

**Official Proceedings
Pontiac City Council
116th Session of the Tenth Council**

A Formal/Study Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, September 24, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

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

Mayor Waterman was present.

Clerk announced a quorum.

Amendments to the agenda (Move items #12 and #17 under special presentations and set a 5 minute time limit for each one; Remove items #11, #14 and #15 from the agenda;; Remove the Dangerous Animal Ordinance Discussion; Add a Discussion regarding communications with the Executive Branch and Resolution as the new item #3; Remove the Michigan Indigent Defense Commission (MIDC) Interlocal Agreement between Oakland County and the City of Pontiac and postpone it for one week; Add an Ordinance to amend Chapter 42, "Community Development", to add Article VII, entitled "Community Benefit Agreements" as the new item #4)

19-479 **Motion to move items #12 and #17 under special presentations and set a 5-minute time limit for each one.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-480 **Motion to remove items #11, #14 and #15 from the agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

No: Pietila

Motion Carried.

19-481 **Motion to remove item #3 (discussion on dangerous animal ordinance), add a discussion regarding communications with the Executive Branch and Resolution as the new item #3; Remove the Michigan Indigent Defense Commission (MIDC) Interlocal Agreement between Oakland County and the City of Pontiac and postpone it for one week; Add an Ordinance to amend Chapter 42, "Community Development", to add Article VII, entitled "Community Benefit Agreements" as the new item #4.)** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

19-482 **Approve the agenda as amended.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

Formal Meeting

19-483 **Approval of meeting minutes for September 17, 2019.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

Received Finance Subcommittee Report – September 10, 2019

Discussions

Communication with the Executive Branch and Resolution to authorize Clark Hill PLC on behalf of the City Council to initiate legal action against Mayor Waterman and all other individuals' necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

19-484 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

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

19-485 **Resolution to authorize Clark Hill PLC to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the mayor and the Clerk under City Charter. (Agenda Add-On)** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

WHEREAS, on or around July 16, 2019, the Pontiac City Council passed Resolution 19-369 and which instructed the Pontiac City Attorney to draft an amendment to City of Pontiac ordinance 2287 to place the Cable division and appointment of the Cable Director under the legislative branch of City government; thereby, under the direct supervision of the City Council; and,

WHEREAS, the City Attorney advised the Mayor of the City of Pontiac that Resolution 19-369 was “improper” and on or around July 22, 2019 the Mayor issued a veto; and,

WHEREAS, on or around July 29, 2019, the City Council overrode the Mayor’s veto of Resolution 19-369 by a vote of five to one; and,

WHEREAS, since July 29, 2019 the City Attorney has refused to draft an amended ordinance and has not presented a draft amended ordinance to the City Council for consideration; and,

WHEREAS, on September 19, 2019 the Mayor and the City Attorney have stated to a member of the City Council that resolutions presented and passed by the City Council are merely advisory and do not need to be followed by the Mayor or the City Attorney; and,

WHEREAS, the City Council has the authority under the City Charter and state law to revise or modify any order implemented by an Emergency Manager, including EM S-280. Resolution 19-369 was a proper exercise of that authority. The City Attorney’s opinion that it is improper under the City Charter and State law to make the changes to the applicable City ordinances is without merit; and,

WHEREAS, the City Council believes it is in the best interest of the City of Pontiac and the citizens, to amend the City of Pontiac ordinance to modify the organizational structure of the cable division; and,

WHEREAS, City of Pontiac Ordinance No. 2357(B) enacted the “City of Pontiac Medical Marihuana Facilities Ordinance,” and there is currently a moratorium on the application process based largely on the Mayor’s interpretation of the City Clerk’s powers and responsibilities under Ordinance No. 2357(B); and,

WHEREAS, during the last several City Council meetings there has been debate and discussion regarding the powers and responsibilities of City Council, the Mayor, the City Attorney, and the City Clerk under the City Charter regarding the above-referenced issues; and,

WHEREAS, the City Council is regrettably left with no option but litigation in order to enforce Resolution 19-369, to confirm and declare the powers and responsibilities under the City Charter as described above, and to seek a declaration that the Mayor’s and the City Attorney’s recent conduct is unlawful under Michigan law, including a violation of MCL 750.478; and,

NOW, THEREFORE BE IT RESOLVED by the Pontiac City Council that pursuant to Section 4.204 of the City Charter, the City Council’s attorneys, Clark Hill PLC, are authorized and directed to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council’s express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

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

No: Pietila

Resolution Passed.

Adoption of an Ordinance to amend Chapter 42, “Community Development”, to add Article VII, entitled “community Benefit Agreements” (This ordinance was drafted by the City Attorney.)

19-486 **Suspend the rules.** Moved by Councilperson Waterman and second by Councilperson Carter.

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

No: None

Motion Carried.

Councilwoman Pietila was absent during the vote.

19-487 **Adoption of an Ordinance to amend Chapter 42, “Community Development”, to add Article VII, entitled “Community Benefit Agreements”. (Agenda Add-On)** Council President Williams proposed several amendments to the ordinance that was drafted by the City Attorney. The adoption of the ordinance with amendments Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

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

No: None

Ordinance Passed.

Please see “Attachment A for Ordinance with amendments” after the minutes.

Special Presentations (Presentation are limited to 5 minutes.)

Phoenix Center Settlement Agreement

Presentation Presenters: Mayor Waterman, City Attorney Anthony Chubb and Vince DeLeonardis, President, AUCH Construction

City of Pontiac Retired Employees Association (CPREA) – Retiree Health Care Lawsuit Settlement Action Plan

Presentation Presenters: Mayor Waterman, Samantha Kopacz, Miller Canfield and City Attorney Rich Warren

Report Regarding Check Register, New Hires and Credit Card

Presentation Presenter: Mayor Waterman

Report-Jobs’ Pipeline/Workforce Development Report – Silverdome Site Development Amazon

Presentation Presenter: Mayor Waterman

Councilwoman Mary Pietila left the meeting.

19-488 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

Motion Carried.

19-489 **Adoption of an Ordinance to amend the Municipal Code of the City of Pontiac by amending Chapter 92, General Employees' Retirement System, Section 92-2 to update interest rate and mortality table used to determine actuarial equivalence.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

The City of Pontiac Ordains:

Ordinance No. _____

An Ordinance to amend the Municipal Code of the City of Pontiac by amending Chapter 92, General Employees' Retirement System, Section 92-2 to update interest rate and mortality table used to determine actuarial equivalence.

Section 1. Amendments.

The General Employee's Retirement System Ordinance Section 92-2 shall be amended so that the definition of "Actuarial Equivalent" shall read:

Actuarial equivalent means the equivalence in the present value of various forms of payment. Present value will be determined by the Retirement System's actuary based upon the mortality tables and interest rates established from time to time by the Board. For purposes of determining the actuarial equivalence of benefits, the actuary for the Retirement System shall use 7.00% interest rate and the RP-2014 Healthy Annuitant Mortality Table projected to 2021 using the 2-dimensional MP-2014 improvement scale Set Forward 0 Years for retirees and for beneficiaries. The unisex shall be 50% Male and 50% Female.

Section 2. Severability.

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

Section 3. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Effective Date.

This Ordinance shall be effective ten days after date of adoption.

Ayes: Williams, Miller, Taylor-Burks and Waterman

No: Carter

Ordinance Passed.

19-490 **Adoption of an Ordinance to Amend the Zoning Ordinance of the City of Pontiac, Oakland County, Michigan by Addressing Temporary Construction Fencing Regulations.** Moved by Councilperson Waterman and second by Councilperson Miller.

THE CITY OF PONTIAC ORDAINS

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN BY ADDRESSING TEMPORARY CONSTRUCTION FENCING REGULATIONS.

Article 4 General Provisions, Chapter 1 Accessory Structures and Fences. Section 4.103 Fences or Walls of the City of Pontiac Zoning Ordinance shall be stated as follows.

E. Temporary Construction Fencing. Temporary fencing shall be installed on all residential and non-residential construction sites to ensure security, public safety and mitigate noise and/or dust in accordance with the following:

1. General Provisions
 - a. Temporary Construction Fencing shall be installed at the start of any site grading, excavation or building construction, renovation or demolition and be maintained and shall be removed before a certificate of occupancy from the Building & Safety Department.
 - b. All construction fencing shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, and other acts required for maintenance.
 - c. Temporary Construction Fencing shall not be permanently attached to the ground or attached to any other structure or material that is itself permanently attached to the ground.
 - d. All Temporary Construction Fencing to be secured with metal posts spaced eight foot on-center.
 - e. Temporary Construction fencing to be erected in an the public right-of-way or drive way clear vision area shall be subject to the approval of DPW Director, City Engineer or designee.
 - f. Temporary Construction fencing shall not enclose a fire hydrant.
2. Non-Residential Construction Sites
 - a. Permitted Materials:
 - i. Six foot chain link fence with fabric and/or vinyl screen is permitted.

- ii. Temporary Construction fencing shall be installed on all property lines of the construction site property/parcel with the approval of the Building Official or designee.
 - iii. Access opening(s) in the Temporary Construction fencing shall be protected by gates with Chain Link fence.
 - iv. Screening made of fabric and/or vinyl must be attached to chain link on the outside of the Temporary Construction fence.
 - v. Prohibited Materials
 - 1. Plywood, metal sheets, or similar materials are not permitted.
- 3. Residential Construction Sites
 - a. Permitted Materials:
 - i. Four foot snow fencing is permitted.
 - ii. Temporary Construction Fencing at a residential construction site shall be limited to the area of construction, renovation and/or demolition area on the site. If the area exceeds 60 percent of the total parcel/property area, Temporary Construction Fencing shall be located on all property lines of the construction site parcel/property.
 - iii. Prohibited Materials
 - 1. Plywood, metal sheets, or similar materials are not permitted.
- 4. Temporary Construction Fencing Signs
 - a. A temporary construction sign shall be installed in conformance to the Zoning Ordinance and Section 5.106 Temporary Signs. The provisions of this section shall precede over conflict subsequent sections.
 - b. Emergency access signs, access and safety signs, and visitor check-in signs may be attached to the fencing only on both sides of an entrance for a distance of ten feet, or at locations required by the Building Official or designee.
 - c. Location of traffic control signs attached to Temporary Construction fencing shall be subject to the approval of DPW Director, City Engineer or designee.

Article 6 Administration, Chapter 2 Site Plan Review, Section 6.208 Required Information Table 17 of the City of Pontiac Zoning Ordinance shall be stated as follows.

LANDSCAPING and SCREENING			
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved. All landscape plans shall be signed and sealed by a registered landscape architect.	•	•	
Planting list for proposed landscape materials with quantity, caliper-size and height of material, botanical and common names, and standards of installation.	•	•	
Location, dimensions, construction materials, cross-section and slope ratio for any required or proposed berms or greenbelts.	•		
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.	•		
Complete irrigation system design.	•		
A basic annual landscape maintenance program.	•		
Include drawing details, dimensions, proposed locations, and materials for all Temporary Construction Fencing. Temporary Construction Fencing required as determined necessary by the Planning & Zoning Administrator.	•	•	•

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

No: None

Ordinance Passed.

19-491 **Motion to Postpone resolution to authorize Mayor to conduct preliminary due diligence regarding the potential purchase of 235 Wesson Street and to negotiate terms and conditions of sale at a cost not to exceed \$45,000 and to complete process within 60 days until status of Brownfield Funding.** (This resolution has been updated. The previous version of this resolution failed on August 13, 2019.) Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

STUDY SESSION

Eleven (11) individuals addressed the body during public comment.

19-492 **Suspend the rules to vote on item #16 resolution to approve amendment 1 to the 2016 Oakland County Brownfield Consortium Agreement between Oakland County and the City of Pontiac.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman and Williams

No: Miller and Carter

Motion Failed.

The Interim City Clerk was granted a point of privilege by the Council President to discuss staffing for the election.

September 24, 2019 Approved Minutes

Council President Kermit Williams adjourned the meeting at 8:24 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

ORDINANCE NO. ____

THE CITY OF PONTIAC ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 42, "COMMUNITY DEVELOPMENT", TO ADD ARTICLE VII, ENTITLED "~~COMMUNITY~~PROVISIONING CENTER COMMUNITY BENEFIT AGREEMENTS".

Commented [MS1]:

Section 1. Short Title; Purpose.

- (a) This Ordinance shall be known and may be cited as the "Pontiac Provisioning Center Community Benefit Ordinance".
- (b) This Ordinance shall require developers of certain types of developments, herein referred to as "Qualified Developments", to enter into agreements, herein referred to as "Community Benefit Agreements", that identify potential negative aspects of developments, ~~and~~ identify proportional community benefits to the City of Pontiac to rectify those negative aspects as a condition for development subsidies and other considerations by the City of Pontiac; and to assist the City Clerk with the scoring and ranking of provisioning center applications pursuant to City Ordinance 2357 (B)

Section 2. Definitions

As used in the Chapter 42, Article VII, the following words and phrases shall mean the following:

- (a) Community Benefit Agreement: An Agreement between the City of Pontiac and Developer providing mutual consideration intended to rectify mutually acknowledged potential negative aspects associated with the proposed Qualified Development.
- (b) Developer: The person, firm, partnership, company, corporation, cooperative, or any other entity that is ~~the recipient of a Development Subsidy~~ a party to a Community Benefits Agreement.
- (c) ~~Development Subsidies: Any economic incentives of value granted on a discretionary basis by the City of Pontiac to attract or retain a Qualified Development or jobs associated therewith; may include federal, state, or local economic incentives; and include but are not limited to economic incentives associated with, as amended: the Brownfield Redevelopment Financing Act, Commercial Development Act, Commercial Rehabilitation Act, Corridor Improvement Authority Act, Historical neighborhood Tax Increment Financing Act, Local Development Financing Act, Plant Rehabilitation and Industrial Development Districts Act, Principal Shopping Districts and Business Improvement Districts Act. Additionally, the lease or transfer of a city-owned building or property shall constitute a Development Subsidy.~~

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~~(d) Qualified Development: Shall be classified as either a Tier 1 or Tier 2. Tier 1 Qualified Developments shall be those developments granted license to operate under City Ordinance 2357(B). Tier 2 Qualified Developments shall be those developments being granted Development Subsidies by the City of Pontiac with a total economic incentive, as determined in the sole discretion of the City of Pontiac, of greater than \$50,000.00.~~

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(c) Qualified Development: Persons or entities submitting an application for a provisioning center permit during the 21-day period for provisioning center applications pursuant to City Ordinance 2357(B).

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Section 3. Community Benefits

A Community Benefit agreed upon by the Developer of the Qualified Development and the City of Pontiac is a benefit conferred upon the community of the City of Pontiac intended to ameliorate the potential negative aspects imposed upon the City of Pontiac by the Qualified Development. Although Community Benefits may differ based upon the Qualified Development, and this is not intended to be an exhaustive list, the City of Pontiac recognizes amenities, benefits, or commitments for the following purposes as Community Benefits: ~~by Tier of Qualified Development:~~

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~~(a) Tier 1: Infrastructure, Police and Fire Services, Job Training, Health Initiative, Education, Parks Road Repair, Potholes, Road Matching~~

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~~Tier 2(b): Parks: Designated Projects, Infrastructure, Police and Fire Services, Parks Safety (cameras); Law Enforcement~~

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(c) High School; Hawthorne Park (Water Park); Neighborhood Revitalization Plan

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(d) Job Training and Employment; Transitional Programs (previously incarcerated)

(e) Library and Literacy; Health Initiative Education

(f) Business Development Fund (to assist City of Pontiac residents with funding for businesses and with starting and growing businesses)

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As part of its scoring and ranking of provisioning center applications pursuant to City Ordinance 2357(B), the City Clerk may consider those community benefits pledged to the City of Pontiac as part of such application. Any such pledges would be incorporated into a binding Community Benefits Agreement with the City of Pontiac.

It is preferred, and the City Clerk may require, that applicants show that there is a reasonable amount of support in the community for an applicant's pledged community benefits. It is the applicant's responsibility to show community support for its pledged community benefits.

In using pledged community benefits as part of its scoring and ranking of provisioning center applications pursuant to City Ordinance 2357(B), the City Clerk will evaluate the commitment, quality, duration, community support and amount of the pledged community benefits. If an applicant does not pledge community benefits, such applicant will receive a zero (0) score in certain key segments of the provisioning center application scoring.

If an applicant has pledged community benefits as part of its provisioning center application, before receiving a provisioning center permit, such applicant must enter into a Community Benefits Agreement with the City incorporating such pledged community benefits. The negotiation and completion of such Community Benefits Agreements may occur after the 21-day submission period for provisioning center applications pursuant to City Ordinance 2357(B), but, as it relates to each Developer, such Community Benefits Agreement must be finalized within thirty (30) days after written notice ("Notice") is sent to such Developer by the City indicating that such Developer is entitled to a provisioning center permit with the City, subject only to such Developer finalizing its Community Benefits Agreement regarding such Developer's pledged community benefits with the City. The Mayor may negotiate such Community Benefits Agreements (incorporating the pledged community benefits therein) on behalf of the City of Pontiac. All final Community Benefits Agreements must be approved by the City Council to be effective.

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Section 4. Community Benefits Agreement

The Community Benefits Agreement shall be entered into between the City of Pontiac and the Developer of the Qualified Development.

The Community Benefits Agreement shall set forth the Community Benefit proposed by the Developer of the Qualified Development and, if applicable, the interval of such Community Benefit.

Community Benefit Agreements shall be timely recorded on the deed, and shall run with the land, on Qualified Developments for the duration of the Community Benefit Agreement.

The term of a Community Benefit Agreement for a Tier 1 Qualified Development shall be not less than the term of its License to operate under City Ordinance 2357(B), including any extension or renewal thereof. ~~The term of a Community Benefit Agreement for a Tier 2 Qualified Development shall be not less than the length of the Development Subsidy, including any extension or renewal thereof.~~

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Community Benefits Agreements are not transferrable by the Developer without approval through a City Council Resolution.

Section 5. Community Benefits Agreement Required for Every Qualified Development

~~All Qualified Developments are subject to a Community Benefits Agreement must be approved by the City Council to be effective.~~ ~~All Qualified Developments must be approved by the Mayor~~

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and City Council, and such approval may only be subject to the execution of a valid Community Benefits Agreement with the Developer of that Qualified Development.

Section 6. Exemptions Application

If a ~~Qualified Development and/or~~ Developer believes that they should be exempt from a Community Development Agreement, they may file an exemption application with the City Clerk. An Exemption requires approval of the ~~Mayor and~~ City Council and may be approved or denied by the City Council in its sole discretion.

Section 7. Annual Reporting and Compliance

A Developer shall provide a comprehensive, audited report detailing compliance with obligations under its Community Benefit Agreement for the prior year (or partial year) by January 1 of each year. Further, prior to any extension or renewal of a permit to operate under City Ordinance 2357(B), a Developer shall provide a comprehensive, audited report detailing compliance with obligations under its Community Benefits Agreement. Each report shall include backup documentation for all donations made or funds expended related to the Community Development Agreement. The report shall include backup documentation for all donations made or funds expended related to the Community Development Agreement.

Section 8. Breach of Community Benefits Agreement; Termination; Appeal

If the City ~~Clerk Department of Economic Development~~ finds a ~~Qualified Development and/or its~~ Developer to be in breach of its (their) Community Development Agreement (including if discovered as part of the City Clerk's review of the Developer's permit renewal), it the Clerk shall send a written Notice of Breach of Community Benefits Agreement to the ~~Qualified Development and its~~ Developer by certified mail. If the Breach of Community Benefits Agreement is not cured within fourteen (14) days after the date the Notice of Breach of Community Benefits Agreement was sent, the City Clerk, after a hearing (as necessary), may suspend or terminate the Community Development Agreement. ~~Mayor may terminate the Agreement.~~

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If the ~~Qualified Development and/or~~ Developer believe that the termination was made in error, ~~it~~ the Developer ~~(they)~~ may Appeal such decision in accordance with their appeals rights under City Ordinance 2357(B). Termination of the Community Benefits Agreement through this process shall result in the suspension of the underlying City Ordinance 2357(B) provisioning center permit; subject to any permitted administrative, legislative or judicial appeal of that termination. Upon the exhaustion of any appeals through the City of Pontiac creating a final determination that the termination of the Community Benefits Agreement was proper, the City Ordinance 2357(B) provisioning center permit shall be permanently revoked, subject to any further statutory appeal process for such permit outside of the City of Pontiac.

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in writing ~~Writing to the City Council within thirty (30) days after the date the Notice of Breach of Community Benefits Agreement was sent. The City Council, by Resolution, shall only overturn a decision of the Mayor if it finds the decision was arbitrary or capricious. The determination of the City Council may only be reviewed by the Court of competent jurisdiction within the state of Michigan.~~

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~~Termination of the Community Benefits Agreement through this process shall result in the suspension of the underlying 2357(B) facility license for Tier 1 Qualified Developments; and the suspension of any economic incentives granted to a Tier 2 Qualified Development; pending the~~

~~any such administrative, legislative, or judicial appeal of that termination. Upon the exhaustion of further appeals creating a final determination that the termination was proper, the 2357(B) facility license or economic incentive granted to a Tier 2 Qualified Development shall be permanently revoked, subject to any further statutory appeal process for those licenses or economic incentives.~~

Section 9. Severability.

This ordinance and the various parts, sections, and clauses are hereby declared severable. If any clause, sentence, or paragraph or part of this ordinance shall, for any reason, be adjudged or decreed to be invalid by any Court of competent jurisdiction, such judgment or decree shall not effect, impair, or invalidate the remainder of this ordinance, but such judgment or decree shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment or decrees shall have been entered.

Section 10. Repealer.

That all ordinances or parts of ordinances, of the City of Pontiac in conflict herewith are hereby repealed.

Section 11. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation prior to its effective date.

Section 12. Effective Date.

This Ordinance shall be effective ten days after date of adoption.

I hereby certify this ordinance was brought for a first reading at a meeting of the City Council of the City of Pontiac on the _____ day of _____, 2019.

Garland Doyle, Interim City Clerk

I further hereby certify this ordinance was adopted at a second reading of the ordinance by the City Council of the City of Pontiac on the _____ day of _____, 2019.

Garland Doyle, Interim City Clerk

I further hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council and was published verbatim in a publication of general circulation on the _____ day of _____, 2019.

Garland Doyle, Interim City Clerk