

**Official Proceedings
Pontiac City Council
69th Session of the Tenth Council**

A Formal Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, February 5, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Invocation

Pledge of Allegiance

Roll Call

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

Mayor Waterman was present.

Clerk announced a quorum.

19-28 **Amendment #1, remove item #2 (closed session) and move item #8 (resolution to revise planning commission recommendation for zoning text amendment) before item # 7 (resolution to deny Carter/Council zoning text amendment).** Moved by Councilperson Taylor-Burks and second by Woodward.

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

No: None

Motion Carried.

19-29 **Amendment #2, move public comment before agenda items and approve agenda with amendments.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Councilman Don Woodward left the meeting.

19-30 **Approve minutes of January 29, 2019.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Abstain: Waterman

Motion Carried.

Subcommittee Report – Received from Public Works- January 23, 2019

Special Presentation – Rehmann Robson – Audit for Year Ended June 30, 2018

Eighteen (18) individuals addressed the body during public comment.

19-31 **Resolution requesting the Oakland County Brownfield Redevelopment Authority to review 140 South Saginaw Street.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

WHEREAS the City of Pontiac has a Brownfield project known as 140 South Saginaw Street that it would like to have reviewed and processed by the Oakland County Brownfield Redevelopment Authority; WHEREAS the City of Pontiac has a Brownfield Authority but desires to have the Oakland County Brownfield Redevelopment Authority handle the 140 South Saginaw Street;

WHEREAS the Oakland County Brownfield Redevelopment Authority was created by Oakland County pursuant to MCL 125.2651 et seq. to assist jurisdictions like the City of Pontiac;

WHEREAS the Oakland County Brownfield Redevelopment Authority is prepared to assist the City of Pontiac by reviewing the proposed 140 South Saginaw Street, provided that the City of Pontiac acknowledges certain rights that the Oakland County Brownfield Redevelopment Authority has, to wit:

•OCBRA intends to collect an administrative fee of \$5,000.00 per year for the length of the Brownfield plan; and

WHEREAS the City of Pontiac will have the opportunity to provide public comment on any Brownfield plan (including the amount of the administrative fee to be collected) before it is finally adopted by the OCBRA and/or the Oakland County Board of Commissioners;

NOW BE IT THEREFORE RESOLVED that the City of Pontiac request that the OCBRA undertake review of the 140 South Saginaw.

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

No: None

Resolution Passed.

19-32 **Resolution concurring with the provisions of a Brownfield Plan adopted by the Oakland County Brownfield Redevelopment Authority for 140 South Saginaw Street. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.**

WHEREAS, the Oakland County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have established a Brownfield Redevelopment Authority and Board (OCBRA) to facilitate the clean-up and redevelopment of Brownfields within Oakland County's communities; and

WHEREAS, the property located at 140 South Saginaw (Property), a site in the City of Pontiac is an environmental hazard, a "facility" under state statute; and

WHEREAS, a Brownfield clean-up and redevelopment plan (the "Plan") has been prepared to restore the environmental and economic viability to this parcel which the OCBRA has reviewed and approved; and

WHEREAS, pursuant to OCBRA by-laws, a local committee has been appointed, participated in discussions regarding the proposed plan and project, reviewed the plan, and recommends its approval; and

WHEREAS, the OCBRA, pursuant to and in accordance with Section 13 of the Act, shall consider recommending that the Oakland County Board of Commissioners approve the Brownfield Plan to be carried out within the City of Pontiac, relating to the redevelopment of 140 South Saginaw; and

WHEREAS, the City has reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Sections 13(13) of the Act; and

NOW THEREFORE BE IT RESOLVED THAT, the City of Pontiac hereby concurs with the provisions of the Plan including approval of the Plan by the Oakland County Board of Commissioners and implementation of the Plan by the Oakland County Brownfield Redevelopment Authority.

BE IT FURTHER RESOLVED THAT should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

BE IT FURTHER RESOLVED THAT all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

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

No: None

Resolution Passed.

19-33 **Resolution to approve the revised Planning Commission's Recommendation for the Zoning Text Amendment of City of Pontiac Zoning Ordinance to include Medical Marihuana Facilities within the City of Pontiac as an Emergency Ordinance pursuant to Pontiac City Charter Provision 3.112 [e], to include uses of Medical Marihuana Facilities in Overlay Districts and to Regulate the Proliferation of Medical Marihuana Facilities within the City of Pontiac and Thereby Ensure the Health and Safety of its Residents and Shall be Given Immediate Effect. Moved by Councilperson Pietila and second by Councilperson Waterman.**

Whereas, Following Pontiac approval of Proposal 1: City of Pontiac Medical Marihuana Facilities Ordinance in August 2018, the recount certification on September 12, 2018, and a 90-day moratorium voted November 8, 2018; the City prepared a Zoning Text Amendment of the City of Pontiac Zoning Ordinance to include uses of Medical Marihuana Facilities within the City of Pontiac; and

Whereas, In accordance with the procedures outlined in the Zoning Ordinance, Section 6.802 as it relates To Zoning Text Amendment, the request has undergone the required: Technical Review, Public Hearing, and Planning Commission Recommendation; and

Whereas, On January 30, 2019 a Public Hearing was held and the Planning Commission conditionally approved the Zoning Text Amendment request to the City of Pontiac Zoning Ordinance to include uses of medical marihuana facilities within the City of Pontiac, and the Planning Commission recommends City Council approve the Zoning Text Amendment; and

Whereas, Pursuant to Pontiac City Charter Provision 3.11 [e], this is an EMERGENCY ORDINANCE to regulate the proliferation of medical marihuana facilities within the City of Pontiac and hereby ensure the health and safety of its residents, and shall be given immediate effect; and

Now, Therefore, Be It Resolved, that the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Text Amendment of City of Pontiac Zoning Ordinance to include medical marihuana facilities within the City of Pontiac.

Ayes: Pietila and Waterman

No: Carter, Miller, Taylor-Burks and Williams

Resolution Failed.

19-34 **Motion to amend the revised Carter/City Council Ordinance with the following changes not more than five (5) Medical Marihuana Provisioning Center Facilities are to be located in any one of the three MMOD overlay districts described in Section 3.1106**

In the event, that all fifteen (15) of the Provisioning Center licenses are awarded in the three Overlay Districts described above and in Section 3.1106 the remaining five (5) licenses for Provisioning Centers shall be located in any other districts in the City of Pontiac which are zoned, C-1, C-3, C-4, M1, M2, that are not located in one of the three Overlay Districts, determined by

those applicants receiving the highest five (5) scores, in accordance with Pontiac City Ordinance No. #2357(B) and the scoring criteria contained therein.

Measurements will be from right angles and refer it back to the planning Commission to be considered at its March 6, 2019 schedule meeting at 6:30 p.m. Moved by Councilperson Taylor Burks and second by Councilperson Miller. Debate occurred. Councilperson Miller called for the vote to end the debate. Councilperson Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams voted yes to end the debate. Then the vote on the motion occurred.

CITY OF PONTIAC

ORDINANCE NO. _____

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

THE CITY OF PONTIAC ORDAINS:

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

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

Amend Article 2 | Chapter 2 – Section 2.203 Table 2 (Uses Permitted By District)

Commercial, Office, and Service Uses												
	Residential Districts				Commercial Districts				Industrial Districts			Development Standards
	R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Medical Marihuana Grower									■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 – 3.1111
Medical Marihuana Processor									■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 – 3.1111
Medical Marihuana Provisioning Center				■	■	■	■	■	■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 – 3.1111
Medical Marihuana Safety Compliance Facility				■	■	■	■	■	■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 – 3.1111
Medical Marihuana Secure Transporter				■	■	■	■	■	■	■	■	Subject to Article 3, Chapter 11, Section 3.1101 – 3.1111

■ Principal Permitted Uses

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

Section 2.544 – Medical Marihuana Grower Facilities

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

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

A. General Provisions

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

B. Security

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

C. Space Separation

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

D. Nuisance Prohibited

1. Medical Marihuana Grower Facilities shall be free from infestation by insects, rodents, birds, or vermin or any kind.
2. Medical Marihuana Grower Facilities shall produce no products other than useable Medical Marihuana intended for human consumption.
3. No Medical Marihuana Grower shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Medical Marihuana Grower is operated.

E. Licensing

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

F. Disposal of Waste

1. Disposal of Medical Marihuana shall be accomplished in a manner that prevent sits acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where Medical Marihuana is exposed.
3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage

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

H. Co-Location

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

I. Building Design

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

Section 2.545 – Medical Marihuana Processor

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

A. General Provisions

1. The Processor shall comply at all times and in all circumstances with the MMMA, MMFLA, and the general rules of the department of licensing and regulatory affairs, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of Medical Marihuana Processor, and a sign shall be posted on the premises of each Medical Marihuana Processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.
4. Any Processor Facility shall maintain a log book and/or database identifying by date the amount of Medical Marihuana and the number of Medical Marihuana plants on the premises which shall not exceed the amount permitted under the Processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the Processor does not have more Medical Marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of Medical Marihuana at the Facility.
5. Processor Facilities shall produce no products other than useable Medical Marihuana intended for human consumption.

B. Security

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

2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Processor while the Medical Marihuana Facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All Medical Marihuana shall be contained within the building in an enclosed, locked Facility in accordance with the MMMA and MMFLA, as amended.

C. Space Separation

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

D. Nuisance Prohibited

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

E. Licensing

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

F. Disposal of Waste

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

G. Signage

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

H. Co-Location

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

I. Building Design

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

Section 2.546 – Medical Marihuana Provisioning Center

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

A. General Provisions

1. Medical Marihuana Provisioning Centers shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Provisioning Center, and a sign shall be posted on the premises of each Medical Marihuana Provisioning Center indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.

B. Security

1. Medical Marihuana Provisioning Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24-hours a day, 7-days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the O.C. Sherriff Department.
2. Any usable Medical Marihuana remaining on the premises of a Medical Marihuana Provisioning Center while the Medical Marihuana Provisioning Center is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation

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

2. Unless permitted by the MMMA, no Medical Marihuana is permitted to be stored or displayed in an area accessible to the general public.
3. Medical Marihuana may be displayed in a sales area only if permitted by the MMMA.

D. Nuisance Prohibited

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

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Provisioning Centers.
2. All registered patients must present both their Michigan Medical Marihuana patient/caregiver ID card and Michigan state ID prior to entering restricted/limited areas or non-public areas of the Medical Marihuana Provisioning Center.

F. Disposal of Waste

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

G. Signage

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

H. Co-Location

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

Section 2.547 – Medical Marihuana Safety Compliance Facility

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

A. General Provisions

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Medical Marihuana Safety Compliance Facility, and a sign shall be posted on the premises of each Medical Marihuana Safety Compliance Facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and as such other times as anyone is present on the premises.
3. Any Medical Marihuana Safety Compliance Facility shall maintain a log book and/or a database identifying by date the amount of Medical Marihuana on the premises and from which particular source. The Facility shall maintain the confidentiality of qualifying patients in compliance with the MMMA, as amended.

B. Security

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

C. Space Separation

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

D. Nuisance Prohibited

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

E. Licensing

1. The license required by this chapter shall be prominently displayed on the premises of a Medical Marihuana Safety Compliance Facility.
2. All registered patients must present both their Michigan Medical Marihuana patient/caregiver ID card and Michigan state ID prior to entering restricted/limited areas or non-public areas of the Medical Marihuana Safety Compliance Facility.

F. Disposal of Waste

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

G. Signage

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

H. Building Design

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

Section 2.548 – Medical Marihuana Secure Transporter

Secure Transporter means a commercial entity located in this state stores marihuana and transports marihuana between medical marihuana facilities for a fee. A Secure Transporter shall comply at all times with the MMMA, MMFLA, MTA, and the general rules of the Department of Licensing and Regulatory Affairs.

A. General Provisions

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

B. Secure Storage

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

C. Sanitation

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

D. Disposal of Waste

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

E. Transport Driver

1. A Secure Transporter shall comply with all of the following:
 - i. Each driver transporting marihuana must have a chauffeur's license issued by the state.
 - ii. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years.
 - iii. Each vehicle shall always be operated with a two-person crew with at least one individual remaining with the vehicle during the transportation of marihuana.
2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement office upon request.
3. The medical marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
4. A secure transporter vehicle shall not bear markings or other indication that it is carrying medical marihuana or a marihuana infused product.

F. Signage

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

Article 3 – Special Purposes – Zoning District is amended to add Chapter 11 as follows:

Chapter 11 – Medical Marihuana Districts

Section 3.1101 – Intent

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

Section 3.1102 – Medical Marihuana Overlay District Principal Permitted Uses

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

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

Section 3.1103 – Medical Marihuana Overlay District Permitted Accessory Uses

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

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

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

Section 3.1105 – Licensing

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

Section 3.1106 – MMOD Location Description

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

- A. All properties along Walton Blvd and streets north of Walton Blvd between the west side of Telegraph Road to Joslyn Avenue including those contained within Overlay Map 1 for this MMOD.
- B. Maintain frontage along Cesar Chavez, starting from the west side of West Blvd in the City of Pontiac to northern side of W. Montcalm St., also including:
 1. Pershing Ave;
 2. Durant Ave;
 3. Inglewood Ave; and
 4. Ojista Ave.

See Overlay 2 for this MMOD.

- C. All properties within C-2 Downtown zoned district.
- D. All M-1 Light Manufacturing zoned properties north of Collier Road. All medical marihuana uses permitted in this MMOD excluding Medical Marihuana Provisioning Center.

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

In addition to MMOD Locations as described in Section 3.1106, all medical marihuana uses, excluding Medical Marihuana Grower and Processor, are permitted in C-0, C-1, C-3, and C-4 districts subject to all requirements under this Chapter 11, including but not limited to Section 3.1108 – Buffer Distance Restrictions. There shall be no more than five (5) Medical Marihuana Provisioning Centers allowed in all of C-0, C-1, C-3, and C-4 districts combined.

Section 3.1108 – Buffer Distance Restrictions

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

Section 3.1109 – Co-Location

- A. Consistent with the MMFLA and rules promulgated by the department, any combination of Growers, Provisioning Centers, and Processors may operate as separate medical marihuana facilities at the same physical location;
- B. A maximum of two medical marihuana facilities with state operating licenses may co-locate on a single parcel;
- C. No two medical marihuana facilities of the same type may be located on the same parcel;

- D. Medical Marijuana Provisioning Center, consistent with the MMFLA, any combination of Grower, Processor, and Provisioning Centers may operate as separate medical marijuana facilities in the physical location. Provided that the Provisioning Center is incidental to the principal use and that the total amount of internal floor areas of the structure locate to the Provisioning Center does not exceed 10% of the floor area of the total establishment:

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

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

Section 3.1111 – Review Authority and Establishment

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

Article 7 – Definitions is amended to add Chapter 2, and Chapter 3 as follows:

Article 7 – Definitions | Chapter 2

Section 7.202 Commercial, Office, and Service Uses

- A. *Provisioning Center* means a commercial entity that purchases marihuana from a Grower or Processor, and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.
 - a. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.
- B. *Safety Compliance Facility* means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.
- C. *Secure Transporter* means a commercial entity located in this state that stores marihuana and transports marihuana between medical marihuana facilities for a fee.

Section 7.203 – Industrial Uses

- A. *Grower* means a commercial entity that cultivates, dries, trims, or cures, and packages marihuana for sale to a Processor or Provisioning Center. As used in this ordinance, Grower shall include Class A Growers, Class B Growers, and Class C Growers.
 - a. *Class A Grower* means a grower license to grow not more than 500 marihuana plants.
 - b. *Class B Grower* means a grower license to grow not more than 1,000 marihuana plants.
 - c. *Class C Grower* means a grower license to grow not more than 1,500 marihuana plants.
- B. *Processor* means commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a Marihuana-infused product for sale and transfer in package form to a Provisioning Center.
- C. *Provisioning Center* means a commercial entity that purchases marihuana from a Grower or Processor, and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Centers includes any commercial property where marihuana is sold at retail to registered, qualifying patients or registered primary caregivers.
 - a. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this ordinance.
- D. *Safety Compliance Facility* means a commercial entity that receives marihuana from a medical marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the medical marihuana facility.

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

Article 7 – Definitions | Chapter 3

Section 7.301 – General Definitions

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

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

ADOPTED, APPROVED AND PASSED by the City Council of the City of Pontiac this _____ day of _____, 2018.

Deirdre Waterman, Mayor

Garland Doyle, Interim City Clerk

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council on the _____ day of _____, 2018.

Garland Doyle, Interim City Clerk

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

Garland Doyle, Interim City Clerk

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

No: None

Motion Carried.

19-35 **Suspend the Rules to vote to extend the Moratorium.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Councilwoman Mary Pietila was absent during the vote.

19-36 **Resolution to Extend Moratorium on Acceptance of Applications for Medical Marihuana Facilities.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac (the "City") desires to maintain its long tradition of protecting the City and the environment within its borders, and promoting compatible land uses; and

Whereas, the City has not completed amendments to its zoning ordinances to provide for the location and requirements for medical marihuana facilities; and

Whereas, the City has not previously been faced with the prospect of medical marihuana facilities, and the City zoning ordinances do not currently provide for satisfactory control and regulation of such activities; and

Whereas, certain aspects of medical marihuana facilities are subject to City regulation under its zoning ordinances; and

Whereas, in order to allow the City an opportunity to develop appropriate regulations upon those aspects of medical marihuana facilities operations which the City is authorized to regulate, it is in the public interest to extend the moratorium on the acceptance of applications by the City for medical marihuana facilities;

Now, Therefore, Be It Resolved as follows:

1. That effective upon adoption of this Resolution the moratorium will continue for an additional one (1) month, ending on March 8, 2019, on the acceptance, review or action by the City Clerk or any other City employee of application for any medical marihuana facilities.
2. The moratorium is not intended to infringe upon the jurisdiction reserved to State or federal agencies, which have jurisdiction over such subjects.

3. The City shall proceed promptly to investigate and consider appropriate regulations and amendments to the City zoning ordinance.

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

No: Pietila

Resolution Passed.

19-37 **Resolution to establish the Medical Marihuana Facility Permit Application Fee at Five Thousand Dollars (\$5,000).** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Whereas, pursuant to the authority of Medical Marihuana Licensing Act, Act No. 281 of the Public Acts of 2016, the City of Pontiac shall set forth an annual license fee; and

Whereas, the City of Pontiac is responsible for the health, safety, and welfare of its residents, and;

Whereas, the City of Pontiac is committed to ensuring that all facilities stay in compliance with State Law and Local Ordinance, and;

Now, therefore, Be It Resolved that, the City of Pontiac hereby establishes a medical marihuana application fee in the amount of \$5,000, or each authorized medical marihuana facility within the City, to help defray administrative costs associated therewith. This fee shall be payable at the time of application for the City authorization to operate a medical marihuana facility.

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

No: None

Resolution Passed.

19-38 **Resolution for Mayor to provide Monthly Check register to City Council.** Move by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, Revenue and Expenditure reports are provided to the finance subcommittee monthly; and,
Whereas, it is in the best interest of the Pontiac City Council body as a whole, to have an opportunity to address any issues or concerns that may arise as it relates to expenditures; and,

Now, therefore, Be It Resolved, that the Mayor will provide the monthly check register for the prior month, to the City Clerk, to be included in the Pontiac City Council Agenda, the first meeting of each month, commencing with the March 5, 2019 Agenda.

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

No: None

Resolution Passed.

Councilwoman Patrice Waterman left the meeting.

Mayor Deirdre Waterman, Interim City Clerk Garland Doyle, Councilwoman Mary Pietila, Councilwoman Doris Tylor-Burks, Councilwoman Gloria Miller, President Pro-Tem Randy Carter and President Kermit Williams made closing comments.

Council President Kermit Williams adjourned the meeting at 8:35 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK