

PONTIAC CITY COUNCIL

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



Patrice Waterman, District 1
George Williams, 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

FORMAL MEETING

October 29, 2019

6:00 P.M.

121st Session of the 10th Council

Councilwoman Taylor-Burks will present an award to Renee Beckley after approval of the agenda.

Call to order

Invocation

Pledge of Allegiance

Roll Call

Authorization to Excuse Councilmembers

Amendments to the Agenda

Approval of the Agenda

Approval of the Minutes

1. October 22, 2019

Subcommittee Reports

2. Community Development- October 15, 2019
3. Law/50th District- October 22, 2019

Closed Session

4. Closed Session to discuss City Attorney Privileged Memo to Allow City Attorney to negotiate City of Pontiac Retired Employees Association (CPREA) Settlement Agreement and Authorize Mayor to implement the plan.

Special Presentations (Presentations are limited to 10 minutes.)

5. Phoenix Center Update - Request for Proposal (RFP) for Architectural Design
Presentation Presenters: Vince Deleonardis and Mayor Waterman
6. Medical Marihuana Update
 - a. Medical Marihuana Commission Rules & Regulations
Presentation Presenters: Mayor Waterman and City Attorney Anthony Chubb
 - b. Status Update on Application Acceptance; Professional Experts to the City Clerk- Legal Advisor and Financial Advisor; and Hearing Officer(s)
Presentation Presenter: Garland Doyle, Interim City Clerk

7. Chronology of CPREA Settlement Agreement since date of approval
Presentation Presenter: City Attorney Anthony Chubb.

Recognition of Elected Officials

Agenda Address

Agenda Items

Resolutions

City Clerk

8. Resolution to authorize the agreement between Fausone Bohn, LLP and the City for Fausone Bohn, LLP to serve as the Professional Expert-Legal Advisor to the City Clerk under Ordinance 2357(B) City of Pontiac Medical Marihuana Facilities Ordinance and authorize the Mayor to sign the agreement not to exceed \$10,500. **(This item is brought back from the October 8, 2019 City Council Meeting.)**

City Council

9. Resolution in honor of Brandon Brooks
10. Resolution in honor of Dorian Long
11. Resolution in honor of Elisabeth Rose Semwile
12. Resolution in honor of Jasmine Spurlin
13. Resolution in honor of Kendall Wright

Finance

14. Resolution to authorize the City Clerk to publish the notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase account number 101-206-702.00 (Finance Administration Salaries & Wages) \$90,000 from \$298,771 to \$388, 771. The increase is due to adjusting the Finance Director's salary from \$50,000 to \$140,000. **(This item was deferred for one week at the October 22, 2019 Council Meeting and relates to item 15.)**
15. Resolution to approve budget amendment in the amount of \$90,000.00 to restore Finance Director's Salary as presented in the Mayor's 2019-2020 Proposed Budget. **(This item was deferred for one week at the October 22, 2019 Council Meeting. This item cannot be approved until after the resolution to authorize the City Clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice. It takes 5 votes to approve a budget amendment.)**
16. Resolution to authorize the City Clerk to publish the notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment for Youth Recreation to Increase account 208-756-702.000 (Salaries & Wages) by \$66,290.99; Increase account 208-756-715.000 (F.I.C.A.) by \$5,071.26; Increase Account 208-756.716.000 (Medical Insurance) by \$21,475.37; Increase Account 208-756-717.000 (Life Insurance) by \$838.26; Increase Account 208-756-718.500 (MERS Employer Contribution) by \$3,823.33; Increase Account 208-756-719.000 (Workers Compensation Insurance) by \$3,600.00; Increase Account 208-756-719.001 (Dental Insurance) by \$451.12. Total Increase \$101,550.33. **(This item was deferred for one week at the October 22, 2019 Council Meeting and relates to item 17.)**

17. Resolution to approve budget amendments for fiscal year 2019-2020 to restore the Pontiac Youth and Enrichment Center's (PYREC) Youth Recreation Assistant Manager and Sport's Manager positions to a full-time status. Increase account 208-756-702.000 (Salaries & Wages) by \$66,290.99; Increase account 208-756-715.000 (F.I.C.A.) by \$5,071.26; Increase Account 208-756.716.000 (Medical Insurance) by \$21,475.37; Increase Account 208-756-717.000 (Life Insurance) by \$838.26; Increase Account 208-756-718.500 (MERS Employer Contribution) by \$3,823.33; Increase Account 208-756-719.000 (Workers Compensation Insurance) by \$3,600.00; Increase Account 208-756-719.001 (Dental Insurance) by \$451.12. Total Increase \$101,550.33. **(This item was deferred for one week at the October 22, 2019 Council Meeting. This item cannot be approved until after the resolution to authorize the City Clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice. It takes 5 votes to approve a budget amendment.)**

Planning

18. Resolution to refer the text amendment of the Sale of Packaged Liquor Sales to the Planning Commission for review. **(This item was brought back from the October 22, 2019 Council Meeting.)**

Communication from the Mayor

19. The Mayor is seeking to reappoint the following individuals Maria Bermudez, Owen Edwards, Robert Karazim, Dwayne Anthony Lyons, Mark Stone, Renee Voit-Porath and Judy Wilson to the Arts Commission. Per section 4.109 of the Charter, reappointments are subject to City Council approval. **(This item was brought back from the October 22, 2019 Council Meeting.)**
20. The Mayor is appointing Irma Hayes to the Arts Commission. This appointment is for informational purposes only. It is not subject to City Council approval per the Charter.
21. Implosion of Tower at Fiero Power House

Public Comment

Mayor, Clerk and Council Closing Comments

Adjournment

#1

MINUTES

October 22, 2019 Study

**Official Proceedings
Pontiac City Council
120th Session of the Tenth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, October 22, 2019 at 6:02 p.m. by Council President Pro-Tem Randy Carter.

Call to Order

Roll Call

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

Members Absent: K. Williams.

Mayor Waterman was present.

Clerk announced a quorum.

19-514 **Excuse Council President Kermit Williams for personal reasons.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-515 **Motion to defer items #9 thru #12 for one week and move public comment after item #16.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, G. Williams, Carter and Miller

No: Pietila

Motion Carried.

19-516 **Approve the agenda as amended.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, G. Williams, Carter and Miller

No: Pietila

Motion Carried.

19-517 **Approval of meeting minutes for October 15, 2019.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Discussion

Financial Analysis Update regarding the Sheriff's Budget-Directed Patrol Unit (DPU)

19-518 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-519 **Resolution to change the meeting date and time of the City Council Meeting on November 5, 2019 at 6:00 p.m. to November 7, 2019 at 12:00 p.m.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Be It Further Resolved that the Pontiac City Council change the meeting date and time from Tuesday, November 5, 2019 at 6:00 p.m. to Thursday, November 7, 2019 at 12:00 p.m.

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

No: None

Resolution Passed.

19-520 **Suspend the rules.** Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-521 **Renew resolution to direct City Treasurer to distribute \$18,422.01 of property assessment on the 2019 Winter Tax rolls as directed by the Water Resources Commissioner. (The motion to approve this resolution failed to get a second on October 15, 2019.)** Moved by Councilperson Miller and second by Councilperson Waterman.

Whereas, the Water Resources Commissioner has notified the City of property assessments for nearly 7,022 parcels in the City of Pontiac that specifically benefited the property owner; and,

Whereas, the property assessments to the homeowners in their respective drain districts will have an average assessment between \$0.12 to \$74.70 per parcel, and;

Whereas, the Pontiac City Council believes that it is in the best interest of the City, that property owners who receive a direct benefit from the drain should pay for the benefit;

Now, Therefore, Be It Resolved, that the Pontiac City Council directs that the City Treasurer spread \$18,422.01 of property assessment on the 2019 winter tax rolls by director of the Water Resources Commissioner.

October 22, 2019 Study

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

No: None

Resolution Passed.

19-522 **Suspend the rules.** Moved by Councilperson Pietila and second by Councilperson Waterman.

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

No: None

Motion Carried.

19-523 **Resolution to approve a Lot Split and Lot Combination at Glenwood Plaza, 7 S. Glenwood, Parcel Number 64-14-21-383-010.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, the City is in receipt of a Lot Split/Combination request [PLSC 19-33], submitted by Manuel David Ferraiuolo, and;

Whereas, the Pontiac Planning Commission held a Public Hearing on Wednesday, August 7, 2019 in regards to the Lot Split/Combination request, and;

Whereas, the Pontiac Planning Commission finds that the Lot Split/Combination on the subject site will not have an adverse effect on the surrounding properties; and,

Now, Therefore, Be It Resolved that the Lot Split and Lot Combination request submitted by Manuel David Ferraiuolo of existing lots, Parcels numbers: 64-14-21-383-004, 005, 006, 007, and 64-14-28-126-047 into two parcels; Parcel A described as, Part of the southwest ¼ of Section 21, T.3N. R.10E, City of Pontiac, Oakland County Michigan and Parcel B described as, Part of the southwest ¼ of Section 21 and part of the northwest ¼ Section 28, T.3N. R.10E., City of Pontiac, Oakland County Michigan, including Lots 87 through 98 of "Assessors Plat No. 145" as recorded in Liber 15, page 52, Oakland County Records and Lots 10 through 45, Lots 47 through 61 and Lots 64 through 70 of "Wilkinson & Winn's Subdivision" as recorded in Liber 22, Page 13, Oakland County Records, is hereby approved by the City Council on October 22, 2019.

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

No: None

Resolution Passed.

Communication from the Mayor

The Mayor is seeking to reappoint the following individuals: Maria Bermudez, Owen Edwards, Robert Karazim, Dwayne Anthony Lyons, Mark Stone, Renee Voit-Porath and Judy Wilson to the Arts Commission. Reappointments are subject to City Council approval per the City Charter.

Twelve (12) individuals addressed the body during public comment.

October 22, 2019 Study

Councilwoman Gloria Miller and Councilwoman Doris Taylor-Burks asked for point of privilege.

Council President Pro-Tem Randy Carter adjourned the meeting at 7:36 p.m.

SHEILA R GRANDISON
DEPUTY CITY CLERK

DRAFT

#2

SUB

COMMITTEE

REPORT

COMMUNITY DEVELOPMENT SUB-COMMITTEE NOTES
October 15, 2019

In attendance:

Council members: Chairperson Gloria Miller

Mayor: Deirdre Waterman

Deputy Mayor: Jane Bais-Disessa

Planning Manager: Vernon Gustafsson

Building Official: Mike Wilson

Community Relations Specialist: James Johnson

Start: 12:04 p.m.

I. Old Business

a. Vacant Property located on MLK/University Drive

Contracted with group to do cleanup. There is equipment out there, but it hasn't been cleaned.

b. Site One/Bedrock located on Featherstone

The smell was there. A lot of the product has not been removed from the site yet. An overall site plan was requested, but has not been provided yet.

c. Street Sign on First Street and Second Street

This is a DPW issue

d. Property behind Kettering/Galloway Park Area

There is tall grass behind the area that needs to be cut down.

e. Discussion on putting a crosswalk across Perry Street to high school and middle school

MDOT was contacted and asked whether the cross walk on MLK could be used. MDOT does not have the resources. The location is extremely dark in the morning. Consideration, to contact the school district and possibly they can have some influence in making the request.

II. New Business

a. Gas station located on Joslyn/Walton

It has been closed for a while. There is a new owner. The building is condemned and has a demolition order. There are tanks underground that have to be removed. The City is not going to accept the potential liability of removing the tanks. However, the City can issue tickets. The DEQ handles this type of issue.

a. University Drive/Nails Left Behind From Construction

This is a DPW issue.

b. Construction on Featherstone Street/New Dog Shelter

The building was torn down, a bigger facility. They didn't want to cut the road and have to patch it again. Once it is done, re-pave it.

c. Pavement of Auburn Heights Apt/has not been completed (3rd request)

This is a DPW issue.

d. No Street Sign on Perry & Madison

This is a DPW issue.

III. Phoenix Center

There were questions regarding pricing, so a handout was provided showing the Capital Improvement Bonds. The Council signed the settlement in November. Have to determine how to fulfill the terms of the settlement. Architectural in early September. It was suggested to do a public/ private partnership or take the money from the general fund. It was stated that the City would go back into emergency management if money is taken from the general fund.

IV. Preservation of Historic Buildings Ordinance

Copies of a draft of an ordinance to amend Chapter 74 Article III Preservation of Historic Buildings Ordinance to Include Language and Historic District commission Powers that are in Accordance to the Michigan Zoning Enabling Act 110 of 2006 and to repeal Sections 74-51 through 74-62 were provided for all council members.

Adjourned 12:45 p.m.

#3

**SUB
COMMITTEE
REPORT**

LAW/50TH DISTRICT SUB-COMMITTEE NOTES

October 22, 2019

In attendance:

Council members: Chairman Gloria Miller and Councilman George Williams

Mayor: Deirdre Waterman

Community Relations Specialist: James Johnson

Court Administrator: Lynette Ward

Start time: 4:02 p.m.

Discussion

MIDC

- The budget is put in place and renovations should be completed by the 14th of November.
- The resolution that was requested by Oakland County was to be discussed, but was not presented.

50th District Court

○ The EM prevented the City from issuing tickets under the City ordinance, for OWI (Operating While Impaired) and Domestic violence. The tickets are high dollar offenses and are now, mostly issued under state law by the prosecutor's office versus being issued under city ordinance out of the city attorney's office. Can this be re-instated? Was this done in an effort to reduce the work load for the City Attorney? Not sure of the rationale. Will follow-up with the City Attorney.

○ The issue of parking is not settled, but is fine for now. There are positions at the Court that are unfilled, so the number of parking spaces needed is reduced. The parking lot is not secure, but should be. People are sleeping in the back as they go underneath the fence. The ground is not level, so there is space between the ground and the fence. Will check with the DPW Director to see if the fence can be made more secure.

○ The State is mandating security in the courts. The Court will be creating a committee to deal with the issue and will be sending over information regarding the same. There is no set number as to the number of people who can sit on the committee.

Dangerous Animal Ordinance

○ Will check with the City Attorney and also investigate to determine the services provided by Oakland County's Animal Control.

Community Block Grant

○ To be investigated. In the past, there was one representative from the City and the grant was for \$1.4 million, with three quarters going to the County.

Amazon

○ Amazon may possibly come to Pontiac.

Adjourned: 4:27 p.m.

#4

**CLOSED
SESSION**

Pontiac City Council Resolution



Whereas, Michigan Open Meetings Act Section 8(h), MCL 15.268(h), allows a public body to go into closed session to consider material exempt from discussion or disclosure by state or federal statute; and

Whereas, Michigan Freedom of information Act Section 13(g) exempts from disclosure records subject to the attorney-client privilege;

Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss an attorney-client privileged memorandum regarding the City of Pontiac Retired Employees Association (CPREAI Settlement Agreement, information exempt from disclosure by statute, specifically an attorney-client privileged memorandum exempt from disclosure pursuant to MCL 15.243(1) (g).

#5

PRESENTATION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Mayor Deirdre Waterman

CC: Anthony Chubb, City Attorney; John Balint, DPW Director, and Jane Bais DiSessa, Deputy Mayor

DATE: October 24, 2019

RE: **Update Regarding Request for Proposal for Architectural Engineering and Design.**

Attached for your information and review is the status report entitled "Phoenix Center Renovation Project," prepared by Vince DeLeonardis, President and CEO, for AUCH Construction Company. While this report thoroughly outlines the critical architectural steps needed to repair the Phoenix Center, it is up to the City Council to approve these recommendations in order to meet our legal obligations.

Most importantly, a funding mechanism must be secured in order to ensure the City's goodwill and faith efforts. Continued delays in this decision, will increase construction costs, and will require the development of compressed schedules in order to meet our court settlement agreement.

Defaulting on our settlement, may result in the placement of an avoidable financial risk to our City residents, who could face a potential judgement levy, estimated to be as high as \$1,500 per household.

Structural studies have clearly shown that the Phoenix Center is not a functional, leasable facility, and absent any viable public/private venture---I strongly urge you to move forward with the recommendations as presented by our highly experienced consultants.

I look forward to discussing this matter further.

Respectfully,

Mayor Deirdre Waterman
City of Pontiac

Attachment

PHOENIX CENTER RENOVATION PROJECT

STATUS REPORT

OCTOBER 29, 2019

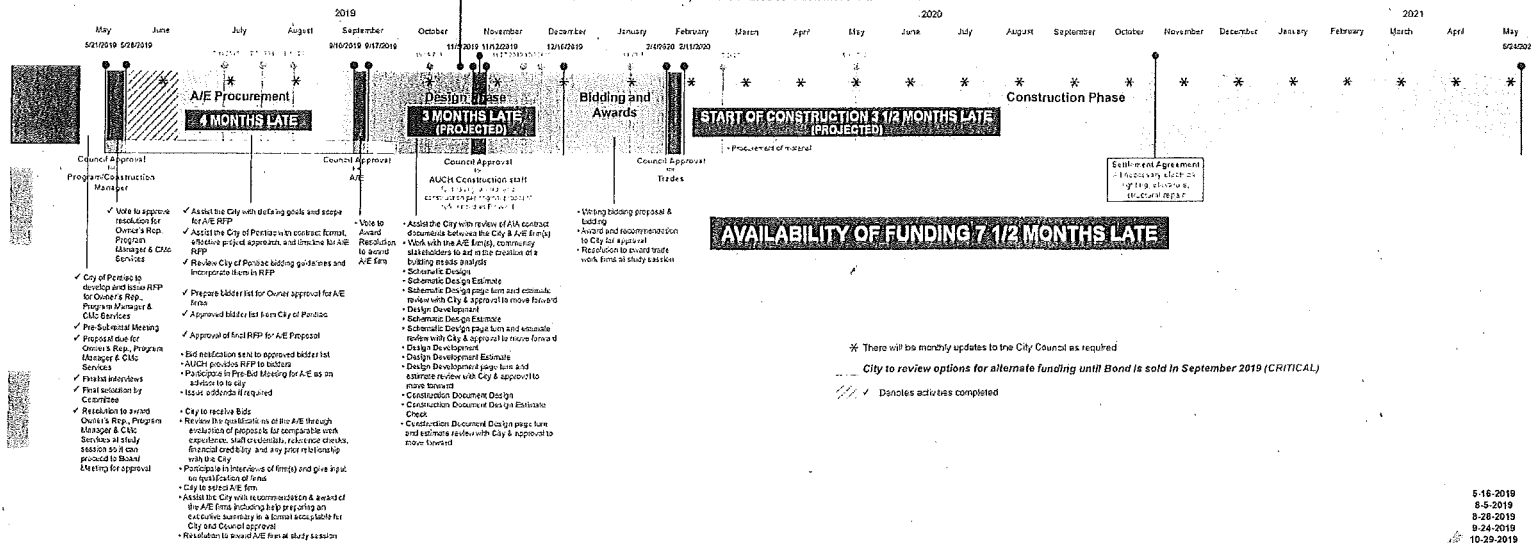


PROGRAM/CONSTRUCTION MANAGER REPORT

- • **TIMELINE**
- • **PROJECT PHASE STATUS**
- **PROJECT SCHEDULE &
PROJECT BUDGET**
- • **NEXT STEPS**

TIMELINE

OCT 29 CITY OF PONTIAC PHOENIX CENTER PRELIMINARY RESTORATION TIMELINE UPDATED OCTOBER 29, 2019 TO SHOW CURRENT STATUS OF CRITICAL ACTIVITIES



5-16-2019
8-5-2019
8-28-2019
9-24-2019
10-29-2019

5-16-2019
8-5-2019
8-28-2019
9-24-2019
10-29-2019

PROJECT PHASE STATUS

I. SETTLEMENT AGREEMENT

- SIGNED

II. FUNDING IN PLACE

- PROJECTED 8 MONTH DELAY

III. PROGRAM/CONSTRUCTION MANAGER

- UNDER CONTRACT

PROJECT PHASE STATUS

IV. ARCHITECT/ENGINEER

- RFP, RECOMMENDATION, CITY COUNCIL APPROVAL IN PROCESS
- 4 MONTH DELAY IN ISSUING RFP

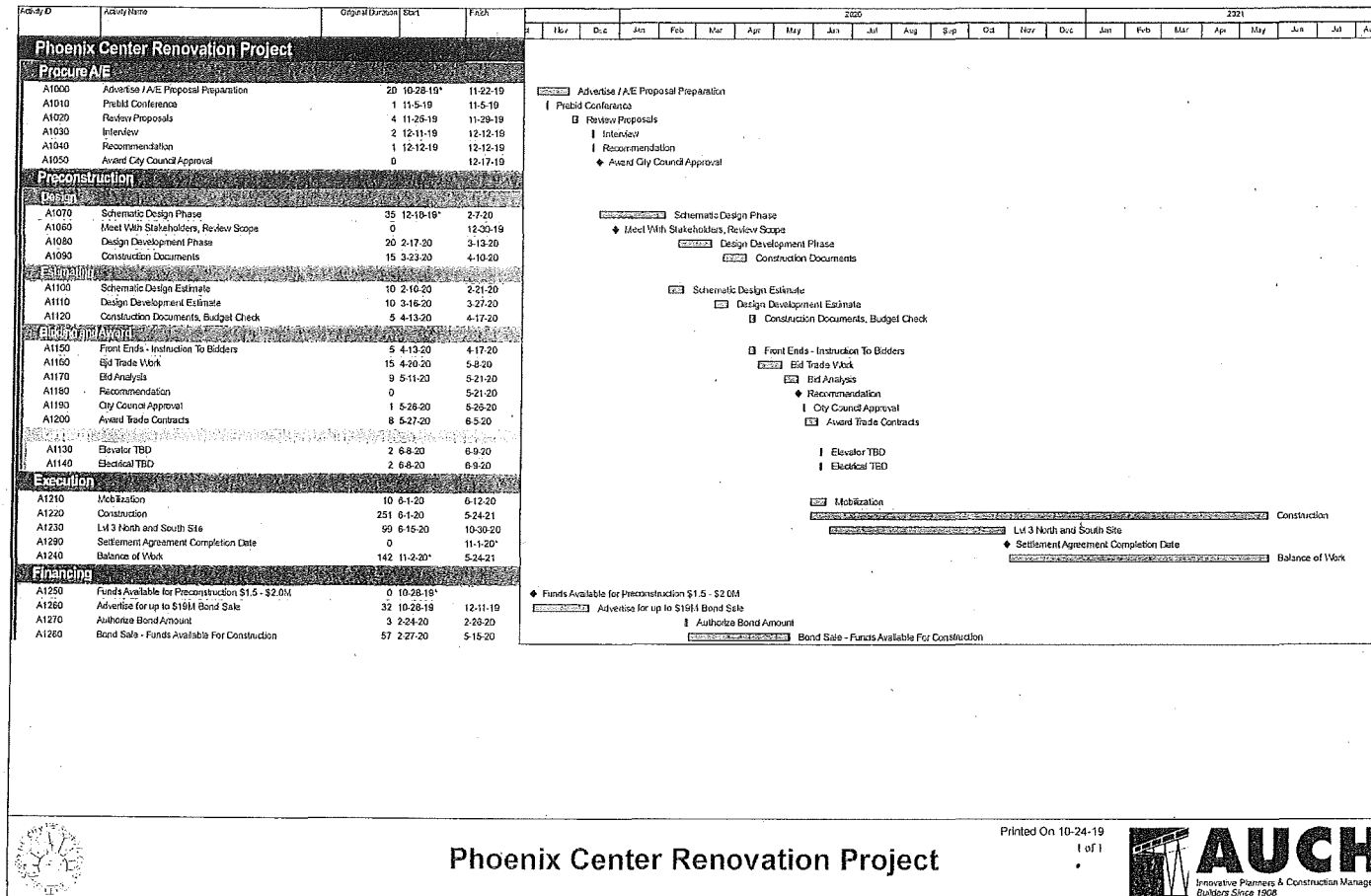
V. DESIGN, COST ESTIMATING, BID AND AWARD TRADE WORK

- PROJECTED 3 MONTH DELAY IN GETTING STARTED

VI. PERFORM CONSTRUCTION WORK

- CONSTRUCTION SCHEDULE COMPRESSED 3 ½ MONTHS REQUIRING ACCELERATION AND PREMIUM COST

PROJECT SCHEDULE



PROJECT BUDGET

- **CURRENT BUDGET FOR RENOVATION WORK \$16.5M PER IDS REPORT OF 10/2/18**
- **PROJECT BUDGET TO BE ESTABLISHED AFTER ESTIMATE OF SCHEMATIC DESIGN (1ST PHASE OF A/E'S DESIGN WORK FEBRUARY 21, 2020)**

#6

PRESENTATION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Mayor Deirdre Waterman

CC: Anthony Chubb, City Attorney; John Balint, DPW Director, and Jane Bais DiSessa, Deputy Mayor

DATE: October 24, 2019

RE: **Special Presentation RE: Medical Marihuana Commission Rules & Regulations.**

Please note that the attached Medical Marihuana Rules & Regulations must first be in place in order to establish the Medical Marihuana Commission.

Respectfully,

Mayor Deirdre Waterman
City of Pontiac

Attachment

→ mtg 28



Pontiac Medical Marihuana Commission Rules and Regulations

All meetings of the Medical Marihuana Commission ("Commission") will be held in compliance with all applicable statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules and regulations.

Commission Membership Requirements

Members of the Commission shall be residents of the City of Pontiac and shall serve without pay.

Commission Powers and Duties

The Commission shall review and decide all appeals that are forwarded to it by the City Clerk pursuant to Ordinance 2357(B). The Commission shall review all appeals de novo. The Commission may overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Meeting Schedule

The Committee shall post a meeting notice in a manner consistent with applicable law subsequent to receiving an appeal forwarded to it by the City Clerk pursuant to City Ordinance 2357(B). Due to the timing irregularity of the receipt of appeals, the Commission may not schedule Regular Meetings as set forth in the Michigan Open Meetings Act, Michigan Public Act 267 of 1976, at MCL 15.265. If the Commission does adopt a regular meeting schedule, it shall be posted in a manner consistent with MCL 15.265.

Minutes of meetings

Minutes of all meetings of the Commission shall be kept in a manner consistent with applicable law. A copy of the minutes of meetings shall be available for public inspection at the City Clerk's Office during regular business hours.

Conduct of meetings

All meetings of the Commission shall be open to the public except as permitted by applicable law. All open meetings shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

2 Chubb 10/14/15

Discussion and voting

Rules of parliamentary procedure

The rules of parliamentary practice, as contained in the 11th edition of Robert's Rules of Order, shall govern the council in all cases to which they are applicable, provided they are not in conflict with these rules, city ordinances or applicable state statutes. The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members. If a point of order is given it should not exceed two (2) minutes.

Conduct of discussion

During the council discussion and debate, no member shall speak until recognized for that purpose by the Presiding Officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

Public comment

Each meeting agenda shall provide reserved time for public comment participation. During public comment, each individual shall be limited to three (3) minutes, and shall not engage in conduct or language that disrupts, makes fun of, or otherwise impedes the orderly conduct of the meeting. In addition, members of the audience shall not engage in disorderly or boisterous activity including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language, cheering, whistling, or any other acts that disturb, disrupt, or impede, or otherwise interfere with the orderly conduct of the meeting.

Suspension of rules

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that council actions shall conform to applicable law.

Commission meeting agenda

Meeting agendas will be as follows

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Amendments to and approve of the agenda
5. Approval of the Minutes (As needed)
6. Agenda Items
7. Public Comment (3 Minute Limit)
8. Adjournment

Quorum

A majority of the Commission shall constitute a quorum for the review of appeals.

Chairperson and Vice Chairperson

At its first meeting, the Commission shall select, by majority vote, a Chairperson and Vice Chairperson.

Presiding Officer

The Presiding Officer shall be responsible for enforcing these Rules and Regulations and for enforcing orderly conduct at meetings. The Chairperson shall be the Presiding Officer. If the Chairperson is absent, the Vice Chairperson shall act as the Presiding Officer. In the event of a resignation or other permanent absence of the Chairperson or Vice Chairperson position, it shall be filled by nomination and majority vote of the Commission members serving.

Disorderly conduct

The Presiding Officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the Presiding Officer determines the person is in order.

Closed sessions

Closed sessions may be held only for the reasons consistent with applicable law, as determined by the City Attorney.

Calling closed sessions

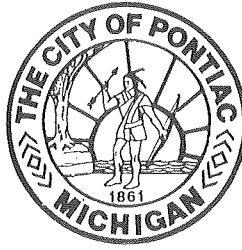
The Commission by a two-thirds roll call vote may call a closed session subject to the conditions herein. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

Minutes of closed meetings

A separate set of minutes shall be taken at the closed session. These minutes will be retained by the City Clerk and shall not be available to the public.

GARLAND S. DOYLE, M.P.A.
Interim City Clerk
FOIA Coordinator


SHEILA GRANDISON
Deputy City Clerk



OFFICE OF THE CITY CLERK
47450 Woodward Avenue
Pontiac, Michigan 48342
Phone: (248) 758-3200
Fax: (248) 758-3160

MEMORANDUM

TO: Honorable City Council

FR: Garland S. Doyle, Interim City Clerk 

DA: October 25, 2019

RE: Medical Marihuana Commission Rules and Regulations

Please be informed that Ordinance 2357(B) Section 6(a) states "The medical marihuana commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations." Section 6(b) states "**The rules and regulations adopted by the medical marihuana commission shall be subject to approval by the council.**" Therefore, the Commission must be appointed and adopt its rules before City Council can approve them.

Ordinance 2357(B) is attached and the relevant sections are highlighted.

In addition, it is important for the Commission to define in its rules, the process the Commission will use to determine that a decision of the City Clerk is arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding before City Council approves the rules.

Thank you

CITY OF PONTIAC ORDINANCE NO. #2357(B)

An ordinance to allow medical marihuana facilities to operate in the City of Pontiac pursuant to the Medical Marihuana Facilities Licensing Act, Act No. 281 of the Public Acts of 2016; to provide for standards and procedures to permit and regulate medical marihuana facilities; to provide for the imposition of permit application fees; and to impose conditions for the operation of medical marihuana facilities.

The City of Pontiac ordains:

Section 1. Title.

The title of this ordinance shall be the "City of Pontiac Medical Marihuana Facilities Ordinance."

Section 2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this except where the context clearly indicates a different meaning:

Applicant means a person who applies for a permit to operate a medical marihuana facility under this ordinance.

Board means the State of Michigan Medical Marihuana Licensing Board.

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

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

Class C grower means a grower licensed to grow not more than 1,500 plants.

Department means the State of Michigan Department of Licensing and Regulatory Affairs or its successor agency.

Disqualifying felony means a felony that makes an individual ineligible to receive a license under the MMFLA.

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.

License means a license that is issued under the MMFLA that allows the licensee to operate as a grower, processor, secure transporter, provisioning center, or safety compliance facility.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused products shall not be considered a food for purposes of the food law, Act No. 92 of the Public Acts of 2000, being sections 289.1101 to 289.8111 of the Michigan Compiled Laws.

Medical marihuana facility means a location at which a grower, processor, provisioning center, secure transporter, or safety compliance facility is licensed to operate under the MMFLA.

MMFLA 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.

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

Permittee means a person who receives a permit to operate a medical marihuana facility under this ordinance.

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 packaged form to a 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 center 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.

Registered primary caregiver means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has a valid registry identification card.

Registered qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition and has a valid registry identification card.

Registry identification card means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

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.

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

Stakeholder means with the officers, directors, and managerial employees of an applicant and any persons who hold any direct or indirect ownership interest in the applicant

Section 3. Creation of Medical Marihuana Commission; Composition; Quorum.

(a) There is hereby created a medical marihuana commission. There shall be four (4) members of the medical marihuana commission. The membership shall elect from among its members a chairman, vice-chairman, and secretary.

(b) A quorum of the medical marihuana commission shall consist of three (3) members.

Section 4. Medical Marihuana Commission Membership; Qualifications; Term; Vacancies; Compensation.

(a) Members of the medical marihuana commission shall be residents of the city, and shall be chosen so far as reasonably practicable in such a manner as to represent a cross-section of the community.

(b) Members of the medical marihuana commission shall be appointed by the mayor to serve at the pleasure of the mayor for a term of three (3) years. Reappointment of a member to serve an additional consecutive term is subject to council approval.

(c) If a vacancy occurs on the medical marihuana commission, the mayor shall appoint a new member to fill the vacancy.

(d) Members of the medical marihuana commission shall serve without pay.

Section 5. Medical Marihuana Commission Powers and Duties.

The medical marihuana commission shall review and decide all appeals that are forwarded to it by the clerk under this ordinance. The medical marihuana commission shall review all appeals de novo. The medical marihuana commission shall only overturn a decision or finding of the clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding.

Section 6. Medical Marihuana Commission Rules and Regulations; Meetings.

(a) The medical marihuana commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations.

(b) The rules and regulations adopted by the medical marihuana commission shall be subject to approval by the council.

(c) The commission shall maintain a written record of its proceedings and actions which shall be available for public inspection, showing the action of the commission and the vote of each member upon each question considered. All meetings of the commission shall be held in conformance with the open meetings act, Act. No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

Section 7. Medical Marihuana Facility Rules and Regulations.

(a) In addition to the rules promulgated by the department and the statutes of the State of Michigan, the operation of medical marihuana facilities shall be made in accordance with the provisions of this ordinance.

(b) 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.

Section 8. Medical Marihuana Facility Applications.

(a) No person shall operate a medical marihuana facility in the city without first obtaining a permit for the medical marihuana facility from the city and obtaining a license from the department

(b) In addition to such applications as may be required by the department for licensing by the State of Michigan, application shall be made to the clerk to operate a medical marihuana facility in the city.

(c) Applications shall be made on forms provided by the clerk, shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if an entity, verified by oath or affidavit, and seal if available, and shall contain all of the following:

(1) The full name, date of birth, physical address, email address, and telephone number of the applicant in the case of an individual; or, in the case of an entity, all stakeholders thereof.

(2) If the applicant is an entity, the entity's articles of incorporation or organizational documents.

(3) If the applicant is an entity, the entity's employee identification number.

(4) If the applicant is an entity, the entity's operating agreement or bylaws.

(5) A written description of the training and education that the applicant will provide to all employees.

- (6) A copy of the proposed business plan for the applicant.
- (7) The proposed ownership structure of the entity that identifies the ownership percentage held by each stakeholder.
- (8) A current organization chart that includes position descriptions and the names of each person holding such position.
- (9) A proposed marketing, advertising, and business promotion plan for the proposed medical marihuana facility.
- (10) A description of planned tangible capital investment in the city, including detail related to the number and nature of proposed medical marihuana facilities, and whether the locations of such facilities will be owned or leased.
- (11) An explanation of the economic benefits to the city and job creation to be achieved, including the number and type of jobs the medical marihuana facility is expected to create, the amount and type of compensation expected to be paid for such jobs, and the projected annual budget and revenue of the medical marihuana facility.
- (12) A description of the financial structure and financing for the proposed medical marihuana facility.
- (13) Short-term and long-term business goals and objectives for the proposed medical marihuana facility.
- (14) A criminal background report of the applicant's criminal history. Such reports shall be obtained by the applicant through the Internet Criminal History Access Tool (ICHAT) for applicants residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants who reside in other states or have resided in other states within 5 years prior to the date of the application. The applicant is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application.
- (15) A description of proposed community outreach and education strategies.
- (16) A description of proposed charitable plans, whether through financial donations or volunteer work.
- (17) A description of the security plan for the proposed medical marihuana facility that is consistent with the requirements of the department.
- (18) A floor plan of the proposed medical marihuana facility.

- (19) A scale diagram illustrating the property upon which the proposed medical marihuana facility is to be operated, including all available parking spaces, and specifying which parking spaces are handicapped-accessible.
- (20) A depiction of any proposed text or graphic materials to be shown on the exterior of the proposed medical marihuana facility.
- (21) A facility sanitation plan that describes how waste will be stored and disposed and how marihuana will be rendered unusable upon disposal at the proposed medical marihuana facility.
- (22) A proposed inventory and recordkeeping plan consistent with the requirements of the department.
- (23) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the city.
- (24) Verification that the applicant has a minimum capitalization consistent with the requirements of the department.
- (25) Proof of premises liability and casualty insurance consistent with the requirements of the department.
- (26) A signed acknowledgement that the applicant understands that all matters related to marihuana cultivation, possession, dispensing, testing, transporting, distribution and use are currently subject to federal laws, and that the approval of a permit hereunder does not exonerate or exculpate the applicant from exposure to any penalties associated therewith. Further, the applicant completely releases and forever discharges the city and its respective employees, agents, facilities, insurers, indemnors, successors, heirs and/or assigns from any and all past, present or future claims, demands, obligations, actions, causes of action, wrongful death claims, rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory or recovery, which the applicant or its stakeholders may now have, or which may hereafter accrue or otherwise be acquired, on account of, or may in any way arise out of the applicant or stakeholders' application for a permit and, if issued a permit, the applicant or stakeholders' operation of a medical marihuana facility.
- (27) A location area map that identifies the relative locations of, and distances from, the nearest school, childcare center, public park containing playground equipment, or religious institution, as 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, for a public park, from the playground equipment nearest to contemplated location, and from the primary point of ingress to the contemplated location.

(28) If the applicant is applying for a permit to operate a provisioning center, a patient education plan consistent with the requirements of the department.

(29) If the applicant is applying for a permit to operate a provisioning center, a description of any drug and alcohol awareness programs that shall be provided or arranged for by the applicant and made available to the public.

(30) If the applicant is applying for a permit to operate a grower, a cultivation plan that includes a description of the cultivation methods to be used, including whether the grower plans to grow outdoors consistent with the rules promulgated by the department.

(31) If the applicant is applying for a permit to operate a grower, a chemical and pesticide storage plan that is consistent with the requirements of the department

(d) All applications must be accompanied by the appropriate fee to help defray administrative costs associated with the application for the medical marihuana facility, which shall be set by a resolution adopted by council, but shall not exceed five thousand dollars (\$5,000.00) per application.

(e) An applicant may apply for multiple medical marihuana facility permits of the same or different nature.

Section 9. Medical Marihuana Facility Application Process.

(a) Upon receipt of a completed application meeting the requirements of this ordinance and the appropriate permit application fee, the clerk shall refer a copy of the application to the fire department and the department of building safety & planning.

(b) No application shall be approved for a permit unless:

(1) The fire department and the department of building safety & planning or another relevant department have inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The department of building safety & planning or another relevant department has confirmed that the proposed location complies with the zoning ordinance.

(3) The proposed medical marihuana facility has been issued a certificate of occupancy and, if necessary, a building permit

(c) After this ordinance becomes effective, the clerk shall begin accepting medical marihuana facility applications within 60 days. Within 7 days of the date the clerk begins accepting medical marihuana facility permit applications, the clerk must set a 21- day application period during which applicants may apply for a permit to operate a provisioning center.

(d) The clerk shall award a permit to any applicant for a permit to operate a grower, processor, secure transporter, or safety compliance facility who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance.

(e) The clerk shall assess, evaluate, score and rank all applications for permits to operate a provisioning center submitted during the twenty-one (21) day application period set forth in this section.

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a provisioning center, the clerk shall assess, evaluate, score, and rank each application based upon a scoring and ranking procedure developed by the clerk consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:

(1) The content and sufficiency of the information required to be in the application under this ordinance. The maximum number of scoring points in this category shall be fifty (50) points.

(2) Whether the proposed medical marihuana facility will be consistent with land use for the surrounding neighborhood and not have a detrimental effect on traffic patterns and resident safety. The maximum number of scoring points in this category shall be twenty (20) points.

(3) Planned outreach on behalf of the proposed medical marihuana facility, and whether the applicant or its stakeholders have made, or plan to make, significant physical improvements to the building housing the proposed medical marihuana facility, including plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood. The maximum number of scoring points in this category shall be ten (10) points.

(4) Whether the applicant or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application. The maximum number of scoring points in this category shall be ten (10) points. If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.

(5) Whether the applicant has reasonably and tangibly demonstrated it possesses sufficient financial resources to fund, and the requisite business experience to execute, the submitted business plan and other plans required this ordinance. The maximum number of scoring points in this category shall be ten (10) points. If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.

(6) The number of full-time and part-time positions the applicant intends to create; the hourly wages or salaries the applicant intends to pay employees; whether the applicant has articulated plans and strategies to attract and hire employees from the City of Pontiac; and

whether the applicant has articulated plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave. The maximum number of scoring points in this category shall be ten (10) points.

(7) Planned philanthropic endeavors and community improvement programs aimed at the City of Pontiac. The maximum number of scoring points in this category shall be ten (10) points.

(8) The proximity of the proposed medical marihuana facility to other structures, including whether the proposed medical marihuana facility is more than 1,000 feet from an operational public or private school and more than 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency, a public park with playground equipment, or a religious institution that is defined as tax exempt by the city assessor. 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 contemplated location. The maximum number of scoring points in this category shall be ten (10) points.

(g) Overall scoring and ranking shall be conducted and applied by the clerk on the basis of assigned points from zero (0) points to one hundred and thirty (130) points with the lowest overall total score as zero (0) points and the highest possible total score being one hundred and thirty (130) points.

(h) At the conclusion of the twenty-one (21) day application period, the clerk shall begin processing applications for permits to operate provisioning centers, awarding permits to the twenty (20) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than twenty (20) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw. Those applications randomly selected shall be eligible to receive a permit to operate a provisioning center. In the event that the number of provisioning center permits subsequently falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for provisioning centers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of provisioning center permits exceed the maximum number authorized under this ordinance.

(i) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a permit of any kind or nature whatsoever including, but not limited to, any claim of entitlement.

(j) The clerk may engage professional expert assistance in performing the clerk's duties and responsibilities under this ordinance.

Section 10. Medical Marihuana Facility Permit Limitations.

There shall be no limit on the number of permits issued by the city for growers, processors, secure transporters, or safety compliance facilities. The city shall issue twenty (20) provisioning center permits or a number of provisioning center permits equal to the number of complete provisioning center permit applications that meet the requirements of this ordinance and are submitted during the twenty-one (21) day period, whichever number is less.

Section 11. Medical Marihuana Facility Co-Location and Stacking.

- (a) Consistent with the MMFLA and rules promulgated by the department, any combination of growers, processors, and provisioning centers may operate as separate medical marihuana facilities at the same physical location.
- (b) Consistent with the MMFLA and rules promulgated by the department, applicants for class C grower permits shall be allowed to receive multiple such permits and operate under each permit in a single facility.

Section 12. Transfer of Existing Medical Marihuana Facility Permits.

- (a) Permittees may transfer a permit issued under this ordinance to a different location upon receiving written approval from the clerk and the department or the board pursuant to the MMFLA and rules promulgated by the department. In order to request municipal approval to transfer a permit location, the permittee must make a written request to the clerk, indicating the current location of the medical marihuana facility and the proposed new location. Upon receiving the written request, the clerk shall refer a copy of the written request to the fire department and the department of building safety & planning or another appropriate department. No permit transfer shall be approved unless each such department or entity gives written approval that the proposed permit location meet the standards identified in this ordinance and the department or board approves the transfer.
- (b) Permittees may transfer a permit issued under this ordinance to a different individual or entity upon receiving written approval from the clerk and the department or the board pursuant to the MMFLA and rules promulgated by the department. In order to request municipal approval to transfer a permit to a different individual or entity, the permittee must make a written request to the clerk, indicating the current permittee and the proposed permittee. The clerk shall grant the request so long as the department or board authorizes the transfer pursuant to the MMFLA and rules promulgated by the department.

Section 13. Term of Medical Marihuana Facility Permit

- (a) Each permit shall be displayed in a conspicuous spot in the building for that current year.
- (b) A permittee shall remove any expired permit on display and replace it with the current permit. A permittee shall not attempt nor act in any fraudulent manner in regard to the display of any permit.

- (c) Approval of a permit shall be for a period of one calendar year subject to review by the clerk upon continued compliance with the regulations of this article.

Section 14. Annual Medical Marihuana Facility Permit Renewal.

- (a) Application for a permit renewal shall be made in writing to the clerk at least 30 days prior to the expiration of an existing permit.
- (b) An application for a permit renewal required by this ordinance shall be made under oath on forms provided by the clerk, and shall contain all of the information required in an initial application.
- (c) An application for a permit renewal shall be accompanied by a renewal fee to help defray administrative and enforcement costs associated with the operation of the medical marihuana facility, which shall be set by resolution of the council, but shall not exceed five thousand dollars (\$5,000.00).
- (d) Upon receipt of a completed application for a permit renewal meeting the requirements of this ordinance and the permit renewal fee, the clerk shall refer a copy of the renewal application to the fire department and the department of building safety & planning.
- (e) No application for a permit renewal shall be approved unless:
- (1) The fire department and the department of building safety & planning or another relevant department have, within the past calendar year, inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.
 - (2) The department of building safety & planning or another relevant department has confirmed that the location complied with the zoning ordinance at the time the permit was granted.
 - (3) The permittee possesses the necessary state licenses or approvals, including those issued pursuant to the MMFLA.
 - (4) The applicant has operated the medical marihuana facility in accordance with the conditions and requirements of this ordinance.
 - (5) The permittee is operating the medical marihuana facility in accordance with State of Michigan laws and rules and this ordinance, and has not been declared a public nuisance.
- (f) If written approval is given by each department or entity identified in this section, the clerk shall issue a permit renewal to the applicant. The renewal shall be deemed approved if the city has not issued formal notice of denial within 60 days of the filing date of the application.

Section 15. Revocation or Suspension of Medical Marihuana Facility Permit

Each medical marihuana facility within the city for which a permit is granted shall be operated and maintained in accordance with all applicable laws, rules, and regulations. Upon any violation of this section or any section of this ordinance, the clerk may, after a notice and hearing, revoke or suspend such permit as hereinafter provided.

Section 16. Procedure for Denial, Recommendation of Nonrenewal, Suspension, or Revocation of Medical Marihuana Facility Permit

The clerk shall notify an applicant of the reasons for denial of an application for a permit or permit renewal or for revocation of a permit or any adverse decision under this ordinance and provide the applicant or permittee with the opportunity to be heard. Any applicant or permittee aggrieved by the denial or revocation of a permit or adverse decision under this ordinance may appeal to the clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the clerk. Such appeal shall be taken by filing with the clerk, within fourteen (14) days after notice of the action complained of has been mailed to the applicant or permittee's last known address on the records of the clerk, a written statement setting forth fully the grounds for the appeal. The clerk shall review the report and recommendation of the hearing officer and make a decision on the matter. The clerk's decision may be further appealed to the medical marihuana commission if applied for in writing to the medical marihuana commission no later than thirty (30) days after the clerk's decision. The review on appeal of a denial or revocation or adverse action shall be by the medical marihuana commission pursuant to this ordinance. Any decision by the medical marihuana commission on an appeal shall be final for purposes of judicial review. The clerk may engage professional experts to assist with the proceedings under this section.

Section 17. Criteria for Denial, Nonrenewal, Suspension, or Revocation of Medical Marihuana Facility Permit.

In addition to any other reasons set forth in this ordinance, the city may refuse to issue a permit or grant renewal of the permit or suspend or revoke the permit pursuant to Pontiac City Ordinance section 1-24 or for any of the following reasons:

- (1) A material violation of any provision of this ordinance.
- (2) Any conviction of a disqualifying felony by the permittee or any stakeholder of the permittee.
- (3) Failure of the permittee or the medical marihuana facility to obtain or maintain a license from the state pursuant to the MMFLA.

Section 18. Penalties.

Any person in violation of any provision of this ordinance, including the operation of a medical marihuana facility without a permit issued pursuant to this ordinance, shall be subject to a five hundred dollar (\$500.00) civil fine and costs. Each day of a violation may be considered a separate violation.

Section 19. Severability; Conflicts.

(a) 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.

(b) If any section, clause, or provision of this ordinance is determined by a court of competent jurisdiction to conflict with the MMFLA, state law, or rules promulgated by the department, the MMFLA, state law, or rules shall control.

Section 20. 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.

Following a recount on September 12, 2018 from the August 7, 2018 Election, the following ordinance was adopted.

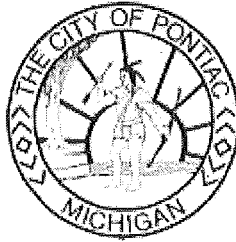
I hereby certify that the foregoing is a true copy of the Ordinance passed by the Citizens of Pontiac during an Election on August 7, 2018 and recount on September 12, 2018.

Sheila R. Grandison, Acting City Clerk

#8

RESOLUTION

Resolution of the Pontiac City Council



Be It Further Resolved that the Pontiac City Council authorizes the agreement between Fausone Bohn, LLP and the City of Pontiac for Fausone Bohn, LLP to serve as the Professional Expert-Legal Advisor to the City Clerk under Ordinance 2357 (B) City of Pontiac Medical Marihuana Facilities Ordinance and authorize the Mayor to sign the agreement not to exceed \$10,500.

FAUSONE BOHN, LLP
ATTORNEYS AT LAW

October 25, 2019

City of Pontiac
ATTN: Garland Doyle, Interim City Clerk
47450 Woodward Avenue
Pontiac, Michigan 48342

Re: Professional Expert- City of Pontiac Medical Marihuana Facilities Ordinance
2357(B)

Dear Interim City Clerk Doyle:

Thank you for the opportunity for this firm to serve as "Professional Expert- Legal Advisor to the City Clerk" under City of Pontiac Medical Marihuana Ordinance 2357(B) (the "Representation"). The following constitute the terms of our engagement.

Client. Our client in this matter will be the City of Pontiac/City Clerk (the "Client"). This engagement does not create an attorney-client relationship with any other person or entity. The point of contact will be the City Clerk.

Scope of Representation. In the course of the Representation, we will provide legal advice to the City Clerk, in his official capacity, in connection with his duties under the City of Pontiac Medical Marihuana Facilities Ordinance 2357(B) and matters related thereto. This includes legal advice with regard to applications for marihuana permits in the City of Pontiac, including but not limited to (1) advising on the legal consequences and effects of applicant criminal background information and staff/employee training and education materials; (2) advising the City Clerk and the Scoring Team on their legal duties relative to scoring applications; and (3) attendance of at least four in-person meetings with the Scoring Team (City Clerk, Planning Manager, and Professional Expert- Financial Advisor to the City Clerk), as directed by the City Clerk. The City Clerk shall, in all cases, be the decision maker with respect to any scoring decision. We will not provide any services or advice other than legal advice.

Conflict Disclosure. We do not, and during the course of this Representation will not, represent any person or entity in applying for a marihuana facilities license with the City of Pontiac. During the course of this Representation, we will not represent the City of Pontiac in any capacity, other than as identified herein.

Rates and Charges. In order to manage costs, Brandon M. Grysko will be principally responsible for the Representation. Other attorneys and professional staff may be utilized as appropriate. A short bio of Mr. Fausone and Mr. Grysko is attached. The hourly rates will be as follows for this unique assignment:

\$300 for partners,

41700 West Six Mile • Suite 101 • Northville, MI 48168
(248) 380-0000 tel. • (248) 380-3434 fax • www.fb-firm.com

FAUSONE BOHN, LLP

ATTORNEYS AT LAW

\$200 for associates.

The initial cost of this Representation will not exceed \$10,500. Invoices will be addressed to *City of Pontiac, c/o Interim City Clerk Garland Doyle, 47450 Woodward Avenue Pontiac, Michigan 48342*. Annual increases in attorney rates are the norm. Out-of-pocket expenses, if any, will be sent directly to the Client for payment, or we will pay those expenses and invoice the Client for the expense. A detailed invoice will be provided on a monthly basis and due net 30 days. Interest at 1% per month is charged to late payments. If necessary, costs of collection, including attorney fees, are chargeable to the Client.

Federal Law. As you are aware, marihuana is currently still illegal under federal law. The laws of the State of Michigan and the City of Pontiac that allow for medical marihuana are not recognized by the federal government or by federal law enforcement authorities. State and local law has no effect on applicable federal laws, which may impose criminal and civil penalties for the possession, transportation, sale, or distribution of marihuana or for any activity related to marihuana products, services, businesses, or other activities. We are not providing any advice with respect to any federal law, including federal marijuana laws, implicated by the City of Pontiac's decision to regulate and license medical marihuana facilities.

Other Legal Matters. We are Special Counsel to the Client, and we only represent the Client to the extent provided herein. We will not provide advice, including legal advice, on any matter outside the scope of this letter. Client should contact its General Counsel on any matters falling outside the scope of this Representation.

Dispute Resolution. If any dispute arises regarding the services provided to the Client by us or the charges for those services and related expenses, then we and the Client will first try in good faith to settle the dispute directly. If the dispute is not resolved, it shall be submitted to a third-party neutral facilitator in accordance with the mediation rules of the American Arbitration Association. If the dispute is not resolved in mediation, the dispute shall be settled through binding arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association except as modified here. Judgment upon the award may be entered in any court of competent jurisdiction. The mediation and arbitration proceedings, including any hearings, shall be held in the Detroit metropolitan area. Client and we agree that neither is entitled to or shall request punitive or exemplary damages and that the arbitrators shall not have the authority to award such damages or any damages in excess of actual pecuniary damages.

Termination. The City of Pontiac, by a resolution of the City Council, or Mr. Fausone, by written notice to the City Clerk, may terminate this engagement at any time, with or without cause, upon 30 days' notice to the other party, whereupon a final invoice will be provided and all accounts settled.

Document Retention. Generally, a client must be given advanced written notice of an attorney's intent to destroy retired files. It is our policy to destroy a file after a period of three (3) years from the date of last service. By agreeing to this Representation, Client consents to the destruction of the closed file after three (3) years, without advanced written notice to the Client of

FAUSONE BOHN, LLP

ATTORNEYS AT LAW

our intention to destroy the file. Should you wish a copy of that file before that deadline, the obligation of contact resides with the Client.

Please sign below and return this letter to me electronically or by mail. By signing this letter you acknowledge that you have read, understood, consent to, and have had the opportunity to consult with independent counsel regarding the terms of this letter, and that you have the actual authority to enter into this Representation.

Very truly yours,

FAUSONE BOHN, LLP

James G. Fausone, Partner

Brandon M. Grysko, Associate

TERMS AND CONDITIONS APPROVED BY:

THE CITY OF PONTIAC

Dated: _____

By Deirdre Waterman, Its Mayor

FAUSONE BOHN LLP
ATTORNEYS AT LAW

October 2, 2019

Firm Profile and Attorney Biographies

The law firm Fausone Bohn, LLP has extensive experience in municipal and governmental law. The firm has represented the City of Westland for 10 years and has been general or special counsel for other communities, such as: the Charter Township of Northville, the City of Rockwood, the City of Wayne, and other municipal and governmental entities. Mr. Fausone, Mr. Grysko, and other attorneys at the firm have been counseling the City of Westland in both medical and adult-use marijuana zoning and licensing regulations and related matters since the November 2018 ballot initiative.

James G. Fausone is a founding partner at the firm. Mr. Fausone has been the City Attorney in Westland for 10 years and has been practicing law for over 30 years. Mr. Fausone concentrates his practice in business matters, municipal representation, and environmental regulation. Mr. Fausone has extensive experience advising business and municipal clients in industries that are subject to strict governmental regulations and oversight. He also represents the Great Lakes Water Authority, the Downriver Utility Wastewater Authority, and the Conference of Western Wayne, among other local governmental entities.

Brandon M. Grysko is an associate at the Firm. Since joining the firm in 2018, Mr. Grysko has practiced extensively in municipal law, including assisting the City of Westland in drafting proposed marijuana zoning and licensing regulations. Mr. Grysko also has experience with matters related to marijuana and other drugs from his time as a City Prosecuting Attorney and from over six years of experience as a police officer, during which time Mr. Grysko had a variety of roles and participated in numerous drug investigations.

#9

RESOLUTION

City of Pontiac Resolution Honoring Brandon Becks

WHEREAS, it is the sense of this legislative body to recognize that with every rising star, there is hope for a better tomorrow and the possibilities of producing exceptional leaders are endless; and,

WHEREAS, Gibraltar Lodge #19, provides annual scholarships to outstanding higher achievers who are committed to pursuing excellence; and,

WHEREAS, Brandon Becks attended West Bloomfield High School and is currently majoring in biology at the University of Toledo in Toledo, Ohio; and,

WHEREAS, Brandon Becks is dedicated to the community and volunteers his time assisting homeless shelters.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council and members of this great community, honor and salute the personal accomplishments and achievements of Brandon Becks for a job well done. Congratulations.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

George Williams, Councilman

Mary Pietila, Councilwoman

Gloria Miller, Councilwoman

Doris Taylor-Burks, Councilwoman

#10

RESOLUTION

City of Pontiac Resolution Honoring Dorian Long

WHEREAS, it is the sense of this legislative body to recognize that with every rising star, there is hope for a better tomorrow and the possibilities of producing exceptional leaders are endless; and,

WHEREAS, Queen of Sheba Chapter #15, Order of the Eastern Star, provides annual scholarships to outstanding higher achievers who are committed to pursuing excellence; and,

WHEREAS, Dorian Long attended West Bloomfield High School and is currently a psychology major at Oakland University in Rochester, Michigan; and,

WHEREAS, Dorian Long is dedicated to the community and volunteers at Camp Hosanna, Church summer camp, Habitat for Humanity and tutors at Herrington Elementary.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council and members of this great community, honor and salute the personal accomplishments and achievements of Dorian Long for a job well done. Congratulations.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

George Williams, Councilman

Mary Pietila, Councilwoman

Gloria Miller, Councilwoman

Doris Taylor-Burks, Councilwoman

#11

RESOLUTION

City of Pontiac Resolution Honoring Elisabeth Rose Semwile

WHEREAS, it is the sense of this legislative body to recognize that with every rising star, there is hope for a better tomorrow and the possibilities of producing exceptional leaders are endless; and,

WHEREAS, Queen of Sheba Chapter #15, Order of the Eastern Star, provides annual scholarships to outstanding higher achievers who are committed to pursuing excellence; and,

WHEREAS, Elisabeth Rose Semwile attended West Bloomfield High School and is currently a nursing student at Alabama A&M University in Huntsville, Alabama; and,

WHEREAS, Elisabeth Rose Semwile is dedicated to the community and volunteers at Gleaners, Habitat for Humanity, Angel Tree and is a Praise Dancer.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council and members of this great community, honor and salute the personal accomplishments and achievements of Elisabeth Rose Semwile for a job well done. Congratulations.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

George Williams, Councilman

Mary Pietila, Councilwoman

Gloria Miller, Councilwoman

Doris Taylor-Burks, Councilwoman

#12

RESOLUTION

City of Pontiac Resolution Honoring Jasmine Spurlin

WHEREAS, it is the sense of this legislative body to recognize that with every rising star, there is hope for a better tomorrow and the possibilities of producing exceptional leaders are endless; and,

WHEREAS, Queen of Sheba Chapter #15, Order of the Eastern Star, provides annual scholarships to outstanding higher achievers who are committed to pursuing excellence; and,

WHEREAS, Jasmine Spurlin attended Pontiac Academy for Excellence and is currently majoring in Game Art at Lawrence Technological University in Southfield, Michigan; and,

WHEREAS, Jasmine Spurlin is dedicated to the community and is a volunteer at a senior living facility.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council and members of this great community, honor and salute the personal accomplishments and achievements of Jasmine Spurlin for a job well done. Congratulations.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

George Williams, Councilman

Mary Pietila, Councilwoman

Gloria Miller, Councilwoman

Doris Taylor-Burks, Councilwoman

#13

RESOLUTION

City of Pontiac Resolution Honoring Kendall Wright

WHEREAS, it is the sense of this legislative body to recognize that with every rising star, there is hope for a better tomorrow and the possibilities of producing exceptional leaders are endless; and,

WHEREAS, the Taylor Scholarship provides annual scholarships to outstanding higher achievers who are committed to pursuing excellence; and,

WHEREAS, Kendall Wright was a former student of Pontiac High School International Technology Academy and is currently majoring in mechanical engineering at Grand Valley State University in Allendale, Michigan; and,

WHEREAS, Kendall Wright is dedicated to her church, Southside Church of God, where she serves as an usher, sings on the church's praise team, is a member of the mime ministry and volunteers in the church's community involvement activities.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council and members of this great community, honor and salute the personal accomplishments and achievements of Kendall Wright for a job well done. Congratulations.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

George Williams, Councilman

Mary Pietila, Councilwoman

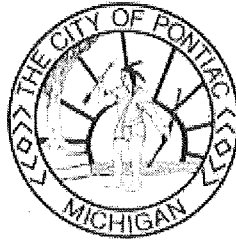
Gloria Miller, Councilwoman

Doris Taylor-Burks, Councilwoman

#14

RESOLUTION

Resolution of the Pontiac City Council



Whereas, the City of Pontiac timely approved the FY 2019-2020 budget on June 25, 2019; and

Whereas, the adopted FY 2019-2020 General Fund budget includes an appropriation for salaries for personnel in the Finance Department using account number 101-206-702.000; and

Whereas, the appropriation for account number 101-206-702.000 is \$298,771; and

Whereas, section 5.106 of the Charter states "after adoption of the appropriations ordinance, and upon at least one week's notice in a newspaper of general circulation in the City, the Council by a resolution of five members, may amend such ordinance to authorize the transfer of an unused balance appropriated for one purpose to another purpose, or to appropriate available revenues not previously appropriated."; and

Whereas, the proposed appropriation increase is \$90,000 for account number 101-206-702.000 to \$388,771; and

Whereas, the proposed appropriation increase will be used to increase the Finance Director salary from \$50,000 to \$140,000.

Now therefore, be it resolved that the City Council authorizes the City Clerk to publish the notice of the budget amendment in the Oakland Press.

#15

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President and City Council Members

FROM: Hughey Newsome, Interim Finance Director

Thru: Office of Deputy Mayor, Jane Bais-DiSessa

DATE: 9/12/2019

RE: **Resolution to Restore the Finance Director's Salary via Amendment to Budget Account that pays Finance Department Salaries.**

The FY 2010-2020 budget as adopted by City Council on June 28, 2019, includes an approved General Fund allocation of \$298,771 for the salaries of personnel working within the Finance Department. The appropriation represents an allocation of \$50,000 set aside to pay the Finance Director's salary, as directed by the City Council during the budget adoption process. As such, effective July 1, 2019, the amount available to pay the Finance Director for his / her during FY 2019-2020 was lowered to \$50,000.

As the outgoing Interim Finance Director, I am very concerned that such a low amount would be inadequate to attract and recruit a qualified replacement Finance Director. Consider that the city cannot advertise for wages higher than what is available in the budget; therefore, there is no way the city can find a permanent Finance Director that is willing to work for more than \$50,000.

Indeed, as the city continues to progress from Emergency Financial Management through recovery and into prosperity, it is paramount that the city has a solid Finance Director to focus on the city's finances.

With that, the Finance Department is requesting that the following budget amendment be performed. This amendment would take money out of General Fund fund balance and restore the line item 101-206-702.000 to \$388,771. This would allow us to recruit a solid person for the role.

Memo - Budget Amendments

November 28, 2018

Page 2 of 2.

As such, with an effective date of proposed effective date of September 10, 2019, the following resolution is recommended:

Whereas, the City of Pontiac timely approved the FY 2019-2020 budget on June 29, 2019; and

Whereas, the adopted FY 2019-2020 General Fund budget includes an appropriation for salaries for personnel in the Finance Department using account number 101-206-702.000; and

Whereas, the appropriation for account number 101-206-702.000 was \$298,771, which represented a cut in the salary for the Finance Director to \$50,000 per year; and

Whereas, the requested appropriation in the Mayor's Recommended budget for account number 101-206-702.000 was \$388,771; and,

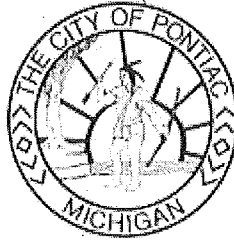
Whereas, the General Fund fund balance would have adequate funding available since it was originally available before the reduction by the duly elected City Council;

Now therefore, be it resolved that the City Council of the City of Pontiac approves the budget amendment for the fiscal year 2019-2020 to move \$90,000 from General Fund fund balance to account number 101-206-702.000 as requested by the Mayor.

#16

RESOLUTION

Resolution of the Pontiac City Council



Whereas, the City of Pontiac timely approved the FY 2019-2020 budget on June 25, 2019; and

Whereas, the adopted FY 2019-2020 Youth Recreation Fund budget includes an appropriation for a part-time Youth Recreation Assistant Manager and Sport's Manager at the Pontiac Youth and Enrichment Center's (PYREC); and

Whereas, the Administration is requesting for these two part-time positions to become full-time positions; and

Whereas, section 5.106 of the Charter states "after adoption of the appropriations ordinance, and upon at least one week's notice in a newspaper of general circulation in the City, the Council by a resolution of five members, may amend such ordinance to authorize the transfer of an unused balance appropriated for one purpose to another purpose, or to appropriate available revenues not previously appropriated."; and

Whereas, the proposed appropriation increases are \$66,290.99 for account 208-756-702.000 (Salaries & Wages), \$5,071.26 for account 208-756-715.000 (F.I.C.A.), \$21,475.37 for Account 208-756.716.000 (Medical Insurance), \$838.26 for Account 208-756-717.000 (Life Insurance), \$3,823.33 for Account 208-756-718.500 (MERS Employer Contribution), \$3,600.00 for Account 208-756-719.000 (Workers Compensation Insurance), \$451.12 for Account 208-756-719.001 (Dental Insurance). Total Increase \$101,550.33.

Now therefore, be it resolved that the City Council authorizes the City Clerk to publish the notice of the budget amendment in the Oakland Press.

#17

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Kermit Williams, and City Council Members

FROM: Jane Bais DiSessa, Deputy Mayor

CC: Honorable Mayor Deirdre Waterman and Robert Burch, Interim PYREC Manager

DATE: August 29, 2019

RE: Resolution to approve a budget amendment for fiscal year 2019/2020 to allocate a total of \$101,550.33 (includes fringe benefits), from the Youth Recreation Fund's (208) fund balance to Youth Recreation Fund - Recreation Facility Department (756) Personnel Accounts to restore the Pontic Youth and Empowerment Center's (PYREC) Youth Recreation Assistant Manager and Sport's Manager positions to a full-time status.

On November 8, 2016, the Citizens of Pontiac overwhelmingly passed a millage to ensure that the youth of the City of Pontiac have a safe, sustainable, and educational youth and recreation center for the children of Pontiac.

In order to fulfill our obligation to the voters of Pontiac and give our youth the absolute best opportunity to expand their horizons, it is respectfully requested that the City Council reinstate the originally budgeted full-time PYREC positions, known as the "Sports Manager" (\$50,094.24, includes benefits) and the "Assistant Youth Recreation Manager" (\$51,456.09, includes benefits). See attachment for itemized funding costs for these two positions.

The reinstatement of these positions will constitute the necessary staffing levels to ensure the safety of all PYREC participants at any given time in the center. In addition, these positions will provide the administrative support required to develop and implement quality recreational programing. As PYREC continues to grow, proper staffing levels are an essential resource that will help secure the success of Pontiac's recreation and enrichment programs for our youth.

As such, the following resolution is recommended for your consideration:

Whereas, on November 8th 2016 the citizens of Pontiac passed a millage proposition to fund youth recreation services for the citizens of Pontiac; and

Whereas, adequate staffing levels are necessary to help administer the City's growing youth programs; and

Whereas, funding had been previously allocated and approved for full-time staff of a Youth Recreation Assistant Manager and a Sports Manager; and

Whereas, the restoration of these positions will ensure a safe, sustainable, and educational environment for the youth of the City of Pontiac.

NOW THEREFORE be resolved that the City Council hereby approves a budget amendment for fiscal year 2019/2020 to allocate a total of \$101,550.33 (includes fringe benefits), from the Youth Recreation Fund's (208) fund balance to Youth Recreation Fund - Recreation Facility Department (756) Personnel Accounts. The breakout of these funds into accounts is as follows; \$66,290.99 to Salaries and Wages account 208-756-702.00, \$5,071.26 to F.I.C.A – City Contribution account 208-756-715.000, \$21,475.37 to Medical Insurance account 208-756-716.000, \$838.26 to Life Insurance account 208-756-717.000, \$3,823.33 to MERS Employer Contribution account 208-756-718.500, \$3,600 to Workers Compensation Insurance account 208-756-719.000, and lastly \$451.12 to Dental Insurance account 208-756-719.001. The total funds amount of \$101,550.33 are to be used to restore the Pontic Youth and Empowerment Center's (PYREC) Youth Recreation Assistant Manager and Sport's Manager positions to a full-time status.

JDB/JJ

Attachment

Account	Description	Amount
208-756-702.000	Salaries and Wages	\$ 66,290.99
208-756-715.000	F.I.C.A - City Contribution	\$ 5,071.26
208-756-716.000	Medical Insurance	\$ 21,475.37
208-756-717.000	Life Insurance	\$ 838.26
208-756-718.500	MERS Employer Contribution	\$ 3,823.33
208-756-719.000	Workers Compensation Insurance	\$ 3,600.00
208-756-719.001	Dental Insurance	\$ 451.12
	Total	\$ 101,550.33

#18

RESOLUTION

Whereas, The City Council directed the City Attorney to make certain modifications to Section 2.515 of the Zoning Ordinance, and

Whereas, City Charter Section 6.802, *Amendment Review Procedure*, requires amendments to the Zoning Ordinance be reviewed by the Planning Commission in a Public Hearing subsequent to a Technical Review by City officials and staff;

Now, Therefore Be It Resolved, the City Council approves the attached proposed text amendment to be directed to the Planning Commission for review.

**CITY OF PONTIAC
ORDINANCE NO. ____**

AN ORDINANCE TO AMEND CITY OF PONTIAC ZONING ORDINANCE SECTION 2.525 REGARDING THE SALE OF PACKAGED LIQUOR SALES.

THE CITY OF PONTIAC ORDAINS:

Article 2 Chapter 5, Section 2.515 – *Retail Sales (packaged alcoholic beverages)* is hereby amended as follows:

2.515 Retail Sales (packaged alcoholic beverages)

- A. The property shall be located no less than 500 feet, except as provided in subsection C of this section, from any and all: churches or similar places of worship, parks, playgrounds, daycare facility, pre- and/or K-12 schools. For purposes of this Section, distances shall be measured along the center line of the street or streets of address between two (2) fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church, park, playground, daycare facility, or school nearest to the contemplated location and from the part of the contemplated location nearest to the church, park, playground, daycare facility or school; and
- B. Not more than two properties upon which the retail sale of packaged alcoholic beverages is permitted shall be located within one mile. Any establishment meeting the criteria of subsection C of this section shall be exempt from this spacing calculation.
- C. The retail sales of packaged alcoholic beverages within a grocery store or pharmacy with a useable floor area of no less than 10,000 square feet, within which no more than 20 percent of said usable floor area is

devoted to the display, storage, or sale of packaged alcoholic beverages are exempt from the spacing requirements of subsections A and B of this section.

D. Retail alcoholic beverage sales businesses that existed on or before October 16, 2014, may continue to operate legally subject to all the following conditions:

1. All such businesses shall possess a valid Certificate of Occupancy from the City of Pontiac Building Department to operate a business in Pontiac with an effective date on or before October 16, 2014.
2. All such businesses shall possess a valid Specially Designated Merchant (SDM) License or Specially Designated Distributor (SDD) License from the State of Michigan Liquor Control Commission with an effective date on or before October 16, 2014.
3. All such retail alcoholic beverage sales businesses shall be required to obtain and maintain a City of Pontiac business license.
4. All such retail alcoholic beverage sales businesses shall be required to pay City of Pontiac income taxes in accordance with P.A. 284 of 1964 and Municipal Code Chapter 110, Article III.
5. Failure to meet these conditions shall result in municipal code enforcement action.

6. The Planning Commission may waive this Section for all classes of licenses. If an objection is not filed by the church, day care facility, or school within thirty (30) days of written notice provided by the City, the Planning Commission may issue the requested license. If an objection is filed, the Planning Commission shall hold a hearing under rules established by the commission before making a decision on issuing the license.

ADOPTED, APPROVED AND DIRECTED FOR REVIEW BY CITY OFFICIALS, STAFF AND THE PLANNING COMMISSION by the City Council of the City of Pontiac this _____ day of _____, 2019.

Garland Doyle, Interim City Clerk

#19 & #20
COMMUNICATION
FROM THE
MAYOR



MEMORANDUM

To: Council President Kermit Williams, members of the City Council
From: Mayor Deirdre Waterman
Cc: Deputy Mayor Jane Bais-Disessa
Date: October 18, 2019
Re: Arts Commission Reappointments and New Appointments

Please be advised that I am hereby re-appointing the following members to serve on the Arts Commission.

- Maria Bermudez
- Owen Edwards
- Robert Karazim
- Dwayne Anthony Lyons
- Mark Stone
- Renee Voit-Porath
- Judy Wilson

I am also appointing Irma Hayes to serve on the Arts Commission.

#21

**COMMUNICATION
FROM THE
MAYOR**

MEETING MINUTES

Meeting/Project Name:	Demolition meeting		
Date of Meeting:	October 25, 2019	Time:	9:00 A.M.
Minutes Prepared By:	John Balint/Michael J. Wilson	Location:	Lion's Den
Attendance at Meeting			
Name	Department/Division	E-mail	Phone
John Balint	DPW Director	jbaint@pontiac.mi.us	248-758-3615
Michael J Wilson	Building Official	mwilson@pontiac.mi.us	248-758-2825
Matthew Covey	Interim Fire Chief	dsmith@pontiac.mi.us	248-758-2815
Stephen Law	Sargent OCSD	laws@oakgov.com	248-409-7101
Will	WRFD		
Mary Pietila	City Council District 3		
Agenda and Notes, Decisions, Issues			
Topic: Fiero Powerhouse Implosion		Responsibility	Due Date
Discussion about requirements for Implosion of the Fiero Powerhouse. The Demolition Contractor requested a list of requirements to Implode the above referenced property. Per our discussion please see the Action Items below.			
Action Items			
Action		Responsibility	Due Date
DPW is requiring a Right-of-Way Permit for the closure of multiple roads during the Implosion process.		Sessler Wrecking	
Command Center location is required for a briefings and muster area		Sessler Wrecking	
Blast Radius shall be submitted for review and approval		Sessler Wrecking	
Contractor shall supply additional Security or employees to man all soft closures.		Sessler Wrecking	
Sheriff's Department will provide additional deputies to cover all hard street closures (This number depends on the number of hard road closures that will be required).			
An additional meeting is being scheduled for Monday or Tuesday date and time have not been confirmed yet.			
DPW will have staff scheduled to supply Type III Barricades and man street closures as necessary			
Next Meeting (if applicable)			
Date: (MM/DD/YYYY)	TBD	Time:	TBD
		Location:	TBD



Saturday, November 2, 2019 (assuming an 8:00 AM shot time)

- 06:30:00 AM: ♦ Set up barricades and secure the safety area which is to be determined. Police on site.
 - ♦ CDI will check and perform final hook-ups of electrical circuitry for explosives operations.
 - ♦ Placement of seismographs will begin.
- 07:00:00 AM: ♦ A Command Post will be established at a predetermined location. In attendance at the Command Post will be representatives from CDI, Sessler, Pontiac Police Department and other involved parties.
- 07:15:00 AM: ♦ Security area to be closed.
- 07:30:00 AM: ♦ Area security to be checked. Confirmation from local authorities that the area is clear.
- 07:45:00 AM: ♦ Confirm that the security area is clear.
- 07:58:00 AM: ♦ Two (2) long sirens indicated 2-minutes to blast.
- 07:59:00 AM: ♦ Sound a blast signal comprising of a series of short audible signals before the implosion.
- 07:59:45 AM: ♦ Final confirmation that the security area is clear.
- 07:59:50 AM: ♦ An audible countdown ("10, 9, 8...") over CDI's radios will be performed.
- 08:00:00 AM: ♦ Explosives felling of the GM Fiero Boiler House.
- 08:05:00 AM: ♦ CDI will inspect the demolition area and sound a prolonged audible signal to designate an "all clear."

X. CONDITIONS FOLLOWING THE IMPLOSION

The structure will collapse within five (5) to seven (7) seconds after initiation of the detonators.

Dust, an unpreventable byproduct of any type of demolition operation, will last in the general vicinity for five (5) to ten (10) minutes following the implosion. The duration of the airborne dust will be a direct function of the wind direction and velocity at the time of the implosion.



PRELIMINARY

NOTES:

1. This drawing is preliminary and to be used for discussion purposes at this time. CDI will meet with its client, security forces and other stakeholders to refine this Exclusion Zone in concert with a Community Outreach Program specific to the project.
2. Exclusion Zones are outlined by CDI to facilitate control over the area by security forces in consideration of lines of sight, existing manmade and natural barriers and in consideration of traffic patterns that may require detours around the area.
3. The Exclusion Zone indicates that area where persons are not to be outside or on top of structures during the implosion, to facilitate security surrounding the demolition site and to ensure that persons are not exposed to air overpressure (noise) levels above the 140 dBL impact guidelines under OSHA regulations.

LEGEND:

- GM Fiero Plant Boiler House
- Exclusion Zone

WARNING: The information contained in this drawing is CDI proprietary information. Recipient agrees that they will not permit same to be copied or otherwise distributed to any third party without the express written consent of a CDI Principal.

CDI **CONTROLLED DEMOLITION, INC.**
13401 STILL HAVEN COURT - PHOENIX - MARYLAND - USA

PROJECT: **GM Fiero Plant Boiler House**
Pontiac Michigan

FOR: **Sessler Wrecking, Inc.**
Waterloo, New York

REF: **Exclusion Zone**

CDI FILE #:	SCALE:	NTS	DRAWN BY:	JLR	REV.	CDI DRAWING #:
18-250	DATE:	10/21/19	CHG BY:	RDZ	00	18250-EZ