Building and design improvements must comply with the underlying Zoning requirements and the Specific Uses Development Standards outlined in Article 2, Chapter 5 of this Zoning Ordinance.
- B. If the provisions of the MMOD are silent on building and design requirements, the requirements of the underlying district shall apply.
- C. If the building and design requirements of the MMOD conflict with the requirements of the underlying district, then the building and design requirements of the MMOD shall supersede the underlying district regulations.

Section 3.1111- Review Authority and Establishment

- A. The Planning Commission shall be the Special Exception and Site Plan Review Authority for the permitted medical marihuana uses in the MMOD;
- B. A Special Exception Permit for medical marihuana uses require Public Notice of 500 feet from the proposed medical marihuana facility;
- C. All permitted medical marihuana uses must be in accordance with the Uses Development Standards outlined in Chapter 2 of the Zoning Ordinance;
- D. Within the MMOD all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

Article 7 - Definitions Is amended to add Chapter 2, and Chapter 3 as follows: Article 7 - Definitions I
Chapter 2

Section 7.202 Commercial, Office, and Service Uses

A. Provisioning Center means a commercial entity that purchases medical marihuana from a Grower or Processor, and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.

1. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.

B. Safety Compliance Facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

C. Secure Transporter means a commercial entity located in this state that stores marihuana and transports medical marihuana between medical marihuana facilities for a fee.

Section 7.203 - Industrial Uses

A. Grower means a commercial entity that cultivates, dries, trims, or cures, and packages marihuana for sale to a Processor or Provisioning Center. As used in this ordinance, Grower shall include Class A Growers, Class B Growers, and Class C Growers.

a. Class A Grower means a grower license to grow not more than 500 marihuana plants.

b. Class B Grower means a grower license to grow not more than 1,000 marihuana plants.

c. Class C Grower means a grower license to grow not more than 1,500 marihuana plants.

B. Processor means commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a Marihuana-infused product for sale and transfer in package form to a Provisioning Center.

C. Provisioning Center means a commercial entity that purchases marihuana from a Grower or

Processor, and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.

a. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.

D. Safety Compliance Facility means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

E. Secure Transporter means a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

Article 7 - Definitions | Chapter 3

Section 7.301-General Definitions

A. Medical Marihuona Facility means a location at which a Grower, Processor, Provisioning Center, Secure Transporter, or Safety Compliance Facility is licensed to operate under the MMFLA.

B. MMLFA means the Medical Marihuana Facilities Licensing Act, Act No. 281 of the Public Acts of 2016, being Sections 333.27101 to 333.27801 of the Michigan Compiled Laws.

C. MMMA means the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, being Sections 333.26421 to 333.26430 of the Michigan Compiled Laws.

Pursuant to Pontiac City Charter Provision 3.112(e), this is an EMERGENCY ORDINANCE to regulate the proliferation of medical marihuana facilities within the City of Pontiac and thereby ensure the health and safety of its residents, and shall be given immediate effect.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Pontiac this _____ day of _____ 2019.

Deirdre Waterman, Mayor

Garland Doyle, Interim City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council on the _____ day of _____ 2019.

Garland Doyle, Interim City Clerk

I further certify that the foregoing was published in a newspaper of general circulation in the City of Pontiac in a manner consistent with the Charter of the City of Pontiac.

Garland Doyle, Interim City Clerk