

PONTIAC CITY COUNCIL

Mike McGuinness, District 7
President
William A. Carrington, District 6
President Pro Tem



Melanie Rutherford, District 1
Brett Nicholson, District 2
Mikal Goodman, District 3
Kathalee James, District 4
William Parker, Jr., District 5

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."

47450 Woodward Pontiac, MI 48342

Phone: (248) 758-3200

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

63rd Session of the 11th Council

December 13, 2022 at 6:00 P.M.

Meeting Location: City Council Chambers 47450 Woodward Pontiac, MI 48342

Meeting Agenda

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

- A. November 28, 2022 Law and the Courts Subcommittee Meeting Minutes
- B. November 28, 2022 Parks, Recreation and Public Works Subcommittee Meeting Minutes
- C. December 5, 2022 Economic Development, Housing and Planning Subcommittee Meeting Minutes
- D. December 6, 2022 City Council Meeting Minutes
- E. December 8, 2022 Finance and Personnel Subcommittee Meeting Minutes
- F. December 8, 2022 Public Safety, Health and Wellness Subcommittee Meeting Minutes

Public Hearing

1. Community Development Block Grant 2023 Program Year Application

Subcommittee Reports

2. Communications, Engagement & Operations - Chair Goodman
3. Economic Development, Housing & Planning - Chair McGuinness
4. Facilities & Property - Chair Carrington
5. Finance & Personnel - Chair Nicholson
6. Law & The Courts - Chair Parker
7. Parks, Recreation & Public Works - Chair James
8. Public Safety, Health & Wellness - Chair Carrington

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Resolutions

Finance

9. Resolution to approve Budget Amendments for Budget Year 2022-2023 to increase the budget appropriation in the following General Fund GL accounts 101-447-749-001 Motor Fuel, Oils & Lubricants; 101-447-806-002 Asset Management, 101-447-806-004 Plan review; 101-458-932-004 Services – Maintenance – vehicles; 101-818-749-001 Motor Fuel, Oils & Lubricants, 101-447-806-000, engineering services, 101-818-914-000, Insurance Property Coverage and increase the budget in the following Special Revenue Fund accounts 202-463-749-001 Motor Fuel, Oils & Lubricants; 202-463-749-002 Tools & Supplies; 202-463-806-002 Asset Management; 202-478-749-001 Motor Fuel, Oils & Lubricants; 203-463-749-001 Motor Fuel, Oils & Lubricants; 203-463-749-002 Tools & Supplies, 203-463-806-002 Asset Management; 203-478-719-000 Workers Compensation Insurance and increase the budget in the following Capital Improvement Fund GL accounts 445-265-974-021 City Hall Lot Repairs; Building Additions & Improvements. Reduce the budget appropriation in General Fund Engineering Department GL accounts 101-447-702-000 salaries & wages, 101-447-702-004 Overtime Wages; 101-447-707-003 Cell Phone Stipend; 101-447-715-000 FICA – City Contribution; 101-447-716-000 Medical Insurance; 101-447-718-500 MERS Employer Contributions; 101-447-719-000 Workers Compensation Insurance; 101-447-719-001 Dental Insurance; and 101-447-721-010 Healthcare Waiver.

Grants

10. Resolution to approve the application for Community Development Block Grant Program Year 2023 in the amount of \$810,076 to be allocated to Homeownership Assistance & Sidewalks.

Ordinance

11. City of Pontiac Adult-Use Marihuana Business Ordinance (**Second reading**)

Discussion

12. Concerns with Birmingham Police Department Officers Confronting Pontiac residents at their Home in Pontiac

Public Comment (Three Minutes Time Limit)

Closed Session

13. Resolution to Proceed in Closed Session to Consider and Discuss the Purchase Of Real Property; and to Discuss the Confidential Legal Opinion Concerning Settlement Strategy in Connection with Pending Litigation

Communications

City Council

14. Grave Blankets at Oak Hill Cemetery and Ottawa Park Cemetery are still available for ordering, contact (248) 623-7705 for more information; grave blankets are able to be laid out starting November 15, 2022 per cemetery rules and regulations
15. Pontiac Meals on Wheels Foundation Christmas Brunch, December 15, 2022 at 12:00 pm, held at Ruth Peterson Senior Center, 900 Joslyn Road, Pontiac 48340
16. Senior Christmas Luncheon at Ruth Peterson Senior Center, December 17, 2022 at 12:00 pm, sponsored by Labor Council for Latin American Advancement Oakland County Chapter, Ruth Peterson Senior Center is located at 990 Joslyn Road, Pontiac 48340
17. Pre-New Year's Night of Jazz with the Phillips / Stewart Quintet, December 30, 2022 from 7:00 to 9:00 pm,

held at Pontiac's Little Art Theatre, 47 N. Saginaw Street, Pontiac 48342, tickets \$26.50, available at [bit.ly / psqpontiac](https://bit.ly/psqpontiac)

18. Pontiac Regional Chamber of Commerce Fruitful Toast, January 6, 2023

19. Pontiac Regional Chamber of Commerce "Prosperity Pontiac" Annual Event, March 29, 2023

20. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023

Mayor's Office

21. Winter Festival, Saturday January 14, 2023 from 5pm to 9pm, City Hall Grounds 47450 Woodward Ave Pontiac, Michigan. For more information call (248) 758-3037

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)

Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA

C

**PONTIAC CITY COUNCIL ECONOMIC DEVELOPMENT,
HOUSING & PLANNING SUBCOMMITTEE
DECEMBER 5, 2022 MEETING MINUTES**

Held at Pontiac City Hall, Legislative Conference Room
47450 Woodward Avenue, Pontiac, Michigan 48342

MEETING CALLED TO ORDER – At 9:04 a.m.
WELCOME AND INTRODUCTIONS – Chair Mike McGuinness
STATUS UPDATES RECEIVED

Residential Developments Status

1. Pontiac State Bank Building, 28 N. Saginaw Street (*District One*)
2. The Shores at Crystal Lake, Branch Street and Environs (*District One*)
3. American House, 1957 S. Telegraph Road (*District One*)
4. 24 at Bloomfield Apartments, 2083 S. Telegraph Road (*District One*)
5. Westwood Apartments, 817 Golf Drive (*District One*)
6. Expanded Phase of Westwood Apartments Submitted, Golf Drive (*District One*)
7. Oakland Press Building Redevelopment, W. Huron Street (*District One*)
8. 46 N. Saginaw Street Apartments Interest (*District One*)
9. The Shores at Stonegate Pointe (*District Two*)
10. North Hill Farms Rehabilitation Project (*District Three*)
11. Fieldstone Village Expansion, New Construction (*District Five*)
12. Galloway Lake Estates New Construction (*District Five*)
13. Fairview Estates New Construction (*Districts Five, Six*)
14. Little Grace Village, Grace Centers of Hope (*District Six*)
15. Carriage Place Renovation Project (*District Seven*)
16. Woodland Heights Apartments, 120 N. Edith Street (*District Seven*)
17. Community Housing Network Unity Park, Multiple Sites (*District Seven*)
18. Venture, Inc. Housing Rehabilitation Project, Multiple Sites (*District Seven*)
19. West Manor Reconstruction, 245 S. Paddock Street (*District Seven*)

Commercial Developments Status

1. Lighthouse Complex Expansion, Woodward Avenue and Cottage Street (*District One*)
2. Ottawa Towers, 51111 Woodward Avenue and 31 E. Judson Street (*District One*)
3. Workspace Pontiac Downtown, 2 and 4 N. Saginaw Street (*District One*)
4. Nature's Remedy Pontiac Provisioning Center, Orchard Lake Road (*District One*)
5. McLaren Oakland Hospital Parking Structure Prospective Work (*District One*)
6. M1 Concourse Complex, 1 Concourse Drive (*District One*)
7. Pontiac Transportation Museum, 250 W. Pike (*District One*)
8. RISE Pontiac Commercial District, Vanguard Drive (*District Two*)
9. Webster Community Center, 640 W. Huron (*District Two*)
10. West Huron Mini Storage, 761 W. Huron (*District Two*)
11. Baldwin Avenue Quick Stop, 1272 Baldwin (*District Four*)
12. Taco Bell Restaurant at Walton Boulevard near Laurel (*District Four*)
13. Joslyn and Walton Provisioning Center, 529 E. Walton Boulevard (*District Four*)
14. Touchless Car Wash at Joslyn and Second Avenue (*District Six*)
15. Sheila's Bakery Expansion, Perry Road (*District Six*)
16. Market at Midway and Sanford, 327 Midway Avenue (*District Seven*)
17. East Pike Car Storage, 145 E. Pike Street (*District Seven*)

Industrial and Warehouse Developments

1. Lawrence Industries, 108 W. Lawrence (*District One*)
2. Get Your Greens, 645 S. Old Telegraph Road (*District One*)
3. BYOP Properties Cesar Chavez LLC, Cesar Chavez Avenue at Kinney Road (*District Three*)
4. Former General Motors Parking Lot Repurposing, Baldwin Road (*District Three*)
5. Former Kennett Road Landfill Redevelopment, North Telegraph Road (*District Four*)
6. City-Owned Collier Road Site Development, Collier Road (*District Four*)
7. Public Storage Expansion, 788 E. Walton (*District Five*)
8. Tatro Michigan at Glenwood Site, N. of Montcalm (*District Six*)
9. General Motors at Oakland Logistics Park, Opdyke Road (*District Seven*)
10. Crown Enterprises Batch Concrete Plant, Bradford Drive (*District Seven*)

Areas of Concern

1. Batch 17 Demolitions Remaining Sites: Judson Street, Franklin Road, Kennett Road
2. 404 Highland Avenue Out of Compliance Structure (*District One*)
3. 83 N. Saginaw Downtown Commercial Building Condition, Façade Concerns (*District One*)
4. 600 W. Huron and 606 W. Huron Building Usage without Permits, Code Concerns (*District Two*)
5. Rosshire Court Complex Dangerous Eyesore, Clarity on Path Forward (*District Two*)
6. 585 W. Kennett Road Commercial Structure with Demolition Order (*District Three*)
7. Glenwood Plaza Complex Concerns, 1 S. Glenwood Avenue (*District Six*)
8. Burned Structure at Southeast Corner of S. Sanford and Osmun Streets (*District Seven*)
9. Maynard Court Previous Concerns Brought to Mayor, Council (*District Seven*)
10. 118 and 120 University Drive, Dangerous and High-Profile Eyesore (*District Seven*)
11. West Manor Stalled Reconstruction, 245 S. Paddock Street (*District Seven*)
12. Perdue School Site Property Securing, Prospective Redevelopment Status (*District Seven*)

RETURNING BUSINESS ITEMS DISCUSSED:

- Administration Reorganization of Community Development Department Progress
- Hiring Progress for Open Community Development Positions, Staff Capacity
- Pontiac Master Plan Update Process, Economic Development Grant-Funded Assistance
- Planning Commission, Zoning Board of Appeals, Historic District Comm. Appointments, Training
- Pontiac Housing Commission Initiatives and Collaboration
- Oakland County Land Bank Initiative, Implications for Pontiac and our Vacant Properties
- Acquisition of Noise Decibel Detection Equipment for Code Enforcement Operations
- Administration Intention to Request Council to Approve Abatement Special Assessments
- Administration Requests for New Planning Ordinances, or Ordinance Amendments:
 - Minor R-1 Zoning Amendments from Staff
 - Donation Collection Bins Regulation
 - Sign Ordinance Minor Modifications
 - Addressing Shipping Containers
 - Form-Based Code on Accessory Units

NEW BUSINESS

- Rite Aid Facility Deed Complications Issue Resolution
- State Legislation for Renaissance Zone Extension Impacting Williams International

PUBLIC COMMENT – Opportunity for Public Comment offered. There were no requests for public comment at this meeting.

MEETING ADJOURNED at 10:02 a.m.

**CONSENT
AGENDA
D**

**Official Proceedings
Pontiac City Council
62nd Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, December 6, 2022 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Rev. Kathalee James, Eastside Church of God, Pontiac Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness, Bret Nicholson and William Parker, Jr.

Mayor Greimel was present
A quorum was announced.

Excuse Council Members

Motion to excuse Councilwoman Melanie Rutherford for personal reasons. Moved by Councilperson Parker and second by Councilperson Carrington.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Motion Carried

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Carrington and second by Councilperson Parker.

Ayes: Goodman, James, McGuinness, Nicholson, Parker and Carrington

No: None

Motion Carried

Consent Agenda

22-323 **Resolution to approve the consent agenda for December 6, 2022.** Moved by Councilperson Nicholson and second by Councilperson Parker.

Whereas, the City Council has reviewed the consent agenda for December 6, 2022.
Now, Therefore, Be It Resolved that the City Council approves the consent agenda for December 6, 2022 including the November 29, 2022 City Council Meeting Minutes.

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman

No: None

Resolution Passed

Recognition of Elected Officials – None

Agenda Address

1. Dr. Deidre Waterman addressed items #5 & #7

Agenda Items

Resolutions

DPW

22-324 **Resolution to approve Notre Dame Preparatory Marist Academy Public Right of Way Usage Request.** Moved by Councilperson Nicholson and second by Councilperson Goodman.

WHEREAS, Notre Dame Preparatory Marist Academy is concerned about the safety of students crossing the road between their two campuses and;
WHEREAS, Notre Dame Preparatory Marist Academy has offered to pay for the installation and maintenance of safety devices and;
WHEREAS, The City’s engineer team has determined that the proposed devices are appropriate;
NOW, THEREFORE,
BE IT RESOLVED, The Pontiac City Council approves entering into an agreement with Notre Dame Preparatory Marist Academy to allow the same to install and maintain at their costs safety devices to cross Giddings road between their facilities.

Ayes: McGuinness, Nicholson, Parker, Carrington, Goodman and James

No: None

Resolution Passed

Finance

22-325 **Resolution to approve the proposed Budget Amendment for Budget Year 2022-2023, Increase the budget appropriation in the General Fund GL account 101-201-818-000 – Other Professional Service in the amount of \$80,000.** Moved by Councilperson Parker and second by Councilperson Goodman.

WHEREAS City council appropriated \$120,000 to pay for the Forensic audit service and to hire a Consulting firm as needed to assist the Finance staff to prepare the work papers and schedules for the year end audits as well as to assist Finance staff on special projects; and,
WHEREAS, the current appropriation in the amount of \$120,000 in the 101 – General Fund GL account 101-201-818.000 is not sufficient to cover the expenditure for the entire Budget Year; and,
WHEREAS, this requested increase in appropriation reduce the fund balance in the amount of \$80,000; and,
WHEREAS, in order to ensure that the budgeted appropriations in compliance with the City’s Charter, the Budget Ordinance and the State Law, the Administration is proposing a budget amendment for the 101-General Fund; and,
WHEREAS, the administration is increasing the appropriation in the amount of \$80,000 in the 101-General Fund GL account 101-201-818.000.
NOW THEREFORE, BE RESOLVED, that the City Council approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Budget Year 2022-23

GL Account	Original Budget	Requested Increase	Amended Budget
Appropriation			
101-201-818.000 - Other Professional Services	\$ 120,000	\$ 80,000	\$ 200,000

Ayes: Nicholson, Parker, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

Human Resources (HR)

Motion to amend Resolution to approve the updated Title VI Non-Discrimination Plan for the City of Pontiac to reflect \$80,000 not \$80,000. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Parker, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Motion Carried

22-322 **Resolution to approve the amended updated Title VI Non-Discrimination Plan for the City of Pontiac.** Moved by Councilperson Carrington and second by Councilperson Rutherford. **(This item was postponed from last week 11/29/2022)**

WHEREAS, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Title VI Non-Discrimination Plan was drafted to define how the City of Pontiac will proactively work to ensure that no individual faces discrimination and how; and the steps for individuals to aggrieve such discrimination if it exists.

WHEREAS, every individual has the right to be treated fairly and without partiality; and that no individual should be denied an opportunity to participate in federally financially assisted services their due to their race, color or national origin.

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council approve and adopts the Title VI Plan for the City of Pontiac.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

22-326 **Resolution to authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023, Increase the budget appropriation in the following General Fund GL accounts 101-270-702-000 salaries and wages, 101-270-715-000 F. I.C.A., 101-270-716-000 Medical Insurance, 101-270-717-000 Life Insurance, 101-270-718-500 MERS Employer Contributions, 101-270-719-000 Workers Compensation Insurance, 101-270-719-001 Dental Insurance.** Moved by Councilperson Parker and second by Councilperson Goodman.

WHEREAS City council approved the creation of a new position of Payroll Clerk; and, WHEREAS, funding needs to be appropriated for that position; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$32,726;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts:

101-270-702.000	salaries and wages	\$21,500
101-270-715.000	F.I.C.A.	\$1,645
101-270-716.000	Medical Insurance	\$7,863
101-270-717.000	Life Insurance	\$330
101-270-718.500	MERS Employer Contributions	\$1,075
101-270-719.000	Workers Compensation Insurance	\$43
101-270-719.001	Dental Insurance	\$270

Total requested increase in the budget appropriation \$32,726

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

22-327 **Resolution establishing the position of Payroll Clerk.** Moved by Councilperson Carrington and second by Councilperson Parker.

WHEREAS, The City of Pontiac has been working to modernize the Human Resource (HR) Department and;

WHEREAS, The City of Pontiac has increased its workforce by over 30% and is still growing and;

WHEREAS, The City has determined that additional assistance is needed in the HR area to complete assignments competently;

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council approves the addition of Payroll clerk to the list of city positions with an inaugural salary of \$43,000.

Ayes: Goodman, James, McGuinness, Nicholson, Parker and Carrington

No: None

Resolution Passed

Treasury

22-328 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget year 2022-2023, temporary / part-time labor – treasury, Increase the budget appropriation in the following General Fund GL account 101-253-819-000 Contractual Temp/PT Labor by \$6,000.** Moved by Councilperson Carrington and second by Councilperson Parker.

WHEREAS City council appropriated funds for part time/ temporary work in the treasurer’s office; and, WHEREAS, that funding needs to be increased to cover the cost of providing a temporary worker until the department was completely staffed; and

WHEREAS, the department is now fully staffed; and

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101-General Fund by \$6,000;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL account:

101-253-819.000 Contractual Temp/ PT Labor \$6,000

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman

No: None

Resolution Passed

Discussion

Community Development Block Grant 2023 Program Year

Public Comment

1. Melisa Moussa
2. Kelle Porter
3. Zack Utley
4. Darlene Fowlkes
5. David Gunsberg
6. Dr. Deirdre Waterman

Recess

Council President McGuinness called for a two (2) minute recess at 8:41 p.m.

Council President McGuinness concluded recess at 8:43 p.m. and proceeded with the meeting

Closed Session

22-329 **Resolution to go into Closed Session at 8:46 p.m. to discuss Real Estate Negotiations.** Moved by Councilperson Parker and second by Councilperson Nicholson.

Whereas, section 8 (d) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

Now, Therefore, Be It Resolved, the City Council will proceed in Closed Session pursuant to Section 8 (d) of the Open Meetings Act, MCL 15.268 (d) to review and discuss to consider the purchase of certain real property.

Ayes: Nicholson, Parker, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

Councilwoman Kathalee James left the meeting at 10: 20 p.m.

Motion to come out of Closed Session at 10:20 p.m. Moved by Councilperson Nicholson and second by Councilperson Parker.

Ayes: Parker, Carrington, Goodman, McGuinness and Nicholson

No: None

Motion Carried

Communications

City Council and Mayor's Office

December 6, 2022 Draft

Mayor, Clerk and Council Closing Comments

Mayor Greimel, Councilman Goodman, Council President Pro-Tem Carrington and Council President Mike McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Carrington, Goodman, McGuinness, Nicholson and Parker

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 10:25 p.m.

Sheila R. Grandison
Deputy City Clerk

DRAFT

#9

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

Council Resolution to approve budget amendments for Budget Year 2022-2023,

Increase the budget appropriation in the following General Fund GL accounts 101-447-749.001 Motor Fuel, Oils & Lubricants; 101-447-806.002 Asset Management, 101-447-806.004 Plan Review; 101-458-932.004 Services-Maintenance- vehicles; 101-818-749.001 Motor Fuel, Oils & Lubricants, 101-447-806.000, engineering services, 101-818-914.000, Insurance Property Coverage and increase the budget in the following Special Revenue Fund accounts 202-463-749.001 Motor Fuel, Oils & Lubricants; 202-463-749.002 Tools & Supplies; 202-463-806.002 Asset Management; 202-478-749.001 Motor Fuel, Oils & Lubricants; 203-463-749.001 Motor Fuel, & Oil & Lubricants; 203-463-749.002 Tools & Supplies, 203-463-806.002 Asset Management; 203-478-719.000 Workers Compensation Insurance and increase the budget in in the following Capital Improvement Fund GL accounts 445-265-974.021 City Hall Lot Repairs; Building Additions & Improvements.

Reduce the budget appropriation in General Fund Engineering Department GL accounts 101-447-702.000 salaries and wages, 101-447-702.004 Overtime Wages; 101-447-707.003 Cell Phone Stipend; 101-447-715.000 FICA – City Contribution; 101-447-716.000 Medical Insurance; 101-447-718.500 MERS Employer Contributions; 101-447-719.000 Workers Compensation Insurance; 101-447-719.001 Dental Insurance; and 101-447-721.010 Healthcare Waiver.

WHEREAS, City council appropriated funds for the Department of Public Works to begin on July 1, 2022 and,

WHEREAS, that appropriation assumed certain variables that did not come into being; and,

WHEREAS, that appropriation did not include enough allocation for motor fuels and asset management software and services:

NOW THEREFORE, BE RESOLVED, that the City Council approves the budget amendments for Fiscal Year 2022-23 as requested by the Administration as given below:

Fund 101 - General Fund - Requested reduction in appropriation

GL Number	GL Number Description	Budget Amendment
101-447-702.000	Salaries & Wages	\$ (305,000.00)
101-447-702.004	Overtime Wages	\$ (4,417.50)
101-447-707.003	CELL PHONE STIPEND	\$ (3,000.00)
101-447-715.000	F.I.C.A. - City Contribution	\$ (23,332.50)
101-447-716.000	MEDICAL INSURANCE	\$ (32,000.00)
101-447-718.500	MERS EMPLOYER CONTRIBUTIONS	\$ (15,250.00)
101-447-719.000	Workers Compensation Insurance	\$ (15,000.00)
101-447-719.001	Dental Insurance	\$ (2,000.00)
101-447-721.010	Health Care Waiver	\$ (20,000.00)

Fund 101 - General Fund - Requested increase in appropriation

101-447-806.000	Engineering Services	\$ 420,000.00
101-447-749.001	Motor Fuel, Oil & Lubricants	\$ 6,000.00
101-447-806.002	ASSET MANAGEMENT	\$ 40,000.00
101-447-806.004	PLAN REVIEW	\$ 80,000.00
101-458-932.004	Services - Maintenance-Vehicles	\$ 19,000.00
101-818-749.001	Motor Fuel, Oil & Lubricants	\$ 10,000.00
101-818-914.000	Insurance Property Coverage	\$ 6,600.00

Fund 101 net requested increase in appropriation

\$ 161,600.00

Fund 202 - Major Streets - Requested increase in appropriation

202-463-749.001	Motor Fuel, Oil & Lubricants	\$ 15,000.00
202-463-749.002	Tools & Supplies	\$ 10,000.00
202-463-806.002	Asset Management	\$ 80,000.00
202-478-749.001	Motor Fuel, Oil & Lubricants	\$ 28,500.00

Fund 202 total requested increase in appropriation

\$ 133,500.00

Fund 203 - Local Streets - Requested increase in appropriation

203-463-749.001	Motor Fuel, Oil & Lubricants	\$ 15,000.00
203-463-749.002	Tools & Supplies	\$ 10,000.00
203-463-806.002	Asset Management	\$ 80,000.00
203-478-719.000	Workers Compensation Insurance	\$ 18,000.00

Fund 203 total requested increase in appropriation

\$ 123,000.00

Fund 445 - Capital Improvement Fund - Requested increase in appropriation

445-265-974.021	City Hall Lot Repairs	\$ 150,000.00
445-273-976.001	Building Additions & Improvements	\$ 115,000.00

Fund 445 total requested increase in appropriation

\$ 265,000.00

#10

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council

FROM: Alexandra Borngesser, Director of Grants & Philanthropy

DATE: December 13, 2022

RE: **Council resolution to approve the application for Community Development Block Grant Funds in the amount of \$810,076 to be allocated to Homeownership Assistance & Sidewalks**

The City of Pontiac's application deadline for the Community Development Block Grant (CDBG) Program Year 2023 is due for submission to Oakland County on December 23rd, 2022. A total allocation of \$810,076 is projected for CDBG PY2023. The City of Pontiac entered into a Joint Agreement with Oakland County to administer the funds on May 19th, 2020.

The City's Executive Administration has drafted the CDBG PY2023 application for the programs areas as outlined below.

Homeownership Assistance: Mortgage Down Payment Assistance

Homeownership plays a vital role in helping to build strong, stable communities. Research shows there are many social benefits provided by home ownership, including increased volunteerism, improved health, and less crime. Pontiac has been making steps towards revitalizing the City and making improvements to infrastructure including, blight demolition, public park renovations, sewer and drainage updates, and some sidewalk repairs.

By providing down payment assistance, residents of the city will receive support to buy and be part of the revitalization of the community that they live in. Homeownership will boost the cities treasury through property taxes which supports infrastructure projects like roads, sewer systems, education, and other community programs.

The City of Pontiac's down payment assistance program will provide 50% of the lender required down payment to low to moderate income individuals buying a home in the City of Pontiac. The City estimates that this will impact roughly 40 households. This figure was estimated by considering the average cost of purchasing a home in Pontiac and the average required down payment.

The program will benefit low to moderate income individuals that do not currently own their own home, who are income qualified and are ready to take the steps towards purchasing a home. The City of Pontiac will use the current CDBG income limit guidelines to determine if a household is eligible for assistance. This will require a household to provide documentation of proof of income, will be verified by the lender, and the home buyer will be required to execute a homebuyer assistance agreement with the City of Pontiac.

Public Facilities & Improvements – Sidewalks

This project will assist with sidewalk repair throughout the City of Pontiac. Repairs and improvements will be made to the existing sidewalks and curbs in order to reduce injury and keep up a secure environment for the future. There are significant sections that are heaved from tree roots, collapsing or missing and broken cement. These conditions do not allow for safe pedestrian transit.



Council resolution to authorize the application for Community Development Block Grant Funds in the amount of \$810,076 to be allocated to Homeownership Assistance and Sidewalks

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and

WHEREAS, Oakland County has requested CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, the City of Pontiac has duly advertised and conducted a public hearing on December 13th to receive public comments regarding the proposed use of PY2023 Community Development Block Grant funds (CDBG) in the approximate amount of **\$810,076**, and

WHEREAS, the City of Pontiac found that the following projects meet the federal objectives of the CDBG program and are prioritized by the community as high priority need.

PROJECT NAME: Homeownership Assistance	AMOUNT: \$ 405,038
PROJECT NAME: Sidewalks	AMOUNT: \$405,038

THEREFORE, BE IT RESOLVED, that the City of Pontiac CDBG application is hereby authorized to be submitted to Oakland County for inclusion in Oakland County's Annual Action Plan to the U.S. Department of Housing and Urban Development, and that Tim Greimel, Mayor of the City of Pontiac, is hereby authorized to execute all documents, agreements, or contracts which result from this application to Oakland County.

#11

ORDINANCE

TO: Honorable Tim Greimel, Mayor
Pontiac City Council

FROM: Charles Murphy
Joseph W. Colaianne

DATE: November 29, 2022

SUBJECT: **Proposed - Adult-Use Marihuana Ordinance**

We were requested to present a draft ordinance that would permit certain Adult-Use Marijuāna establishments within the City in accordance with Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA"). The purpose of the ordinance is to establish standards and procedures for the issuance, regulation, renewal, suspension, and revocation of business licenses for adult-use marihuana establishments so as to protect the public health, safety, and welfare of residents of the City by setting forth the manner in which adult-use marihuana businesses can be operated in the City.

The proposed ordinance mirrors in several ways the process for permitting medical marihuana facilities under the City's existing Medical Marihuana Facilities Ordinance, Article XXX, Section 26.1491 et seq.. However, there are significant distinctions. The Adult-Use Marihuana Ordinance authorizes and defines "Marihuana Business" as the following adult-use marihuana establishments: (a) grower and excess grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) secure transporter, (f) Class A microbusiness, (g) Designated Consumption Establishment, (h) marihuana event organizer or (i) temporary marihuana event. Similar to provisioning centers, the ordinance restricts the number of permits issued for Retailers, Class A Microbusiness, and Consumption Lounges, and further restricts where the location of marihuana related businesses may be located within the City. Under Michigan law, the permitting process requires a competitive process. The proposed ordinance prescribes the process that an applicant must follow to obtain a permit from the City.

The proposed ordinance restricts the number of permits for certain Adult-Use Marihuana Businesses in the City. Below is a summary of the available permits:

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit

Retailer	20
Social Equity Retailer	4
Class A Microbusiness	3
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit
Excess grower	No limit

A Retailer is a licensee that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA. This is similar to a provisioning center under the City's medical marihuana facilities ordinance. In conjunction with this ordinance, it is proposed that the City's Zoning Ordinance be amended to establish three (3) Adult-Use Marihuana Business Overlay Districts, and that no more than five Retailers are to be located in any one of the three overlay districts. The overlay districts mirror the overlay districts established for medical marihuana facilities. In addition to Adult-Use Marihuana Business Overlay District locations, it is proposed that Retailers would also be permitted in C-1, C-3, C-4, M-1 and M-2 zoning districts subject to all requirements of the City's zoning ordinance. Finally, the ordinance proposes to set aside no more than 4 permits for Retailers that qualify as a Social Equity Retailer. A "Social Equity-Qualified Business" is a marihuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the City.

A Designated Consumption Establishment is a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3. The ordinance limits the number of consumption lounge permits to six (6), and further requires that no more than 3 shall be located north of Huron Street; and 3 south of Huron Street.

A Class A Microbusiness is a marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing. The location of microbusinesses would also be limited by the City's zoning ordinance.

The foregoing is a brief overview of the proposed ordinance. We will be present tonight to discuss in greater detail.

CITY OF PONTIAC
ORDINANCE NO. # _____

AN ORDINANCE TO ALLOW ADULT-USE MARIHUANA ESTABLISHMENTS TO OPERATE IN THE CITY OF PONTIAC PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF THE MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ.; TO PROVIDE FOR STANDARDS AND PROCEDURES TO PERMIT AND REGULATE ADULT-USE MARIHUANA ESTABLISHMENTS; TO PROVIDE FOR THE IMPOSITION OF PERMIT APPLICATION FEES AND RENEWAL FEES; AND TO IMPOSE CONDITIONS FOR THE OPERATION OF ADULT-USE MARIHUANA ESTABLISHMENTS.

THE CITY OF PONTIAC ORDAINS:

ARTICLE _____ . ADULT-USE MARIHUANA BUSINESS LICENSING

Sec. _____ . Title.

The title of this ordinance shall be the "City of Pontiac Adult-Use Marihuana Business Ordinance."

Sec. _____ . Purpose and Intent.

A. Purpose. The purpose of this Ordinance is to establish standards and procedures for the issuance, regulation, renewal, suspension, and revocation of business licenses for adult-use marihuana establishments in accordance with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") so as to protect the public health, safety, and welfare of residents of the City by setting forth the manner in which adult-use marihuana businesses can be operated in the City. Further the purpose of this Ordinance is to:

(1) Protect the health, welfare and safety of the public through reasonable regulations on marihuana business operations as it relates to noise, odor, air and water quality, food safety, public safety, security for the establishments and its personnel, and other health and safety concerns;

(2) Protect residential zoned properties and neighborhoods by limiting the location and the concentration of types of Marijuana Businesses to specific areas of the City;

(3) Establish application and license fees to defray and recover the City's costs for administering and enforcing this ordinance;

(4) Recognize that the City of Pontiac has been identified by the State of Michigan's Cannabis Regulatory Agency as a city that has been disproportionately impacted by marihuana prohibition and enforcement and that social equity in the marihuana industry is necessary to address the historical disproportionate impact of marihuana prohibition and enforcement upon Pontiac residents and to positively impact the Pontiac community;

(5) Minimize the adverse effects from growing, processing, dispensing and storage of marihuana;

(6) Minimize the adverse effects from excessive consumption and use of marihuana;

(7) Coordinate with state laws and regulations addressing Marihuana Businesses; and

(8) To restrict the issuance of Marihuana Business permits only to those individuals and entities that demonstrate an intent and ability to fully comply with this Ordinance and the laws of the City and the State of Michigan.

B. Legislative Intent. This ordinance authorizes the establishment of adult-use marihuana businesses within the City of Pontiac consistent with the provisions of MRTMA, subject to the following:

(1) Use, distribution, cultivation, production, possession, and transportation of marihuana remains illegal under federal law, and marihuana remains classified as a "controlled substance" by federal law. Nothing in this ordinance is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under state or federal law. This ordinance does not protect the owners of properties on which a marihuana commercial operation is occurring from prosecution or having their property seized by federal law enforcement authorities.

(2) This ordinance is to be construed to protect the public health, safety and welfare over commercial adult-use marihuana business interests. The operation of a permitted adult-use marihuana business in the City is a revocable privilege and not a right in the City. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed a City-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of adult-use marihuana as a commercial enterprise

in the City. The City determines that the commercialization of marihuana is a “closely regulated industry” as that term is used in U.S. Supreme Court jurisprudence.

(3) Any individual or business entity which purports to have engaged in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise in the City without obtaining the required authorization required by this ordinance is deemed to be an illegally established nuisance, and as such is not entitled to legal nonconforming status under this ordinance, the City zoning ordinance, or state statutory or common law.

(4) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form that is not in strict compliance with the MRTMA and the Marihuana Tracking Act, and all applicable administrative rules promulgated by the State of Michigan regarding the commercialization of marihuana. Strict compliance with all applicable state laws and regulations is deemed a requirement for the issuance or renewal of any permit issued under this ordinance, and noncompliance with any applicable state law or regulation is grounds for the revocation or nonrenewal of any permit issued under the terms of this ordinance.

C. Indemnification of the City.

(1) By accepting a permit issued pursuant to this ordinance, the holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marihuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a permit issued pursuant to this ordinance, the holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating marihuana business arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana business or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).

D. Reservation of legislative prerogative.

(1) The City Council reserves the right to amend or repeal this ordinance in any manner, including, but not limited to, the complete prohibition of any type of adult-use marihuana business or limiting the number and types of adult-use marihuana businesses authorized to operate in the City.

(2) Nothing in this ordinance is to be construed to grant or grandfather any marihuana business a vested right, license, permit or privilege for continued operations within the City.

Sec. _____. Definitions.

Unless defined by this ordinance, any term used in this Section that is defined by the MRTMA, or the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs addressing marihuana shall have the definition given in MRTMA and in the Rules.

As used in this Section, the following terms shall have the meanings indicated:

"Applicant" means a person who applies for a City-issued permit to operate a Marihuana Business in accordance with the terms of this Ordinance and the City zoning ordinance. With respect to disclosures in an application for a permit issued pursuant to this Ordinance for purposes of ineligibility for a permit and the transfer of an interest in an issued permit, the term "applicant" includes a managerial employee of the applicant, any person who holds any direct or indirect ownership interest in the Marihuana Business, and the following true parties of interest for each type of applicant:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses.
- (3) For a limited partnership and limited liability limited partnership: all general and limited partners, and their spouses.
- (4) For a limited liability company: all members and managers, and their spouses.
- (5) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.

(6) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.

(7) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive gross or net profits from the enterprise during any full or partial calendar or fiscal year.

(8) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

(9) For a trust: all trustees, any individual or body able to control and direct affairs of the trust, and any beneficiary who receives or has the right to receive the gross or net profit distributions of the trust during any full or partial calendar or fiscal year, and their spouses.

"City" means the City of Pontiac, Michigan.

"Co-Locate" or "Co-Location" means any combination of growers, processors, and/or retailer establishments that may operate as separate marihuana businesses at the same physical location.

"Class A marihuana grower" means a grower licensed to grow not more than 100 marihuana plants.

"Class A Microbusiness" means a marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing.

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

"Class C marihuana grower" means a grower licensed to grow not more than 2,000 marihuana plants.

"Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

“Department” means the State of Michigan Department of Licensing and Regulatory Affairs (LARA), including without limitation, the Cannabis Regulatory Agency, or its successor agency.

“Designated Consumption Establishment ” means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3.

“Disqualifying conviction” means a conviction that makes an applicant ineligible to receive a license under MRTMA and the Rules.

“Equivalent License” means any of the following state operating licenses when held by a single licensee:

- (1) Grower licenses of any class under both the MMFLA and MRTMA.
- (2) Processor licenses under both the MMFLA and MRTMA.
- (3) Secure transporter licenses under both the MMFLA and MRTMA.
- (4) Safety compliance facility licenses under both the MMFLA and MRTMA.
- (5) A provisioning center license under the MMFLA and a retailer license under the MRTMA.

“Excess Grower” means a license issued to a person holding five Class C marihuana grower licenses under MRTMA and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

“Grower” means a licensee establishment that cultivates, dries, trims, or cures and packages marihuana for sale or transfer to a processor, retailer, or another grower. The term also includes a licensed excess grower.

“Industrial Hemp” means the term as defined at MCL 333.27953 (c).

“License” means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment in the City.

"Marihuana" means the term as defined at MCL 333.27953. For purposes of this Ordinance marihuana does not include industrial hemp.

"Marihuana accessories" means the term as defined at MCL 333.27953 (g).

"Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

"Marihuana Business" means the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower and excess grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) Designated Consumption Establishment, (i) marihuana event organizer or (j) temporary marihuana event.

"Marihuana establishment" means a location at which a permittee is permitted to operate under this Ordinance and MRTMA.

"Marihuana Event Organizer" means a person licensed to apply for a temporary marihuana event license.

"Marihuana-Infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

"Marihuana Tracking Act" or "MTA" means Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

"Michigan Regulation and Taxation of Marihuana Act" or "MRTMA" means, Initiated law 1 of 2018, MCL 333.27951, et. seq., as amended and all future amendments.

"Permit" means the permit issued pursuant to this ordinance authorizing the operation of a Marihuana Business in the City.

"Permittee" means a person who receives and holds a permit to operate a Marihuana Business issued by the City under this ordinance.

"Person" means an individual, sole proprietorship, partnership, limited partnership, limited liability limited partnership, corporation, limited liability company, trust, or other legal entity, and includes persons within the definition of "applicant" as that term is used in this Ordinance.

"Processor" means a person licensed to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, class A microbusiness, or another processor. A processor is not prohibited from handling, processing, marketing or brokering industrial hemp pursuant to the Industrial Hemp Research and Development Act.

"Retailer" means a licensee that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA.

"Rules" means the unified administrative rules promulgated and from time to time amended by the Department to implement the MMFLA and MRTMA.

"Safety Compliance Facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

"Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

"School" means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, denominational, or parochial school.

"Social Equity-Qualified Business" mean a marihuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the City.

"Stakeholder" means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all general and limited partners.

"State" means the State of Michigan.

“State Operating License” means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment, as specified in the license.

“Temporary Marihuana Event” means a license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

Sec. _____. Creation of Marihuana Business Commission.

There is hereby created a Marihuana Business Commission. For purposes of this Ordinance, the medical marihuana commission established by the City of Pontiac’s Medical Marihuana Facilities Ordinance, Article XXX , Section 26.1491 et seq., shall be the Marihuana Business Commission, and shall include the same quorum requirements, commission membership, appointments, term, vacancies, compensation, powers, duties, and adoption of rules and regulations as it deems necessary to govern its proceedings and deliberations as set forth in Sections 26.1493 through 26.1496.

Sec. _____. Marihuana Business Rules and Regulations.

(a) In addition to the Rules promulgated by the Department and the statutes of the State of Michigan, the operations of a Marihuana Business shall be conducted in accordance with the provisions of this ordinance and the City Code of Ordinances, including the zoning ordinance.

(b) Retailer establishments and Social Equity Retailer establishments located outside of the C-2 Downtown Adult-Use Marihuana Business Overlay District 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.

(c) Delivery of a marihuana product for sale or transfer to marihuana customers by Retailer Establishment and Social Equity Retailer Establishments is prohibited.

(d) Drive-thru windows at Retailer Establishment and Social Equity Retailer Establishments are prohibited.

Sec. _____. Licensing of Adult-Use Marihuana Businesses.

(a) Number of permitted adult-use Marihuana Businesses.

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	20
Social Equity Retailer	4
Class A Microbusiness	3
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit
Excess grower	No limit

Sec. _____. City Marihuana Business Permit and Annual Fee Required.

(a) No person shall establish or operate a Marihuana Business located in the City without first meeting all of the requirements set forth in this Ordinance, obtaining a permit from the City Clerk, and obtaining a State Operating License. Permits and State Operating Licenses shall be kept current and publicly displayed within the business. Failure to maintain or display current state licenses and City permits is a violation of this ordinance. A Marihuana Business operating without a City permit under this Ordinance or without a State license is declared to be a public nuisance.

(b) There shall be an initial application fee of \$5,000.00 and an annual nonrefundable renewal of permit fee of \$5,000.00 to defray the administrative and enforcement costs associated with marihuana businesses located in the City.

(c) The City permit fee requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by the Department and any other state regulatory agency, or by City ordinance, including, by way of example, and not limited to, any applicable fees for site plan review, zoning review, inspections, or building permits.

(d) A separate permit is required for each Marihuana Business located at a premises from which an adult-use marihuana commercial business is operated. Operation of a grower, processor, and retailer establishment at the same location is authorized, provided that each establishment is

separately licensed and permitted. Operation of a retailer at the same location as a grower or processing facility is authorized when in conformity with the City zoning ordinance.

Sec. _____. Location Criteria.

- (a) No marihuana business is eligible to receive a permit unless at the time the application for the marihuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the City zoning ordinances as required for the specific type of marihuana commercial business for which the permit is being sought.
- (b) Mobile marihuana businesses and limited contact transaction operations, except for curbside service in a designated area at a marihuana sales location in compliance with applicable Department-issued rules and the City zoning ordinance, are prohibited.
- (c) A permittee shall not operate a marihuana business at any location in the City other than at the address provided in the application on file with the City Clerk. A permit issued under this ordinance may be transferred to a different location upon receiving written approval from the City Clerk. In order to request approval to transfer the location of a permit, the licensee must make a written request to the City Clerk, indicating the current license location and the proposed license location. Upon receiving the written request, the City Clerk will forward a copy of the request to affected service areas and departments of the City to determine whether the proposed location complies with all applicable laws, rules and regulations. No location transfer will be approved unless the proposed location meets the standards identified in this ordinance and the City zoning ordinances.

Sec. _____. General Permit Application Requirements.

- (a) An applicant seeking a permit pursuant to the provisions of this ordinance and licensure by the state under MRTMA must submit an application in writing to the City Clerk on forms provided by the City Clerk. At the time of application, the application must be accompanied by a nonrefundable application fee of \$5,000.00 to defray the costs incurred by the City for processing of the application. In addition, the applicant shall present copies of government-issued photographic identification to accompany the application.

The applicant shall submit one printed and one electronic copy of the application and supporting information and documents to the City Clerk.

(b) An application shall be complete and made under the penalty of perjury and shall contain all of the following:

(1) The applicants, all of its stakeholders, and the proposed manager's full name, date of birth, residential and business address, email address, and telephone numbers including emergency contact information, and a copy of a government-issued photographic identification card of the applicant and all stakeholders:

(a) If the applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their name, address, date of birth, business address, business telephone number, email address, social security number, and, if applicable, federal tax identification (EIN) number.

(b) If the applicant is not an individual or sole proprietorship, the applicant shall provide information regarding the business entity, including, without limitation, the name and address of the entity, website address (if any), type of business organization, proof of registration with, or a certificate of good standing from, the State of Michigan, as applicable, and the names, dates of birth, residential and business addresses, email addresses, phone numbers of each applicant, each stakeholder and their spouses, and the federal tax identification number of the business entity.

(2) The identity of every person having an ownership or beneficial interest in the applicant with respect to which the license is sought, including the ownership structure of the entity that identifies the ownership percentage held by each stakeholder; provided, however, a social equity-qualified business entity who is an applicant must be able to demonstrate 51% or more ownership by qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(3) If the applicant is not an individual, the articles of incorporation or organization, federal tax identification number and confirmation letter, and the limited liability company's operating agreement, the corporation's shareholder agreement and bylaws, and the partnership agreement for a partnership or limited partnership, as applicable.

(4) A copy of the applicant's notice of prequalification status issued by the Department to operate an adult-use marihuana establishment. If the applicant does not have adult-use prequalification status from the Department, the application will not be processed by the City.

(5) The name and address of the proposed Marihuana Business and any additional contact information deemed necessary by the City Clerk, including the following:

(a) A copy of the deed reflecting the applicant's ownership of the proposed permitted premises, or a purchase agreement or option to purchase the proposed permitted premises.

(b) A copy of the lease reflecting the right of the applicant to possess, or an agreement or option reflecting the applicant's right to lease, the proposed permitted premises, and a notarized statement from the owner of such property authorizing the use of the property for a marihuana business.

(6) For the applicant and every stakeholder, affirmation that each is at least 21 years of age.

(7) A criminal background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police report for applicants residing in Michigan. For applicants who reside in other states or have resided in other states within 5 years prior to the date of the application a certified state sponsored or authorized criminal history report. 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.

(8) Written consent authorizing the City to obtain a criminal background check from the Michigan State Police or the Federal Bureau of Investigation, or other applicable state or local police agency, to ascertain whether the applicant and stakeholders have any disqualifying convictions or convictions involving dishonesty, theft, fraud, or controlled substances.

(9) A current organization chart that includes position descriptions and the names of each person holding such position, which shall include date of birth, address, copy of photo

identification, and email address for any operator, manager, or employee if other than the applicant.

(10) A complete list of all marihuana related business permits and licenses held by applicant.

(11) An attested disclosure whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, the reason for such revocation or suspension and copies of the orders of revocation or suspension.

(12) An attestation that no applicant or stakeholder is ineligible from holding a state license to operate a marihuana commercial business.

(13) An attestation that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this ordinance.

(14) A statement that no applicant is in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(15) For the applicant and for each stakeholder a resume that includes a business history and any prior experience with a marihuana-related business.

(16) The proposed business plan of the applicant, which shall include without limitation, the following:

(a) A description of the type of the proposed adult-use marihuana commercial operation and its physical address; and

(b) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the business is expected to create, the amount and type of compensation (including benefits) expected to be paid for such jobs, and the goals and objectives to recruit, hire and promote residents of the City; and

(c) A staff training and education plan that the applicant will provide to employees; and

(d) The financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marihuana Business; and

(e) Short and long-term goals and objectives; and

(f) An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the facility, the amount and type of compensation expected to be paid for such jobs, including plans for community outreach and worker training programs;

(g) If co-location of Marihuana Businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such facilities, including identification of any points of entry, ingress or egress, and controls at each location; and

(h) A neighborhood communication/education plan and strategies; and

(i) Any charitable plans and strategies whether through financial donations or volunteer work.

(17) A lighting plan showing the lighting outside of the marihuana business for security purposes and compliance with applicable City outdoor lighting requirements;

(18) A security plan, including, but not limited to, lighting, alarms, barriers, recording/monitoring devices, safes, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each item of security equipment.

(19) A to-scale diagram of the proposed licensed premises, no larger than 11 inches by 17 inches, showing, without limitation, building floor plan and layout, all entryways, doorways, or passageways, and means of public entry and exits to the proposed licensed premises, loading zones, available on-site parking spaces, including handicapped accessible spaces, fencing at the premises, and all areas in which marihuana will be stored, grown, manufactured or dispensed;

(20) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed Marihuana Business.

(21) A proposed marketing, advertising, and business promotion plan for the proposed Marihuana Business.

(22) A description of planned tangible capital investment in the City for each proposed Marihuana Business.

(23) A social equity plan that (a) promotes and encourages participation and ownership in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and that (b) positively impacts local residents.

(24) A depiction of any proposed signage, text or graphic materials to be shown on the exterior of the proposed Marihuana Business.

(25) A sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the contract between the Applicant and sanitation waste provider.

(26) A proposed inventory and recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors and compliant with the requirements of the Department.

(27) Proof of insurance covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

a. at least Two Million Dollars (\$2,000,000) for property damage;

b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and

- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person
resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(28) A signed acknowledgement that the applicant understands that all matters related to marihuana cultivation, possession, dispensing, testing, transporting, distribution and use are subject to federal and state laws and regulations, and that the approval of a permit hereunder does not exonerate or excuse the applicant from abiding by the provisions and requirements and 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 Marihuana Business.

(29) A scaled location area map that identifies the relative locations of, and distances from, Schools, childcare centers, public parks containing playground equipment, and religious institutions, 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.

(30) If the applicant is applying for a permit to operate a Retailer, a Social Equity Retailer, a Class A Microbusiness or a Designated Consumption Establishment, a description of drug and alcohol awareness programs to be provided by the applicant to customers and the public.

(31) 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. Outdoor grows are prohibited.

(32) If the applicant is applying for a permit to operate a grower, a chemical and pesticide storage plan that complies with the requirements of the Department.

(33) An applicant for a Marihuana Secure Transporter license shall provide copies of the vehicle registration for all commercial motor vehicles that will be used to transport marihuana or marihuana-infused products. A secure transporter must provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage.

(34) Any other information requested by the City Clerk considered to be relevant to the processing or consideration of the application.

(c) An applicant may apply for multiple Marihuana Business permits of the same or different nature, except that Social Equity Retailer permits are limited to Social Equity Qualified applicants.

Sec. _____. Marihuana Business Permit Application Process.

(a) Upon receipt of a completed application meeting the requirements of this ordinance and payment of the permit application fee, the Clerk shall refer a copy of the application to the fire department and the Community Development Department, the planning division, and other affected departments for review and compliance with the City Code.

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

(1) The fire department and the Community Development Department and other affected departments have inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, the planning division, and other affected departments have confirmed that the proposed location complies with the zoning ordinance.

(3) The proposed Marihuana Business has been issued a certificate of occupancy and, if necessary, a building permit.

(4) The City Treasurer confirms the applicant and each stakeholder and the proposed location of the Marihuana Businesses are not in default to the City.

(c) After this ordinance becomes effective, the Clerk shall begin accepting adult-use Marihuana Business applications within 60 days.

(d) The Clerk shall award a permit to any applicant for a permit to operate a grower, processor, secure transporter, or safety compliance facility upon the determination by the Clerk that the application is complete, the applicant receives the approvals required in this ordinance, and the applicant meets all of the requirements of this ordinance and the City Code, including the zoning ordinance. If the City Clerk identifies, or is informed of, a deficiency in an application, the applicant has two (2) weeks to correct the deficiency after notification by the City Clerk.

(e) Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment Applications. After sixty (60) days from the effective date of this ordinance, the Clerk shall set a 21-day application window period during which applicants may apply for a Retailer, Social Equity Retailer (limited to Social Equity Qualified applicants), Class A Microbusiness and Designated Consumption Establishment permits. After the 21-day application window closes, the Clerk shall assess, evaluate, score and rank all applications for permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment submitted during the twenty-one (21) day application window period. The Clerk shall review all submitted applications for completeness.

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based 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. Applicant must have submitted all required materials for each category in a professional, organized manner with clear labeling of all required items. The maximum number of scoring points in this category shall be five (5) points.

(2) Whether the proposed Marihuana Business will have a detrimental impact on the surrounding area and neighborhood including the distance of the establishment to properties zoned or used residentially; traffic patterns, traffic mitigation and resident safety; plans for litter control, loitering, noise mitigation, odor mitigation. Applicant shall submit a traffic impact study by a professional traffic engineer. The maximum number of scoring points in this category shall be twenty (20) points.

(3) Neighborhood Communication/Education Plan on behalf of the proposed Marihuana Business. The plan should include meetings, at least once per year, with the neighborhood organizations, residents and general public, and to provide a contact for on-going public information, questions and concerns. Written notice to all property owners within 1500 feet of the marihuana business location, neighborhood organizations and City Clerk shall be provided. In addition, to other methods of notice, the written notice shall be sent by mail at least two (2) weeks before the public meeting. The maximum number of scoring points in this category shall be ten (10) points.

(4) Whether the applicant or its stakeholders have made, or plan to make, significant physical investment and improvements to the building where the proposed Marihuana Business is to be located, including the applicant's proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the establishment. The maximum number of scoring points in this category shall be ten (10) points.

(5) Whether the applicant and all of its stakeholders have a record of acts that are not detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; applicant shall demonstrate and document a history of regulatory with all federal, state and local laws and regulations, and shall disclose all complaints, judgments, convictions, administrative and regulatory decisions, permit and license suspensions, revocations and fines, rendered by any federal, state and local government agencies, including but not limited to wage and hour laws, anti-discrimination and civil rights laws, and occupational, health and safety laws. The maximum number of scoring points in this category shall be ten (10) points.

(6) Whether the applicant has disclosed and documented sufficient financial resources and total amount of capitalization to develop, operate and maintain a Retailer, Social Equity

Retailer, Class A Microbusiness or Designated Consumption Establishment, and demonstrates the requisite business experience to execute, the submitted business plan and other plans required this ordinance. The applicant should disclose and document sources and total amount of capitalization to operate and maintain a Retailer establishment, a Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment, and include a CPA attested financial statement, a valid pro forma for three years, attest that the applicant or any of its owners have not filed bankruptcy in the last seven (7) years, have not had liens placed upon financial accounts or property by the Internal Revenue Service or state Treasuries, and has filed personal and/or corporate income tax returns for the past five (5) years. The maximum number of scoring points in this category shall be twenty (20) points.

(7) Description of staffing plan that includes 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 recruit, hire and mentor for career advancement, a percentage of diverse residents from the City of Pontiac, including those residents who are veterans, low income and/or have a prior controlled substance record (excluding distribution of a controlled substance to a minor); 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 applicant shall maintain and provide data to the City Clerk supporting its staffing plan which shall be considered at the time of renewal of any permit issued pursuant to this ordinance to determine compliance. The maximum number of scoring points in this category shall be ten (10) points.

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

(9) Whether the applicant received conditional approval for a medical marijuana provisioning center permit pursuant to City of Pontiac's Medical Marijuana Facilities Ordinance, Article XXX, Section 26.1491 et seq., is not currently in default of compliance with Article XXX, and has received site plan approval from the City's Community Development Department and has started construction of the medical marijuana

provisioning center subject to receipt of a valid building permit from the City before or not less than 90 days prior to the application for Marihuana Retailer permit. The maximum number of scoring points in this category shall be five (5) points.

(10) Whether the applicant will rehabilitate and/or redevelop an existing building by demolishing and rebuilding or completely renovating a building that has been vacant as registered with the City for 1 year or more before the submittal of the application under this ordinance. The maximum number of scoring points in this category shall be ten (10) points.

(11) Whether the applicant will rehabilitate and/or redevelop an existing building by demolishing and rebuilding or completely renovating a building that has been cited as blighted or dangerous (as such term is defined in the City's Code of Ordinances). The maximum number of scoring points in this category shall be ten (10) points.

(12) Whether an applicant proposes a social equity plan that promotes and encourages social equity participation and ownership in the marihuana industry by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively impact those communities, in accordance with MCL 333.27958(1)(j).

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

(h) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate retailer establishments, 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 and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Retailer. In the event that the number of Retailer 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

Retailers 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 Retailer permits exceed the maximum number authorized under this ordinance.

(i) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Class A Microbusinesses, awarding permits to the three (3) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Class A Microbusiness. In the event that the number of Class A Microbusiness 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 Class A Microbusinesses 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 Class A Microbusiness permits exceed the maximum number authorized under this ordinance.

(j) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding permits to the three (3) highest scoring applicants for the North of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment 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 Designated Consumption Establishment 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 Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(k) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding permits to the three (3) highest scoring applicants for the South of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment 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 Designated Consumption Establishment 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 Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(l) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Social Equity Retailer establishments, awarding permits to the four (4) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than four (4) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Social Equity Retailer. In the event that the number of Social Equity Retailer 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 Social Equity Retailers 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 Social Equity Retailer permits exceed the maximum number authorized under this ordinance.

(m) 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.

(n) The Clerk may engage professional expert consultant assistance in performing the Clerk's duties and responsibilities under this Ordinance.

Sec. _____. Social Equity Retailers

- (a) The City has created a permit process to allow state social equity qualifiers to participate in businesses within the City limits. The City shall permit four (4) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.
- (b) Social equity applicants may apply for other available adult-use permits including retailer establishment permits.

Sec. _____. Class A Microbusinesses

- (a) A Class A microbusiness is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.
- (b) All Class A Microbusinesses, shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise detailed in this Ordinance.
- (c) All Class A Microbusinesses shall be classified as Special Land Uses in the permitted zoning districts.
- (d) One (1) off-street parking space shall be required per every five hundred (500) square feet of gross floor area attributable to grower and processor operations. One (1) off-street parking space shall be required per every one hundred (100) square feet of gross floor area attributable to retail operations.
- (e) Ingress and egress points (driveways) shall be located no closer than one hundred (100) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having industrial-zoned frontage only. The minimum distance between driveways providing off-

site ingress or egress shall be at least sixty-five (65) feet measured from the two (2) closest driveway curbs.

- (f) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.
- (g) Buildings should be oriented so that automobile bays do not face onto any adjacent road.
- (h) Class A Microbusinesses are prohibited if the location is within 1,000 feet from any pre-existing School; (i) The distance separation requirement set forth above shall be measured from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or Permittee. A Class A Microbusiness shall not operate on the same parcel as any other Marihuana Business.

Sec. _____. Designated Consumption Establishments.

- (a) A Designated Consumption Establishment is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.
- (b) All Designated Consumption Establishments shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise detailed in this Ordinance.
- (c) Designated Consumption Establishments shall be limited to C-2 Downtown Adult-Use Marihuana Business Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.
- (d) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.

- (e) One (1) off-street parking space shall be required per every five hundred (500) square feet of gross floor area attributable to grower and processor operations. One (1) off-street parking space shall be required per every one hundred (100) square feet of gross floor area attributable to retail operations.
- (f) Ingress and egress points (driveways) shall be located no closer than one hundred (100) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). Points of vehicular ingress and egress shall be limited to the thoroughfare having industrial-zoned frontage only. The minimum distance between driveways providing off-site ingress or egress shall be at least sixty-five (65) feet measured from the two (2) closest driveway curbs.
- (g) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.
- (h) Buildings should be oriented so that automobile bays do not face onto any adjacent road.
- (i) Designated Consumption Establishments are prohibited if the location is within 1,000 feet from any pre-existing School; (i) The distance separation requirement set forth above shall be measured from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or Permittee.
- (j) A Designated Consumption Establishment shall:
 - (1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;
 - (2) Prominently display a sign near the entrance of the business which carries the following warning:

WARNING: Marihuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.

Sec. _____ . Marihuana Business Co-Location and Stacking.

(a) Separate Marihuana Business grower, processor and retailer uses, under common ownership, and with proper licensing issued by the Department for each use, shall be permitted to operate at the same location subject to permit approval for each use from the City. Co-locating establishments must have permit approval for each Marihuana Business type and use.

(b) Consistent with the MRTMA and the Rules, applicants for Class C grower permits shall be allowed to stack and receive multiple Class C grower permits, and an Excess Grower permit, and to operate under each permit in a single establishment.

Sec. _____ . Transfer of Locations and Ownership.

(a) Transfer of Location. Permittees may transfer a permit issued under this ordinance to a different location after receiving written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. The permittee must make a written request to the Clerk, indicating the current location of the Marihuana Business 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 Community Development Department, the planning division, and other affected departments. No location transfer shall be approved unless the Clerk and each such department gives written approval that the proposed location meets the standards identified in this ordinance and the City zoning ordinance and the Department approves the location transfer. The Clerk and planning division shall determine whether the proposed location in the City in relation to its proximity to other locations for Marihuana Businesses represents a reasonable and harmonious dispersion of Marihuana Businesses. All location transfers for retailers shall be subject to review and approval from each applicable City department or official, following any necessary inspections, that the proposed new location meets the standards identified in this Ordinance, MRTMA and the Rules.

(b) Transfer of Ownership or Assets. Permittees may apply to the Clerk to transfer ownership or assets of a permittee's business and the permit issued under this ordinance to a different individual or entity, subject to receiving in advance written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. In order to request City approval to transfer ownership or assets and 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 proposed permittee shall submit a complete application to the Clerk, and the Clerk shall grant the request so long as the proposed permittee meets all requirements outlined in this Ordinance and the Department authorizes the transfer pursuant to the MRTMA and the Rules. A sale or transfer

of an ownership interest of a social equity applicant shall be at a price no less than fair market value and the buyer or transferee shall be qualified as a social equity applicant.

(c) With submission of a complete transfer application, the permittee requesting a location transfer shall pay \$5,000.00 for a location transfer, and the proposed permittee for an ownership or asset transfer shall pay a nonrefundable application fee of \$5,000.00, in order to offset costs of the City associated with review of the proposed permittee's qualifications for a permitted marihuana business operation or the development of a new location.

Sec. _____. Permits Generally

- (a) Permittees shall report any material change in the required information to the Clerk within twenty four (24) hour and shall report any non-material change in the required information to the Clerk within ten (10) business days of the change. Failure to do so may result in suspension or revocation of the license.
- (b) Permit approval shall not be effective, and no Marihuana Business may operate, unless the Marihuana Business has obtained a State License, the site of the proposed use and proposed structure for the Marihuana Business is properly zoned for such use, and the proposed site plan has received approval from the Planning Commission.

Sec. _____. Term of Marihuana Business Permit.

- (a) Approval of a permit shall be for a period of one calendar year subject to continued compliance with this ordinance, the City Code and MRTMA and the Rules.
- (b) Each permit shall be displayed in a conspicuous spot in the location for that current year.
- (c) 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.

Sec. _____. Annual Marihuana Business 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 permit renewal shall be made under oath on forms provided by the Clerk.

(c) An application for permit renewal shall be accompanied by a renewal fee of \$5,000.00 for each permit to help defray administrative and enforcement costs of the City associated with the operation of the Marihuana Business.

(d) Upon receipt of a completed application for renewal of a permit meeting the requirements of this ordinance and payment of the permit renewal fee, the Clerk shall refer a copy of the renewal application to the fire department and the Community Development Department, planning division, and other appropriate City departments and officials for review.

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

(1) The fire department and the Community Development Department, planning division, and other appropriate departments 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 Community Development Department, planning division, and other relevant departments have confirmed that the location complied with the zoning ordinance.

(3) The permittee possesses the necessary State Operating Licenses in good standing with the Department.

(4) The applicant has operated the Marihuana Business in accordance with the conditions and requirements of this ordinance and the City Code.

(5) The permittee has not been determined to be a public nuisance.

(6) An explanation, with supporting factual data, that the operations of the business have been consistent with the plans submitted with its application for a permit, including the staffing plan.

(7) An explanation, with supporting factual data, of the efforts and success achieved by the social equity plan of the business to promote and encourage participation in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and the positive impact of the social equity plan on local residents.

(9) The City Treasurer has confirmed that the applicant and each stakeholder is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(10) The City has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the criminal background check and security plan.

(f) If written approval is given by each department or entity identified in this section, the Clerk shall issue renew the permit renewal of the applicant. The renewal shall be deemed approved if the Clerk has not issued formal notice of denial within 60 days of the filing date of the application for renewal, unless the applicant is advised of non-compliance with this Ordinance, incompleteness of information, or failure of any required inspection during such period.

Sec. _____. Denial, Nonrenewal, Suspension, or Revocation of Marihuana Business Permit; Basis for Action; Appeal.

(a) Each Marihuana Business within the City for which a permit is granted shall be operated and maintained in accordance with all applicable City, State and federal laws, rules, and regulations. Any permit issued under this Ordinance may be revoked or suspended by the City after written notice and an administrative hearing if a City official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension of a permit must be provided to the permittee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the application or any address provided to the Clerk in writing subsequent to the filing of an application. The Clerk shall notify an applicant of the reasons for denial of an application for a permit, for permit renewal, or for suspension or revocation of a permit, or any adverse decision under this ordinance and provide the applicant or permittee an administrative hearing with the opportunity to be heard.

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

(1) A violation of any provision of this Ordinance, including, but not limited to, the failure to provide the information required by this Ordinance;

(2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee;

(3) Failure of the permittee to obtain or maintain a State Operating License;

(4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;

(5) The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;

(6) Any default in the payment of any charges, taxes, or fees, to the City if not cured upon thirty (30) days following notice sent by electronic means or mail to the address of the Marihuana Business. This cure period does not apply to scoring of initial applications for Retailer, Class A Microbusiness and Designated Consumption Lounge permits;

(7) Violation of any State law applicable to Marihuana Businesses.

(c) Appeal of denial of an application, denial of renewal, or revocation or suspension of a permit: Any applicant or permittee aggrieved by the denial, non-renewal, suspension or revocation of a permit or adverse decision under this ordinance may appeal to the Clerk; by filing with the Clerk, within fourteen (14) days after notice of the action complained of has been mailed to the applicant or to 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 appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Clerk. 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 appealed to the Marihuana Business Commission by appealing in writing to the Marihuana Business Commission no later than thirty (30) days after the Clerk's decision. The review on appeal of a denial, non-renewal, suspension, or revocation or adverse action shall be by the Marihuana Business Commission pursuant to this ordinance. Any decision by the Marihuana Business Commission on an appeal shall be final for purposes of judicial review. The Clerk may engage professional consultants to assist with the review and scoring of applications under this section.

(d) Following the denial of a permit to an applicant for a retailer permit, Class A microbusiness permit or designated consumption lounge permit, and any subsequent appeal during the recommendation and issuance process, the Clerk may move to recommend the application with the next highest number of scoring points as determined in the application process to be awarded a permit.

Sec. _____, Penalties; temporary suspension of a permit.

(a) The City may require an applicant or permittee of a Marihuana Business to produce documents, records, or any other material pertinent to the investigation of an applicant or permittee or to an alleged violation of this Ordinance. Failure to provide the required material may be grounds for application denial, or permit revocation.

(b) Any person in violation of any provision of this Ordinance, including the operation of a Marihuana Business without a permit shall be responsible for a misdemeanor and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this Ordinance "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any twenty-four (24) month period. Unless otherwise specifically provided in this Ordinance, the penalty schedule is as follows:

- (1) Seven Hundred Fifty Dollars (\$750), plus costs, for the first violation;
- (2) One Thousand Dollars (\$1,000), plus costs, for a repeat violation;
- (3) Three Thousand Dollars (\$3,000), plus costs per day, plus costs for any violation that continues for more than one day.

(c) The City may temporarily suspend a Marihuana Business permit without a prior hearing if the City finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The City shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

(d) If the City temporarily suspends a permit without a prior hearing, the permittee is entitled to a hearing within thirty (30) days after the suspension notice has been served on the permittee or posted on the permitted premises. The hearing shall be limited to the issues cited in the suspension notice.

(e) If the City does not hold a hearing within thirty (30) days after the date the suspension was served on the permittee or posted on the permitted premises, then the suspended permit shall be automatically reinstated and the suspension vacated.

(f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

Sec. ____ . Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Sec. ____ . Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

Sec. ____ . Publication

#13

**CLOSED
SESSION**

CITY OF PONTIAC
Oakland County, Michigan

RESOLUTION TO PROCEED IN CLOSED SESSION
TO CONSIDER AND DISCUSS THE PURCHASE OF REAL PROPERTY; AND
TO DISCUSS THE CONFIDENTIAL LEGAL OPINION CONCERNING SETTLEMENT
STRATEGY IN CONNECTION WITH PENDING LITIGATION

RESOLUTION # _____

Minutes of a regular meeting of the City Council for the City of Pontiac, held City Hall, 47450 Woodward Ave, Pontiac, MI on December 13, 2022 at 6:00 p.m., local time.

The following resolution was offered by Council member _____ and supported by Council member: _____:

WHEREAS, Section 8(d) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained; and

WHEREAS, in September 2022 a complaint relief was filed against the City of Pontiac in the Circuit Court of Oakland County, *Katz v City of Pontiac*, Case No. #22-195877-CH; and

WHEREAS, Section 8(e) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consult with its attorney regarding settlement strategy in connection with pending litigation, but only if an open meeting would have a detrimental financial effect on the litigation or settlement position of the City; and

WHEREAS, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider material exempt from discussion or disclosure by state or federal statute; and

WHEREAS, written confidential communications that are the subject of attorney-client privilege are exempt from disclosure and may be discussed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h).

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Sections 8(d), 8(e) and 8(h) of the Open Meetings Act, MCL 15.268(e) and (h), to discuss to consider the purchase of certain real property; and the confidential legal opinion of counsel concerning settlement strategy in connection with pending litigation, *Katz v City of Pontiac*.

YEAS: Council Members _____

NAYS: Council Members _____

ABSTAIN: Council Members _____

RESOLUTION DECLARED ADOPTED.

Garland Doyle, Clerk
City of Pontiac

CERTIFICATION

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

I, Garland Doyle, City Clerk, City of Pontiac, Michigan (the "County") does hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on November 10 2022, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of _____, 20__.

Garland Doyle, Clerk
City of Pontiac