

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

67th Session of the 11th Council

January 10, 2023 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. January 3, 2023 City Council Meeting Minutes
- B. Update Language for Scanning Services Agreement

Public Hearing

- 1. Public Hearing on Land Sale of Parcel ID 14-21-485-003 to Rite Aid

Subcommittee Reports

- 2. Announcement of Council Subcommittee Roles for 2023
- 3. Communications, Engagement & Operations
- 4. Economic Development, Housing & Planning
- 5. Facilities & Property
- 6. Finance & Personnel
- 7. Law & The Courts
- 8. Parks, Recreation & Public Works
- 9. Public Safety, Health & Wellness

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Ordinances

10. Amendment to Ordinance 2287 to Restructure Departments of City Of Pontiac; Finance Director, Public Works Director (**First Reading**)
11. Proposed Ordinance Amendment to City of Pontiac Police and Fire Retirement System. (**Second Reading**)
12. Amendment to Ordinance 2360 to Remove Prohibition of Adult Use Marihuana Businesses. (**First Reading**)
13. City of Pontiac Adult-Use Marihuana Business Ordinance (**Second Reading Postponed from January 3, 2023 City Council Meeting**)

Resolutions

City Council

14. Resolution Honoring the Life of Attorney H. Wallace Parker.
15. Resolution Celebrating the Career of Judge Michael Martinez

Community Development

16. Resolution to approve a proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the Building Inspection Fund account 249-371-702-000 Salaries & Wages by \$10,000 for the purpose of increasing the Building Official Salary

Department of Public Works (DPW)

17. Resolution to authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction by \$715,846.90 for the purpose of completing the ASI Rd project.
18. Resolution to authorize City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000 and to decrease the balance sheet accounts of funds 101 and 249 by the same numbers respectively.
19. Resolution to approve the 2023 North Oakland Household Hazardous Waste Consortium. (No-Haz)
20. Resolution to appoint Allen H. Coley III as Street Administrator for Michigan Department of Transportation (MDOT) Public Act 51.

Mayor's Office

21. Resolution to approve a two-year extension of the Waterford Regional Fire Department Fire Services Contract (**This item was postponed for one week at the January 3, 2023 City Council Meeting.**)

Purchasing

22. Resolution to authorize the approval of the bid award to Clark Hill and The Kelly Law Firm, respectively, and an executed agreement, signed by the Mayor, for the rendering of legal services.

Youth Recreation

23. Resolution to approve the creation of "Adaptive Sports Coordinator" position for youth and recreation department.

Public Comment (Three Minutes Time Limit)

Closed Session

24. 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

25. Oakland County Health Division is selling radon-testing kits at half-off since January is National Radon Action Month. For \$5, residents can test their homes for the colorless, odorless, and tasteless gas, which is the second-leading cause of lung cancer in the United States. The Health Division recommends testing homes for radon gas during the winter months since windows and doors typically remain closed, allowing radon gas to collect inside and be more easily detected. The Health Division office in Pontiac, where the kits can be purchased, is located at 1200 N. Telegraph Road, Building 34 E, in Pontiac.
26. Residents who are behind in paying their water bills or facing a service shut-off can get help from a partnership between the Oakland county Water Resources Commission and OLSHA. Those who qualify could get up to \$1,500 in payments on their water bills and stop a shut-off plan. This program is temporary and expires on September 30, 2023. Schedule an appointment with OLHSA to sign up by calling (248) 209-2600 or emailing info@olhsa.org
27. A new dining option has opened in Downtown Pontiac. The Oak House Deli is now open in the Crofoot, located at 1 S. Saginaw Street at the corner of Pike and Saginaw. It is open Monday through Friday from 11:00 am to 3:00 pm. Visit www.oakhousedeli.com or call (248) 859-0440 for more information.
28. Oakland County Ministerial Fellowship Dr. Martin Luther King, Jr. Commemorative Service, Sunday January 15, 2023 at 4:00 p.m. Held at St. Stephens Missionary Baptist Church, 69 S. Astor Street, Pontiac.
29. Oakland County Ministerial Fellowship Dr. Martin Luther King, Jr. Day March, Monday, January 16, 2023 at 9:00 a.m. starting at Water Street in front of the Phoenix Center in Downtown Pontiac.
30. Oakland County Ministerial Fellowship Dr. Martin Luther King, Jr. Day Program, Monday, January 16, 2023 (following the march that morning.) Held at McLaren Oakland Hospital, 50 N. Perry Street in Downtown Pontiac.
31. Oakland County Ministerial Fellowship Dr. Martin Luther King, Jr. Day Annual Luncheon and Program, Monday, January 16, 2023 at 11:30 a.m. Held at CenterPoint Marriott, 3600 CenterPoint Parkway, Pontiac
32. The nomination deadline for the Oakland County Board of Commissioners 2023 Black Excellence Awards is January 19, 2023. The award honors living Black residents of Oakland County who have improved the community, made noble achievements, or worthy of recognition during Black History Month. To nominate someone, complete the submission form online at [bit.ly / BOCBlckExcl23](https://bit.ly/BOCBlckExcl23) – nominations are encouraged to email supporting documentation, such as a resume, news article, or link to a professional portfolio to boc@oakgov.com – put the nominee's name in the subject line.
33. New Birth International Church is holding their Chili Cook-Off Fundraiser on January 21, 2023 from 1:00 to 3:00 pm. Competitors must register by January 15, 2023. For more information, call (248) 812-8549.
34. The next Pontiac Charter Revision Commission is Thursday, January 26, 2023 at 6:00 p.m. The meeting is open to the public and held at Pontiac City Hall, in the Council Chambers on the second floor.
35. Oakland County Financial Empowerment Arts Contest is open to all Oakland County public high school students, and the deadline for entries to be submitted is March 17, 2023 at 4:00 p.m. Art submission may

include 2-D (drawing, painting, photography, mixed media, and illustration) and video. Cash prizes will be awarded. Contact the Oakland County Treasurer's Office for more information, including at oakgove.com / treasurer

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

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

Mayor's Office

38. 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

39. Dr. Martin Luther King Jr. Day is observed this year on Monday, January 16, 2023. City Hall will be closed that day in observation of the holiday.

40. The City of Pontiac is seeking citizen input on a new master plan for Galloway Lake Park. Visit the city's website to share your ideas on improvements you'd like to see, as our city works to make this beautiful park even stronger.

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)

Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA A

**Official Proceedings
Pontiac City Council
66th 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, January 3, 2023 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Rev. Aaron Robinson, Power Company, 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, Brett Nicholson, William Parker, Jr. and Melanie Rutherford

Mayor Greimel was present

A quorum was announced.

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion.

Motion to remove item #4 (Resolution honoring the Life of Attorney H. Wallace Parker), item #5 (Resolution Celebrating the Career of judge Michael Martinez), and item #13 (Resolution to authorize the approval of the bid award to Clark Hill and The Kelly Law Firm, respectively, and an executed agreement signed by the Mayor, for the rendering of legal services) from the agenda. Move by Councilperson Nicholson and second by Councilperson Rutherford.

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

No: None

Motion Carried

Motion to move discussion #16 (Federal Funding for Reconstruction of Bagley Street and Gold Drive approved by Congress) after item #3 (Election of City Council President and City Council President Pro-Tem for 2023.) Moved by Councilperson Rutherford and second by Councilperson Goodman.

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

No: None

Motion Carried

The vote was taken to approve the agenda as amended.

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

No: None

Motion Carried

January 3, 2023 Draft

Consent Agenda

23-1 **Resolution to approve the consent agenda for January 3, 2023.** Moved by Councilperson Parker and second by Councilperson Rutherford.

WHEREAS, the City Council has reviewed the consent agenda for January 3, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for January 3, 2023 including December 19, 2022 Parks, Recreation and Public Works Subcommittee Meeting Minutes and December 27, 2022 City Council Meeting Minutes.

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

No: None

Resolution Passed

Recognition of Elected Officials - None

Agenda Address

1. Dr. Deirdre Waterman addressed item #15

Agenda Items

Ordinance

Received the first reading of the Proposed Ordinance Amendment to City of Pontiac Police and Fire Retirement System. Moved by Councilperson Rutherford and second by Councilperson Goodman.

Resolutions

City Council

23-2 **Resolution Ratifying Council Rules and Procedures.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Whereas, the Pontiac City Council has established Rules and Procedures to govern the 11th Pontiac City Council proceedings and deliberations during 2023;

Now, Therefore, Be It Resolved, that the Pontiac City Council approves the 11th Pontiac City Council Rules and Procedures for the 2023 calendar year.

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

No: None

Resolution Passed

****See Exhibit A 11th Pontiac City Council Rules and Procedures after the minutes****

Election of City Council President and City Council President Pro-Tem for 2023

23-3 **Motion to elect Mike McGuinness for Council President.** Moved by Councilperson Nicholson and second by Councilperson Rutherford.

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

No: None

Motion Carried

23-4 **Motion to elect William Carrington for Council President Pro-Tem.** Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

Federal Funding for Reconstruction of Bagley Street and Gold Drive approved by Congress

Resolutions Continue

Communications

23-5 **Resolution to approve the proposed Budget Amendment for Budget Year 2022-2023, Increase the budget appropriation in the following 231-Cable Fund GL accounts 231-291-731.001 Computer Supplies (\$2,000), 231-291-740.000 Operating Supplies (\$1,000), 231-291-976.001 Building Addition and Improvements (\$6,500), 231-291-977.005 Furniture and Fixtures (\$4,000) and 231-291-977.014 Video Equipment (\$58,910) (Cable Division).** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS City council appropriated funds for the Cable Department 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 the continued updates to Cable department: projector system, PTZ cameras, video equipment, computer supplies, operating supplies, and the Billboard System in the City Hall lobby; and, WHEREAS, this budget amendment decreases the fund balance by \$72,410; NOW THEREFORE, BE RESOLVED, that the City Council hereby approves 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:

231-291-731.001	Computer Supplies	\$2,000
231-291-740.000	Operating Supplies	\$1,000
231-291-976.001	Building Addition and Improvements	\$6,500
231-291-977.005	Furniture and Fixtures	\$4,000
231-291-977.014	Video Equipment	<u>\$58,910</u>

Total requested increase in the budget appropriation **\$72,410**

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

No: Rutherford

Resolution Passed

Department of Public Works (DPW)

23-6 **Resolution to approve pedestrian skywalk easement and maintenance agreement at South Boulevard and Bradford Street.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City owns, operates and maintains South Boulevard and Bradford Street, both public streets traversing east and west and north and south, respectively, through the City and,
WHEREAS, the City controls all existing easement and air rights located under, upon and/or above South Boulevard and Bradford Street; and,
WHEREAS, PONTIAC CENTER INVESTMENT, LLC, a Michigan limited liability company, whose address is 251 E. Merrill Street, Suite 212, Birmingham, Michigan 48009 (“PCI”), owns a certain parcel of real estate located on the north side of South Boulevard and the east side of Martin Luther King, Jr. Boulevard East commonly known as 585 South Boulevard East, City of Pontiac, Oakland County, Michigan (Tax Parcel Number: 64-14-34-351-006); and owns certain parcel of real estate located on the

north side of South Boulevard (Tax Parcel Number: 64-14-34-351-007), and both properties referred to as the “United Shore North Campus”; and

WHEREAS, PONTIAC SOUTH BOULEVARD, LLC, a Michigan limited liability company whose address is 251 E. Merrill Street, Suite 212, Birmingham, Michigan 48009 (“PSB”) owns a certain parcel of real estate located on the south side of South Boulevard and the west side of Centerpoint Parkway commonly known as 750 South Boulevard East, City of Pontiac, Oakland County, Michigan (Tax Parcel Number: 64-19-03-126-008), and referred to as the United Shore South Campus); and

WHEREAS, PCI and PSB desire to permit UNITED SHORE FINANCIAL SERVICES, LLC, a Michigan limited liability company, whose address is 585 South Boulevard East, Pontiac, Michigan 48341 to construct an elevated and covered pedestrian walkway at its sole cost and expense (“Skywalk”) upon and/or above South Boulevard and Bradford Street (proposed “City Skywalk Easement Area”) and create a barrier free means of access between the United Shore North Campus and United Shore South Campus for employees and invitees of United Shore; and

WHEREAS, the Skywalk will be and is suspended over South Boulevard East and Bradford Street, across the proposed City Skywalk Easement Area with no portion of the Skywalk being constructed upon City property; and

WHEREAS, in 2020 a proposed Pedestrian Skywalk Easement and Maintenance Agreement (“Easement”) was negotiated between the City, PCI, PSB and United Shore Financial Services, LLC but due to the pandemic, there was a delay in the final approval, execution and recording of this Easement and the Skywalk has been constructed prior to the execution and recording of this Easement; and

WHEREAS, although the Easement was not presented for approval to City Council in 2020, City Administration approved building permits and plans authorizing the construction of the elevated and covered pedestrian walkway upon and/or above South Boulevard and Bradford Street; and,

WHEREAS, current City Administration and legal counsel for the City have reviewed the proposed Easement, attached as Exhibit “A” and recommend approval by the City Council.

NOW THEREFOR BE IT RESOLVED, the City Council hereby approves the Pedestrian Skywalk Easement and Maintenance Agreement, attached hereto as Exhibit “A” and authorizes the Mayor to execute the same on behalf of the City.

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

No: None

Resolution Passed

Grants

23-7

Resolution to approve the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-699-969-003 – PONART – Contribution to Pontiac Arts Commission in the amount of \$100,000, and increase the revenue estimate in the GL account 101-000-582-000 –PONART –Grants from Oakland County by \$100,000. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac was awarded an \$100,000 grant from the Oakland County Board of Commissioners, and;

WHEREAS, the purpose of the grant is to support the Pontiac Arts Commission programming and events for the 2023 calendar year beginning January 1, 2023 through December 31, 2023; and,

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2022-23 in the amount of \$100,000, and increase the appropriations, in the amount of \$100,000; and,

WHEREAS, the increased appropriations will not decrease the fund balance as the increase in the appropriation is offset by the increase in the grant revenue for the same amount.

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

January 3, 2023 Draft

Increase the budget appropriation in the General Fund GL account 101-699-969.003-PONART – Contribution to Pontiac Arts Commission

Increase the revenue estimate in the General Fund GL account 101-000-582.000-PONART- Grants from Oakland County

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

No: None

Resolution Passed

Information Technology (I.T.)

23-8 **Resolution for approval of updating licensing quote for Microsoft 365 migration.**

Moved by Councilperson Goodman and second by Councilperson Rutherford.

WHEREAS, the Pontiac City Council approved licensing of Microsoft 365 back in January of 2022 for a total of 130 licenses at a monthly cost of \$2,454 or annual cost of \$29,453; and

WHEREAS, the City of Pontiac would like to purchase a new total of 142 licenses plus additional licensing packages for an updated annual quoted amount of \$33,214.24; and

WHEREAS, the original quote was for year 2022 and the updated quote for year 2023;

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council authorizes the approval of the updated licensing quote provided by Insight for the City of Pontiac Microsoft 365 migration.

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

No: None

Resolution Passed

Mayor's Office

23-9 **Resolution to seek authorization to pursue RFP to hire consultant(s) to complete analysis of the Sheriff and Fire Contracts.** Moved by Councilperson Parker and second by Councilperson Rutherford. Discussion.

Motion to change contract to contracts before Resolution to seek authorization to pursue RFP to hire consultant(s) to complete analysis of the Sheriff and Fire Contracts. Moved by Councilperson Rutherford and second by Councilperson Nicholson. Motion and second were withdrawn.

Motion to amend the first whereas for Resolution to seek authorization to pursue RFP to hire consultant(s) to complete analysis of the Sheriff and Fire Contracts. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Whereas, the City of Pontiac ~~are in contract with the sheriff department and fire department~~ is under contract with the Oakland County Sheriff Department and Waterford Regional Fire Department; and,

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

No: None

Motion Carried

Motion to amend the third whereas for Resolution to seek authorization to pursue RFP to hire consultant(s) to complete analysis of the Sheriff and Fire Contracts. Moved by Councilperson Parker and second by Councilperson Carrington.

January 3, 2023 Draft

Now, Therefore, ~~Be Resolved~~ It Resolved, City Council authorizes the mayor to pursue a RFP (request for proposal) to retain one or two consultants to analyze and access all possible options for delivery of police and fire services to the community.

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

No: None

Motion Carried

The vote was taken on the amended resolution.

Whereas, the City of Pontiac is under contract with Oakland County Sheriff Department and the Waterford Regional Fire Department; and,

Whereas, both contracts are scheduled to expire at the end of December 2024; and,

Whereas, we want to make sure we deliver the best possible services at the most cost efficient price and would like to hire one or two consultants to complete an analysis of the sheriff and fire contracts and analyze all possible alternatives;

Now, Therefore, Be It Resolved, City Council authorizes the mayor to pursue a RFP (request for proposal) to retain one or two consultants to analyze and access all possible options for delivery of police and fire services to the community.

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

No: None

Resolution Passed

23-10 **Resolution to approve a two-year extension of the Waterford Regional Fire Department Fire Services Contract.** Moved by Councilperson Rutherford and second by Councilperson Goodman. Discussion.

Motion to postpone for one week the Resolution to approve a two-year extension of the Waterford Regional Fire Department Fire Services Contract. Moved by Councilperson Rutherford and second by Councilperson Parker.

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

No: None

Motion Carried

Purchasing

23-11 **Resolution to approve the proposed Budget Amendment for Budget Year 2022-2023 (purchasing Assistant position) Increase the budget appropriation in the following General Fund GL accounts 101-206-702-000 salaries and wages (\$26,500), 101-206-715-000 F.I.C.A. (\$2,028), 101-206-716-000 Medical insurance (\$7,638), 101-206-717-000 Life Insurance (642), 101-206-718-500 MERS Employer Contributions (&1,325), 101-206-719-000 Workers Compensation insurance (\$78), 101-206-719-001 Dental insurance (264) (This budget amendment is for the Purchasing Assistant position.)** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS City council approved the creation of a new position of Purchasing Assistant; 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 \$38,475;

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

January 3, 2023 Draft

Increase the budget appropriation in the following GL accounts (January of 2023 to June of 2023):

101-206-702.000	salaries and wages	\$26,500
101-206-715.000	F.I.C.A.	\$2,028
101-206-716.000	Medical Insurance	\$7,638
101-206-717.000	Life Insurance	\$642
101-206-718.500	MERS Employer Contributions	\$1,325
101-206-719.000	Workers Compensation Insurance	\$78
101-206-719.001	Dental Insurance	\$264

Total requested increase in the budget appropriation **\$38,475**

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

No: None

Motion Carried

Suspend the Rules

Motion to move public comment after item #12 (Resolution to approve the proposed Budget Amendment for Budget Year 2022-2023 (purchasing Assistant position) Increase the budget appropriation in the following General Fund GL accounts 101-206-702-000 salaries and wages (\$26,500), 101-206-715-000 F.I.C.A. (\$2,028), 101-206-716-000 Medical insurance (\$7,638), 101-206-717-000 Life Insurance (642), 101-206-718-500 MERS Employer Contributions (&1,325), 101-206-719-000 Workers Compensation insurance (\$78), 101-206-719-001 Dental insurance (264). Moved by Councilperson Carrington and second by Councilperson Rutherford.

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

No: None

Motion Carried

Public Comment

1. Dr. Deirdre Waterman
2. Chuck Johnson

Closed Session

23-12 **Resolution to proceed in Closed Session at 7:30 p.m. to discuss the Confidential Legal opinion concerning the Recreational Marihuana Regulation.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, in November 2018, the State of Michigan approved the Michigan Regulation and Taxation of Marihuana Act (MRTMA), 2018 Initiated Law 1, MCL 333.27951 et seq. which allows the recreational possession and use of cannabis and taxation of revenue from cannabis business in the state; and

WHEREAS, the Mayor directed the City's outside legal counsel, Clark Hill PLC, to prepare and present a legal opinion outlining the legal issues and concerns in connection with the municipal licensing and regulation of recreational marihuana.

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).

January 3, 2023 Draft

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h) to review and discuss confidential attorney-client communication and legal opinion concerning legal issues and ramifications in connection with the municipal licensing and regulation of recreational marihuana.

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

No: None

Abstain: Rutherford

Resolution Passed

Councilwoman Melanie Rutherford left the meeting at 7:30 p.m. Councilwoman Rutherford did not attend the closed session.

Motion to come out of Closed Session at 10:01 p.m. Moved by Councilperson Goodman and second by Councilperson Carrington.

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

No: None

Motion Carried

Ordinance

City of Pontiac Adult-Use Marihuana Business Ordinance

Amendments to the Proposed Ordinance

Motion to change language establishing background checks for foreign citizens.

Moved by Councilperson Parker and second by Councilperson Carrington.

(7) A criminal history background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police criminal history report for applicants residing in Michigan. For applicants who reside in any other state, federal or foreign jurisdiction, or who have resided in any other state, federal or foreign jurisdiction within 5 years prior to the date of the application a certified state, federal or foreign jurisdiction 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 history report from the Michigan State Police, the Federal Bureau of Investigation, or other applicable state, federal or foreign jurisdiction law enforcement or police agency, to ascertain whether the applicant and stakeholders have any disqualifying convictions or convictions involving dishonesty, theft, fraud, or controlled substances.

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

No: None

Motion Carried

Motion increasing possible points for medical marijuana conditional approval to 20 points. Moved by Councilperson Nicholson and second by Councilperson Carrington.

(9) Whether the applicant received conditional approval for a medical marihuana provisioning center permit pursuant to City of Pontiac's Medical Marihuana 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 marihuana provisioning center subject to receipt of a valid building permit from the City not less than 90 days prior

January 3, 2023 Draft

to the application for Marihuana Retailer permit. The maximum number of scoring points in this category shall be twenty (20) points.

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

No: None

Motion Carried

Motion establishing possible points for social equity plan inclusion at 15 points.

Moved by Councilperson Carrington and second by Councilperson Goodman.

(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). The maximum number of scoring points in this category shall be fifteen (15) points.

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

No: None

Motion Carried

Motion to create language in point system or urban area ownership, establish possible points at 15 points (social equity participation and greater than 50% ownership by persons who reside in disproportionately impacted communities). Moved by Councilperson Carrington and second by Councilperson Goodman.

() Whether an applicant demonstrates social equity participation and greater than 50% ownership 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). The maximum number of scoring points in this category shall be fifteen (15) points.

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

No: None

Motion Carried

Motion for mobile marijuana delivery service permitted for establishments in city.

Moved by Councilperson Goodman and second by Councilperson Nicholson.

(c) Delivery of a marihuana product for sale or transfer to marihuana customers by Retailer Establishment and Social Equity Retailer Establishments is permitted in strict compliance with Department Rules.

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

No: None

Motion Carried

Motion increasing Class A microbusinesses to 5. Moved by Councilperson Parker and second by Councilperson Carrington.

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	5
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

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

No: None

Motion Carried

Motion approving in transfers ownership language and prohibiting transfers of location. Moved by Councilperson Nicholson and second by Councilperson Parker.

Sec. _____. Transfer of Location Prohibited; Transfer of Ownership and Assets.

(a) Transfer of Location Prohibited. Permittees may not transfer a permit issued under this ordinance to a different location.

(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 of ownership application, 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.

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

No: None

Motion Carried

Motion beefing up language on establishment closing or going dormant, preventing zombie establishments. Moved by Councilperson Nicholson and second by Councilperson Carrington.

Sec. _____. Closing of Marihuana Business.

(A) A permittee that closes a Marihuana Business must comply with the requirements issued by the Michigan Cannabis Regulatory Agency.

(B) Within thirty (30) days of a permittee ceasing operations, written notification must be provided to the City Clerk.

(C) The permittee shall furnish to the City a current forwarding address, phone number and email for all permittees.

(D) The permittee shall surrender its Marihuana Business license to the City upon the expiration of the thirty (30) days' notice to the City.

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

Motion Carried

Motion beefing up language on grounds for revocation and clarifying language.

Moved by Councilperson Carrington and second by Councilperson Parker.

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

(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 including any conviction of any felony or any misdemeanor involving controlled substances, theft, or dishonesty by the applicant, permittee, stakeholder, or any person holding an ownership interest in the licensee;
- (3) Failure of the permittee to obtain or maintain a State license or approval pursuant to MRTMA and MMFLA;
- (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.
- (8) Failure to obtain or maintain a certificate of occupancy from the Building Department;
- (9) Failure of the permittee to obtain or maintain a permit or to renew a permit from the City Clerk; or
- (10) The facility's approved site plan is determined to be in substantial violation by the City.

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

No: None

Motion Carried

Motion changing language calling for escrow if noncactive (conditional permittee has 1 year to complete site plan). Moved by Councilperson Nicholson and second by Councilperson Carrington.

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

(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, retailer establishment or social equity retailer establishment, Class A microbusiness, and designated consumption establishment at the same location is authorized, provided that each establishment is separately licensed and permitted. Operation of a retailer establishment or social equity retailer establishment, Class A

microbusiness and a designated consumption establishment at the same location as a grower or processing facility is authorized when in conformity with the City zoning ordinance.

(e) Within thirty (30) days of approval of the applicant's application, the applicant will start all necessary requirements as required by the City to obtain their certificate of occupancy, including, without limitation, complying with all applicable building department, fire department, code and inspection requirements, including the approval of the site plan.

(f) All Marihuana Business permits shall be effective for one (1) year of its original date of issuance by the City and must be renewed annually.

(g) The conditional permittee has one (1) year to complete its site plan upon the approval of the issuance of the Marihuana Business conditional permit. The Community Development Director may extend the completion of the site plan up to an additional six months, provided the applicant demonstrates good cause for the extension.

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

No: None

Motion Carried

Motion clarifying language on expiration of license and re-awarding process that would follow. Moved by Councilperson Nicholson and second by Councilperson Carrington.

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

(d) Following the denial of a permit to an applicant for a retailer permit, social equity retailer, 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.

(e) The City Clerk shall notify the Michigan Cannabis Regulatory Agency of all renewal applications which are renewed or denied.

(f) A permittee whose renewal application is denied, must submit a new application as a new applicant.

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

No: None

Motion Carried

Motion clarifying language on alcoholic beverages at consumption lounges depending on state determination. Moved by Councilperson Parker and second by Councilperson Nicholson. Motion and second withdrawn.

Motion to eliminate the Non Overlay District Options. Moved by Councilperson Nicholson and second by Councilperson Parker.

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. No Adult-Use Marihuana Retailers shall be permitted outside of the Adult-Use Marihuana Business Overlay Districts, as set forth in the City zoning ordinance, as amended.

Ayes: Parker, Carrington, Goodman, McGuinness and Nicholson

No: James

Motion Carried

Motion on air quality concerns maintained and reflected in ordinance. Moved by Councilperson Parker and second by Councilperson Carrington.

Sec. _____ **ODOR CONTROL.**

(a). No Marihuana Business, permittee, person, tenant, occupant, licensee, landlord or property owner shall permit the release of marihuana odors from any origin to cause obvious odors emanating from the premises in which they derived and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor interferes with the reasonable and comfortable use and enjoyment of another's property shall be determined by the objective standards of a reasonable person of normal sensitivity.

(b). Marihuana Businesses shall use sufficient procedures to prevent smoke, odor, debris, dust, fluids and other substances from escaping the premises of the Marihuana Business. If any smoke, odor, debris, dust, fluids or other substances leave the Marihuana Business in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the Marihuana Business and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this chapter.

1. A plan for ventilation of the Marihuana Business that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. Such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

2. Cultivated, produced, or distributed by a Marihuana Business. A Marihuana Business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the Marihuana Business or at any adjoining use or property.

3. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a marihuana establishment must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana establishment, the owner of the subject premises and the permittee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The Marihuana Business shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

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

No: None

Motion Carried

Motion to limit dispensary establishments to 15 and social equity to 5. Moved by Councilperson Carrington and second by Councilperson Nicholson.

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

15

Social Equity Retailer

5

Class A Microbusiness

3

January 3, 2023 Draft

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

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

No: None

Motion Carried

Councilman Goodman left the meeting at 11:09p.m.

Motion on concerns about appeal commission structure and duplication with medical appeal structure. Moved by Councilperson Nicholson and second by Councilperson Parker.

Sec. _____. Creation of Marihuana Business Commission; Composition; Quorum.

~~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.~~

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

(b) A quorum of the Marihuana Business Commission shall consist of three (3) members.

26-_____ Marihuana Business Commission Membership; Qualifications; Term; Vacancies; Compensation.

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

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

(c) If a vacancy occurs on the Marihuana Business Commission, the mayor shall appoint a new member to fill the vacancy.

(d) Members of the Marihuana Business Commission shall serve without pay.

26-_____ Marihuana Business Commission Powers and Duties.

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

26-_____ Marihuana Business Commission Rules and Regulations; Meetings.

(a) The Marihuana Business Commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations.

(b) The rules and regulations adopted by the Marihuana Business Commission shall be subject to approval by the council.

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

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

Motion Carried

Motion on hearing officer and commission. Moved by Councilperson Parker and second by Councilperson Carrington.

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

(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 written recommendation and report to the Clerk. The Clerk shall review the report and written recommendation of the hearing officer and issue a written decision. The Clerk's written decision may be appealed to the Marihuana Business Commission by filing an appeal in writing to the Marihuana Business Commission no later than thirty (30) days after the Clerk's written decision is issued. 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. The Marihuana Business Commission shall overturn a decision of finding of the Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding. 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.

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

Motion Carried

Motion on concerns about legislative prerogative language in ordinance. Moved by Councilperson Carrington and second by Councilperson Parker.

D. Reservation.

(1) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to reject any and all applications, to reject an application not accompanied with the required documentation or data required by the application, or to reject an application which is any way incomplete, irregular, not responsive or not responsible.

(2) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac 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.

(3) 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.

Ayes: McGuinness, Nicholson, Parker, Carrington and James

No: None

Motion Carried

Motion on definitions. Moved by Councilperson Parker and second by Councilperson Nicholson.

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:

“Application” means a form(s) provided by the City, accompanied with the nonrefundable application fee per each license requested.

Ayes: Nicholson, Parker, Carrington, James and McGuinness

No: None

Motion Carried

Motion to postpone item #15 City of Pontiac Adult-Use Marihuana Business Ordinance for one week. Moved by Councilperson Carrington and second by Councilperson Nicholson.

Ayes: Parker, Carrington, James, McGuinness and Nicholson

No: None

Motion Carried

Resolutions

23-13

Resolution to proceed in Closed Session at 11:20 p.m. to discuss the purchase of Real Property; and to discuss the Confidential Legal Opinion concerning Settlement Strategy in connection with Pending Litigation. 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; 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.

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

No: None

Abstain: Rutherford

Resolution Passed

Motion to come out of closed session on 12:16a.m. Moved by Councilperson Parker and second by Councilperson Nicholson.

Ayes: Carrington, James, McGuinness, Nicholson and Parker
No: None
Motion Carried

Motion to suspend the rules to amend the agenda. Moved by Councilperson Parker and second by Councilperson Carrington.

Ayes: James, McGuinness, Nicholson, Parker and Carrington
No: None
Motion Carried

23-14 **Resolution to authorize legal counsel on Nature's Remedy of Pontiac and the City of Pontiac.** Moved by Councilperson Nicholson and second by Councilperson.

Be It Resolved, the Pontiac City Council authorizes legal counsel to proceed in accordance with the recommendation discussed in closed session concerning the pending litigation between Nature's Remedy of Pontiac and the City of Pontiac.

Ayes: James, McGuinness, Nicholson, Parker and Carrington
No: None
Resolution Passed

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Councilwoman James, Council President Pro-tem Carrington and Council President McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting at 12:23a.m. Moved by Councilperson Nicholson and second by Councilperson Parker.

Ayes: McGuinness, Nicholson, Parker, Carrington and James
No: None
Motion Carried

Council President Mike McGuinness adjourned the meeting at 12:23 a.m.

Garland S. Doyle
City Clerk



The 11th Pontiac City Council Rules and Procedures

All meetings of the City Council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

Meeting Times

The City Council meetings will be held every Tuesday of each month beginning at 6:00 p.m. at Pontiac City Hall in the Council Chambers for regular meetings, unless otherwise rescheduled by resolution of the Council.

Regular Meeting

During the Regular Meetings the City Council shall proceed through the regular agenda and take action on agenda items.

Special Meetings

A Special Meeting may be called by the Mayor, or any two Members of Council. A 24 hours written notice to each Member of the Council served personally or left at the Councilmember's usual place of residence is required. However, any Special Meeting at which all Councilmembers are present or have given written consent shall be a legal meeting for such purposes, without such written notice. Special Meeting notices shall state the purpose of the meeting. No official action shall be transacted at any Special Meeting of the Council unless the item has been stated in the notice of such meeting.

Posting Requirements for Regular and Special Meetings

- A. Within ten (10) days after the first meeting of the Council following the election, a public notice stating the dates, times, and places of the regular monthly Council meetings will be posted at the City Clerk's Office and on the City's website.
- B. For a rescheduled Regular or Special Meeting of the Council, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting at the City Clerk's Office and on the City's website. Special Meeting notices shall also state the purpose of the meeting.
- C. The notice described above is not required for a meeting of the Council in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine that a delay would be detrimental to the City's efforts in responding to a threat.

Minutes of Regular and Special Meetings

The City Clerk shall attend the Council meetings and record all proceedings and resolutions of the Council in accordance with the Open Meetings Act. In absence of the Clerk, the Deputy Clerk shall perform the Clerk's duties.

At a minimum, the Minutes shall indicate the date, place, type (Regular or Special), and time of meeting; the names of all elected City officials present at Roll Call; the name and time of arrival of any elected City official not present at Roll Call; the name and time of departure of any elected City official before adjournment; the maker and supporter of all motions and resolutions which are voted upon by the Council; and indication of how each Council member present voted on a motion or resolution; the call of the presiding official as to the passage or failure of the motion or resolution; and the time of adjournment.

For public comment, only the name of individuals speaking need be included in the Minutes. For a public hearing, the name of the person addressing the Council and the topic of the comments need be included in the Minutes.

Meetings to be Public

All Regular and Special meetings of the Council shall be open to the public. Citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the Council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the Council and its committees shall be open to the public, freely subject to recording by radio, television, and photographic services at any time provided that such arrangements do not interfere with the orderly conduct of the meetings.

Meeting Agendas

An agenda for each Regular Council meeting shall be prepared by the City Clerk with the following order of business:

1. Call to Order
2. Invocation
3. Pledge of Allegiance to the Flag of the United States
4. Roll Call
5. Authorization to Excuse Members from the Meeting
6. Amendments to and Approval of the Agenda
7. Approval of Consent Agenda
8. Subcommittee Reports (As Needed)
9. Special Presentations (If Any)
10. Public Hearings (If Any)
11. Recognition of Elected Officials (If Any)
12. Agenda Address (2 Minute Limit)
13. Agenda Items
14. Public Comment (3 Minute Limit)
15. Mayor, Clerk, and Council Closing Comments (7 Minute Limit for Mayor; 3 Minute Limit Clerk, Council)
16. Adjournment

All items presented to the City Council for action shall be placed on the first possible Agenda by the City Clerk. The deadline to submit an item to the Clerk for placement on the Agenda shall be 12:00 Noon on the Thursday before a Regular Meeting. The Clerk shall distribute the Agenda by email no later than 5:00 p.m. on the Friday before a Regular Meeting. Complete Agenda packets, excluding confidential information, shall be posted on the City's website concurrent with distribution of the Agenda packet to Councilmembers and to the Mayor.

Any Councilmember shall have the right to propose an amendment to the Agenda prior to the Approval of the Agenda being voted upon; if a majority of the Council approves an amendment (or multiple amendments), the amended Agenda with the incorporated change(s) is the Agenda under consideration for Approval near the beginning of the Regular Meeting. Motions to amend the Agenda are not debatable prior to being voted upon by the Council.

Any Special Presentations with prepared materials must have copies provided to the Councilmembers and Mayor prior to the beginning of the presentation, either in digital or printed format.

Agenda Distribution

The City Clerk is responsible for the Agenda distribution, which is emailed to each Councilmember and to the Mayor forty-eight (48) hours or more prior to each Regular Council Meeting. In addition, the Clerk shall post each Agenda to the City's website forty-eight (48) hours prior to each meeting for the purpose of public access. Agendas for Special Meetings shall be distributed with the notice of Special Meeting and posted on the City's website.

Quorum

A majority of the entire elected or appointed and sworn Members of the Council shall constitute a Quorum for the transaction of business at all Council Meetings. In the absence of a Quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice.

Council Attendance at Meetings

City Councilmembers are expected to attend Council Meetings to the best of their ability. Council is empowered by Article III – Legislative Branch, Section 3.107 of the City Charter to adjourn a meeting if a Quorum is not present and compel attendance in a manner prescribed by its ordinance.

In the event that a Member's absences continue for more than five consecutive Regular Meetings of the Council, then the Council may declare the seat vacant in accordance with Section 3.119 of the Charter.

Mayor Attendance at Meetings

Per Section 4.101 of the City Charter, the Mayor or Deputy Mayor shall attend all Meetings of the Council and respond to questions from Councilmembers and Citizens, and make reports and present proposals. The Mayor or Deputy Mayor may be recognized to speak on Council Agenda items.

Presiding Officer

The Presiding Officer shall be responsible for enforcing these Rules and Procedures, and for enforcing orderly conduct at Council Meetings. The Council President is ordinarily the Presiding Officer. If the Council President is absent, the Council President Pro Tem will serve as Presiding Officer. In the absence of both the Council President and the Council President Pro Tem at the same Meeting, the Councilmember who shall assume the role of Presiding Officer at that Meeting shall rotate by District, starting with District One. In the event of a resignation or other permanent absence, the Council President or Council President Pro Tem position shall be filled by nomination and affirmative vote by a majority of Councilmembers serving.

The President or the President Pro Tem may be removed by an affirmative Roll Call vote of a two-thirds majority of Councilmembers serving; such a removal may occur at a Regular Meeting throughout the year during this Council Session. In the event that either or both positions are vacant following a removal, then an election for that vacant leadership position shall be the next item of business to take place on the Meeting Agenda following the removal.

Disorderly Conduct

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

Closed Meetings

Closed Meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

- A. To consider the dismissal, suspension, or disciplining of, or the hear complaints or charges brought against a public officer, employee, staff member, or individual agent when the name person requests a Closed Meeting.
- B. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- C. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- D. To consult with the municipal attorney or another attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council.
- E. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.
- F. To consider material exempt from discussion or disclosure by state or federal statute.

Calling Closed Meetings

At a Regular or Special Meeting, the Councilmembers elected or appointed and serving, by a two-thirds Roll Call vote may call a Closed Session under the conditions outlined in the Open Meetings Act. The Roll Call vote and purpose(s) for calling the Closed Meeting shall be entered into the Minutes of the public part of the Meeting at which the vote is taken.

Minutes of Closed Meetings

A separate set of Minutes shall be taken by the City Clerk or the designated secretary of the Council at the Closed Session. These Minutes will be retained by the Clerk, shall not be available to the public, and shall only be disclosed if required by civil action, as authorized by the Michigan Open Meetings Act. These Minutes may be destroyed one year and one day after approval of the Minutes of the Regular Meeting at which the Closed Session was approved.

Parliamentary Procedure

The rules of Parliamentary Procedure, as contained in the most recent edition of Robert's Rules of Order Newly Revised, shall govern the Council in all cases in which they are applicable, provided they are not in conflict with these rules, City ordinances, or applicable state statutes. The Council may also enlist the services of a Parliamentarian to assist the Council with use of Parliamentary Procedure. If enlisted, the Parliamentarian shall be a Professional Registered Parliamentarian with the National Association of Parliamentarians. The Presiding Officer shall preserve order and decorum and may speak to Points of Order in preference to other Councilmembers. If a Point of Order is given, it should not exceed two (2) minutes.

Conduct of Discussion

During Council discussion and debate, no Councilmember shall speak until recognized for that purpose by the Presiding Officer. After such recognition, the Councilmember shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a Point of Order or Privilege raised by another Councilmember. Councilmembers should address their remarks to the Presiding Officer, maintain a courteous tone, and avoid interjecting a personal note into debate. Councilmembers may decide by a majority vote to limit or determine the time to be devoted to the discussion of a pending motion or item for discussion.

Ordinances and Resolutions

A vote on all Ordinances and Resolutions shall be taken by a Roll Call vote and entered in the Minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the Minutes, unless a Roll Call vote is required by law or by Council rules.

Voting Procedure

In all Roll Call votes, the names of the members of the Council shall be called in rotating alphabetical order. Interruptions during an active voting procedure are permitted only before any Councilmember has cast their vote. A Councilmember has a right to change their vote during the voting process up until the result of the vote is announced. Once the result of a vote is announced, a Councilmember may only change their vote if unanimous consent by the remaining Councilmembers present is granted. A Councilmember does not have the right to explain why they are voting a certain way, or to offer the rationale for their vote during the voting procedure. Except as otherwise specified in the City Charter or in matters pertaining to a direct financial conflict of interest, no Councilmember shall abstain from voting on any question.

Citizen Participation

Each Regular and Special Council Meeting Agenda shall provide reserved time for citizen participation. During citizen participation, each individual shall address the City Council in an orderly and dignified manner and shall not engage in conduct or language that disrupts, makes fun of, or otherwise impedes the orderly conduct of the Council Meeting. In addition, members of the audience shall not engage in disorderly or boisterous activity including but not limited to: the utterance of loud, obnoxious, threatening, or abusive language, cheering, whistling, or any other acts that disturb, disrupt, or impede, or otherwise interfere with the orderly conduct of the Council Meeting.

Agenda Address

The Council has included in its Agenda a time for Agenda Address. Agenda Address will allow a citizen to comment on Agenda Items on the Agenda for that applicable Council Meeting. A person addressing the Council will have two (2) minutes to complete the Agenda Address. All individuals wishing to participate in the Agenda Address will have to fill out an Agenda Address Card, which will be made available in the City Clerk's Office. The Agenda Address Card shall require the person to identify themselves, a method of contact, and the subject matter of their comments and such other information the Council President may require. The Agenda Address Card is required to be completed and turned in to the Clerk's Office two hours ahead of the scheduled start time of the Council Meeting in order to be considered a valid request at that Council Meeting. Those who have submitted an Agenda Address Card to speak must be present in the Council Chambers when their name is called or they will forfeit their opportunity for Agenda Address.

Public Comment

The Council has included in its Agenda a time for Public Comments. The Public Comment portion of the Agenda will allow individuals to comment on items not specific to Agenda Items. Individuals addressing the Council will have three (3) minutes to complete Public Comment. At the Public Comment portion of the Agenda, the Presiding Officer has the flexibility to determine whether the allotted time for each speaker should be limited to less than three minutes.

All individuals wishing to speak during Public Comment must sign up at the Public Comment Sign-In Sheet, which will be located in the Council Chambers on a clipboard. The Public Comment Sign-In Sheet shall require an individual to identify themselves, a method of contact, and the subject matter of their comments, and such other information the Council President may require. The Public Comment Sign-In Sheet will be picked up before the Call of Order of the Meeting. If an individual's

name is not on the Public Comment Sign-In Sheet once picked up, they will not be allowed to speak during Public Comment. Individuals who have submitted their information on the Sign-In Sheet to speak must be present in the Council Chambers when their name is called, or they will lose their turn to speak. Only individuals who have signed up on the Sign-In Sheet for Public Comment can be recognized; there can be no names added once the Sign-In process is closed. An individual recognized to speak during Public Comment may not yield their time to another individual.

During Public Comment, Councilmembers shall not respond to any speaker. Responses to Public Comments are appropriate during Closing Comments prior to the adjournment of the Meeting. During Public Comment, speakers shall not expressly advocate a vote for or against a candidate or ballot issue, per Section 57 of the Michigan Campaign Finance Act. City of Pontiac employees cannot speak during Public Comments during the course of their work duties and while receiving compensation from the City of Pontiac.

Council Committees

The Council establishes Committees to increase the efficiency of their research, review, oversight, and planning. A Committee shall be comprised of three (3) Councilmembers, and one (1) alternate Councilmember who may attend if a regular member is unable to attend. Councilmembers shall be appointed to Committees by the Council President. The Council President shall designate which Councilmember shall serve as Chair for that Committee. Committee assignments shall be for the length of one (1) year, and all assignments shall be revisited the month of January of each year; Councilmembers may be reappointed to the same Committee assignment for multiple years in a row, however. The Council President shall fill any Committee vacancies.

Committees may determine the date and time of their meetings; however, Committee meetings at which City of Pontiac Department Heads will be present shall be scheduled at a time mutually acceptable to both the Committee and the Department Head. Committees can discuss current or prospective policy with Department Heads or other participating City employees. Committees cannot make final decisions, but may recommend actions to the full Council.

Standing Committees

Standing Committees will meet once a month, or as needed. The Council's Standing Committees shall be the following:

- A. Communications, Engagement & Operations – *Information Technology, Public Access Cable, Municipal Communications, Branding, Marketing, Citizen Engagement, Youth In Government, Internal Council Operations*
- B. Economic Development, Housing & Planning – *Economic Growth, Building and Planning, Zoning and Land Use, Housing Policies, Review of Proposed Residential and Commercial Developments*
- C. Facilities & Property – *City-Owned Land and Sites, Consideration of Future Real Estate Transactions, Municipal Facilities Management and Maintenance (e.g. City Hall, Senior Centers)*
- D. Finance & Personnel – *Reviewing Financial Reports, Reviewing Proposed Budgets, Auditing and Accounting Needs, Human Resources Needs and Systems, Hiring Processes and Considerations*
- E. Law & The Courts – *Municipal Legal Contracts, Operations and Functions of 50th District Courthouse, Communication and Coordination with District Court Judges and Court Staff*

F. Parks, Recreation & Public Works – *Municipal Parks, Public Trails, Greenspaces, Forestry, Youth and Community Recreation Services, Road Infrastructure, Water Infrastructure, Department of Public Works Services*

G. Public Safety, Health & Wellness – *Reviewing Law Enforcement Services, Fire Safety, Emergency Medical Transport Service Providers, Public Health & Safety Strategies, Community Mental Health Services*

The Committee's above descriptive text found in these Rules shall not be construed as the full breadth or limitations of a Committee's possible areas of research or review.

Special Committees

Special Committees may be established for a specific period of time by the Council President or by a Resolution of the Council, which specifies the tasks(s) of the Special Committee and the date of its dissolution. Special Committees shall present reports in the same manner as Standing Committees.

Committee Reports

Council Committees shall present both oral and written reports. The Community shall designate a Member to prepare the written report for the Committee. The written report shall indicate the date and time of the Committee meeting, all persons present, and the subject matter of discussion with some detail. If a Committee is making a recommendation to the full Council, then at least two of the three Councilmembers on that Committee must be noted as being in support of the recommendation.

Suspension or Modification of These Rules

The Rules of the Council may be suspended for a specified portion of a Meeting by an affirmative vote of two-thirds of the Councilmembers present except that Council actions shall conform to state statutes and to the Michigan and United States Constitutions. During the month of January of each year, the Council shall conduct an Annual Review of these Rules and may revise them by a majority vote of Councilmembers.

CONSENT AGENDA B

Fund 203 Local Streets

GL Number	Description	Balance
*** Assets ***		
203-000-001.010	Cash Interfund	1,014,707.12
203-000-002.101	FLAGSTAR MM	0.00
203-000-002.102	THE PRIVATE BANK MM	2,943.30
203-000-003.008	CD - FLAGSTAR BANK	0.00
203-000-003.101	C.D. - CHEMICAL BANK	511,897.77
203-000-017.001	OAKLAND COUNTY LGIP	484,281.18
203-000-056.000	Accrued Interest Rec	642.19
203-000-078.000	Due from State	0.00
203-000-084.202	DUE FROM FUND 202	0.00
203-000-084.464	DUE FROM FUND 464	0.00
Total Assets		2,014,471.56
*** Liabilities ***		
203-000-201.001	Accounts Payable	0.00
203-000-204.000	ACCOUNTS PAYABLE-MANUAL	0.00
203-000-214.017	Due to Fund 590	0.00
203-000-214.202	DUE TO FUND 202	402,741.58
203-000-257.000	ACCRUED LIABILITIES (PAYROLL)	0.00
203-000-257.001	Accrued Wages Payable	0.00
203-000-339.003	Deferred Revenue - 60 Day Rule	481.56
Total Liabilities		403,223.14
*** Fund Balance ***		
203-000-390.000	Fund Balance	0.00
203-000-396.000	Fund Balance Restricted	1,692,307.29
Total Fund Balance		1,692,307.29
Beginning Fund Balance		1,692,307.29
Net of Revenues VS Expenditures		(81,058.87)
Ending Fund Balance		1,611,248.42
Total Liabilities And Fund Balance		2,014,471.56

Fund 249 BUILDING INSPECTION FUND

GL Number	Description	Balance
*** Assets ***		
249-000-001.010	Cash Interfund	4,138,708.63
249-000-017.001	OAKLAND COUNTY LGIP	311,290.84
249-000-040.000	Accounts Receivable	0.00
249-000-056.000	Accrued Interest Rec	103.18
249-000-123.000	Prepaid Expenses	0.00
Total Assets		4,450,102.65
*** Liabilities ***		
249-000-201.001	Accounts Payable	0.00
249-000-204.000	ACCOUNTS PAYABLE-MANUAL	0.00
249-000-255.001	CUSTOMER DEPOSITS PAYABLE - PDBA	0.00
249-000-280.001	Deposits - Vending - City Hall	0.00
249-000-281.000	Deposits - Miscellaneous	955.00
249-000-281.004	Deposits - Mobile Home Taxes	0.00
249-000-281.006	Deposits - Legal Department	0.00
249-000-281.009	Deposits - Community Centers	0.00
249-000-283.000	Deposits Held	0.00
249-000-283.001	Deposits Held - Bids	0.00
249-000-283.002	Deposits Held-Lawsuits	0.00
249-000-283.003	DEPOSITS - RENTAL	0.00
249-000-283.009	BUSINESS LICENSE BOND	0.00
249-000-283.010	Deposits-Engineering Bonds	0.00
249-000-283.014	Security Deposit	0.00
249-000-283.018	PERFORMANCE DEPOSIT	0.00
249-000-283.031	Deposits-Operations	0.00
249-000-283.050	ROW DEPOSITS - OTHER	0.00
249-000-283.060	CONSTR. PLAN DEPOSITS-PLAN REVIEW	0.00
249-000-283.061	CONSTR. PLAN DEPOSITS-INSPECTION	0.00
249-000-283.062	CONSTR. PLAN DEPOSITS-AS BUILT DE	0.00
249-000-339.003	Deferred Revenue - 60 Day Rule	0.00
Total Liabilities		955.00
*** Fund Balance ***		
249-000-394.000	Fund Balance Nonspendable	0.00
249-000-396.000	Fund Balance Restricted	4,174,364.87
Total Fund Balance		4,174,364.87
Beginning Fund Balance		4,174,364.87
Net of Revenues VS Expenditures		274,782.78
Ending Fund Balance		4,449,147.65
Total Liabilities And Fund Balance		4,450,102.65

Fund 101 General Fund

GL Number	Description	Balance
*** Assets ***		
101-000-001.001	CASH IN TRANSIT	0.00
101-000-001.010	Cash Interfund	8,435,223.51
101-000-001.099	CASH PNC CONSOLIDATED	0.00
101-000-002.000	CASH - PNC PARKING	559.54
101-000-002.100	PNC MONEY MARKET	97,531.89
101-000-002.101	FLAGSTAR MM	0.00
101-000-002.102	THE PRIVATE BANK MM	1,071,772.48
101-000-002.200	FIFTH THIRD MONEY MARKET	781,153.81
101-000-003.005	CD - LEVEL ONE	0.00
101-000-003.008	CD - FLAGSTAR BANK	2,982,962.47
101-000-003.101	C.D. - CHEMICAL BANK	0.00
101-000-003.102	C.D. - CIBC BANK	2,549,584.67
101-000-004.000	Petty Cash	2,200.00
101-000-004.100	COIN DEPOSITS	0.00
101-000-006.001	B & I 95 Sewage Rev Bonds	0.00
101-000-006.002	B & I 95 Water Rev Bonds	0.00
101-000-010.005	Cash Reserve 95 Sewage Rev Bond	0.00
101-000-010.007	Cash National City 95 Rev Bonds	0.00
101-000-015.003	Cash Lock Box -Chase Property Tax	0.00
101-000-017.001	OAKLAND COUNTY LGIP	13,434,969.41
101-000-017.002	COMERICA SECURITIES	4,897,062.08
101-000-017.003	5/3 INVESTMENTS - FANNIE MAE	0.00
101-000-017.004	FIFTH THIRD INVESTMENTS - HOLLAND	0.00
101-000-017.005	5/3RD -FED HOME LOAN BA 4.7% - 06	253,678.47
101-000-017.006	5/3RD FED HOME LN MTG CORP-3.82%	238,909.47
101-000-017.007	5/3RD MI ST HSG DEV AUTH-1.38%-10	128,133.37
101-000-018.001	AFFINITY GROUP CREDIT UNION (#203	0.00
101-000-020.000	Property & Income Taxes Receivabl	0.00
101-000-021.000	PROPERTY TAXES RECEIVABLE - CURRE	(505,492.53)
101-000-021.001	PROPERTY TAX PENALTY RECEIVABLE -	(149,448.54)
101-000-021.002	INTEREST RECEIVABLE ON PROPERTY T	0.00
101-000-021.004	PROPERTY TAX ADMIN FEE RECEIVABLE	(31,587.28)
101-000-025.000	DELINQUENT REAL RECEIVABLE	0.00
101-000-026.000	Delinquent PPT Receivable	65,508.51
101-000-026.207	DELINQUENT PPT RECEIVABLE - POLIC	0.00
101-000-026.208	DELINQUENT PPT RECEIVABLE - REC M	0.00
101-000-026.244	DELINQUENT PPT RECEIVABLE - DDA	0.00
101-000-027.000	Estimated Uncollectible Delinq PT	(121,000.00)
101-000-027.207	ESTIMATED UNCOLLECTIBLE DPPT - PO	0.00
101-000-027.208	ESTIMATED UNCOLLECTIBLE DPPT - RE	0.00
101-000-027.244	EST UNCOLLECTIBLE DPPT-DDA	0.00
101-000-033.009	Utility bills collected	0.00
101-000-040.001	ACCOUNTS RECEIVABLE - CABLE	0.00
101-000-040.003	ACCOUNTS RECEIVABLE - BUSINESS LI	0.00
101-000-040.004	ACCOUNTS RECEIVABLE - BLIGHT COUR	0.00
101-000-040.005	Income Tax Receivable	1,610,850.44
101-000-040.007	Income Tax Receivable Accrued	21,216,059.00
101-000-040.011	Accounts Receivable - Treasury	340,694.60
101-000-040.012	Accounts Receivable-Manual Adjs	0.00
101-000-040.013	ACCOUNTS RECEIVABLE - PILOTS	0.00
101-000-040.014	ACCOUNTS RECEIVABLE - PAYLOCITY	0.00
101-000-040.111	AR - TRANSFERRED TO TAX ROLL	140,798.79
101-000-040.200	ACCTS RECEIVABLE - RETIREMENT ADM	0.00
101-000-040.201	ACCTS RECEIVABLE - RETIREMENT ADM	0.00
101-000-040.210	AR - GERS RETIREE CONTRIBUTION	0.00
101-000-040.211	AR - PFRS RETIREE CONTRIBUTION	0.00
101-000-040.268	ACCOUNTS RECEIVABLE - LIBRARY	1,637.37
101-000-040.300	AR - POLICE GRANT	0.00
101-000-040.640	ACCOUNTS RECEIVABLE - FUND 640	0.00
101-000-040.696	AR - HOUSING COMMISSION	105,300.00
101-000-041.000	Estimated Uncollectible Acct. Rec	(33,315.68)
101-000-041.001	Estimated Uncollectible Income Ta	(18,480,330.23)
101-000-044.000	Travel Advances Receivable	0.00
101-000-045.000	Special Assessments Receivable	0.00
101-000-056.000	Accrued Interest Rec	4,616.42
101-000-072.000	Due from Oakland County	0.00
101-000-072.100	DUE FROM OAKLAND COUNTY - JAG FUN	0.00
101-000-075.000	DUE FROM SCHOOLS	0.00
101-000-078.000	Due from State	0.00
101-000-081.000	DUE FROM OTHER GOV'T UNITS	0.00

Fund 101 General Fund

GL Number	Description	Balance
*** Assets ***		
101-000-081.734	DUE FROM GERS VEBA	0.00
101-000-082.000	Due from Major Streets	0.00
101-000-083.000	DUE FROM EMPLOYEES	0.00
101-000-084.028	Due from Fund 230	0.00
101-000-084.056	Due from Fund 253B	0.00
101-000-084.085	Due from Fund 140	0.00
101-000-084.086	Due from Fund 735	0.00
101-000-084.202	DUE FROM FUND 202	0.00
101-000-084.209	DUE FROM FUND 209	0.00
101-000-084.219	DUE FROM FUND 219	0.00
101-000-084.220	DUE FROM FUND 220	0.00
101-000-084.246	DUE FROM FUND 246	0.00
101-000-084.249	DUE FROM FUND 249	0.00
101-000-084.251	DUE FROM FUND 251	0.00
101-000-084.255	DUE FROM FUND 255	0.00
101-000-084.263	DUE FROM FUND 263	0.00
101-000-084.268	DUE FROM FUND 268	0.00
101-000-084.276	DUE FROM FUND 276	(968,004.69)
101-000-084.280	DUE FROM FUND 280	0.00
101-000-084.659	DUE FROM FUND 659	3,961,049.71
101-000-084.680	DUE FROM FUND 680	0.00
101-000-084.696	DUE FROM FUND 696	0.00
101-000-084.703	DUE FROM FUND 703	0.00
101-000-084.733	DUE FROM FUND 733	0.00
101-000-092.000	Taxes Levied for Counties	0.00
101-000-111.007	Inventory - Postage Meter	0.00
101-000-123.000	Prepaid Expenses	30,386.49
101-000-123.003	PREPAID POSTAGE	48,388.10
101-000-124.001	Deposits with Fiscal Agent	0.00
101-000-124.010	DEPOSIT AS ESCROWED FUNDS	0.00
101-999-081.734	DUE FROM GERS VEBA	0.00
Total Assets		42,109,851.65
*** Liabilities ***		
101-000-201.001	Accounts Payable	14,128.97
101-000-201.003	Unapplied A/R Receipts	0.00
101-000-201.004	PAYLOCITY PAYABLE	114,236.51
101-000-201.675	ACCOUNTS PAYABLE - FUND 675	0.00
101-000-203.005	MISC RECEIVABLES OVER PAYMENTS	762.90
101-000-204.000	ACCOUNTS PAYABLE-MANUAL	245,685.18
101-000-204.001	Unaudited Payable-Unemployment	0.00
101-000-204.002	Est Income Tax Payable-Unverif	500,000.00
101-000-204.675	ACCOUNTS PAYABLE - MANUAL 675	0.00
101-000-214.008	Due to Fund 750	0.00
101-000-214.011	Due to Fund 591	0.00
101-000-214.017	Due to Fund 590	0.00
101-000-214.040	Due to Fund 598	0.00
101-000-214.068	Due to Fund 759	0.00
101-000-214.113	DUE TO FUND 113	0.00
101-000-214.213	Due to Fund 213	0.00
101-000-214.226	Due to Sanitation Fund 226	0.00
101-000-214.245	DUE TO FUND 245	0.00
101-000-214.585	DUE TO FUND 585	0.00
101-000-214.590	DUE TO FUND 590	0.00
101-000-214.591	DUE TO FUND 591	0.00
101-000-214.677	DUE TO FUND 677	0.00
101-000-215.001	LT Advances due to 590	0.00
101-000-215.002	LT Advance due to 591	0.00
101-000-222.000	Due to Oakland County	(76,110.50)
101-000-222.002	Due to Oakland County - Dog Licen	149.00
101-000-222.004	DUE TO COUNTY - FED PROGRAM DISCH	30.00
101-000-222.100	DUE TO OAKLAND COUNTY - WRC	0.00
101-000-225.001	DUE TO SCHOOLS - OPERATING	(42,147.99)
101-000-225.002	DUE TO SCHOOLS - DEBT	0.00
101-000-225.010	DUE TO COUNTY - REAL CHARGEBACKS	(1,166.48)
101-000-225.011	DUE TO OTHER ENTITIES - PILOTS	750,643.42
101-000-228.000	Due to State	(517,654.15)

Fund 101 General Fund

GL Number	Description	Balance
*** Liabilities ***		
101-000-228.002	State Withholding Tax	0.00
101-000-228.003	MERS PAYABLE	0.00
101-000-228.046	TRAILER COACH PARK SPECIFIC TAX	3,584.74
101-000-229.001	Federal Income Taxes Withheld	0.00
101-000-229.002	Employee Social Security	0.00
101-000-230.100	DUE TO OAKLAND COUNTY WRC	(6,260.29)
101-000-231.049	CITY OF DETROIT INCOME TAX	0.00
101-000-234.001	DUE TO OAKLAND INTERMEDIATE SCHOO	(42,174.35)
101-000-235.000	Due to Oakland Community College	(19,836.95)
101-000-236.000	DUE TO LIBRARY	41,744.00
101-000-241.001	Prop Taxes-Refunds Payable	0.00
101-000-241.002	Prop Taxes-Est Chargeback Payable	45,138.00
101-000-241.241	PROP TAXES - EST CHARGEBACKS TIFA	0.00
101-000-255.001	CUSTOMER DEPOSITS PAYABLE - PDBA	0.00
101-000-257.000	ACCRUED LIABILITIES (PAYROLL)	0.00
101-000-257.001	Accrued Wages Payable	0.00
101-000-257.002	ACCRUED WAGES PAYABLE (MANUAL)	0.00
101-000-261.012	Accrued 401a DC Plan	0.00
101-000-268.001	Unclaimed Checks General	(2,969.93)
101-000-268.002	Unclaimed Checks Income Tax	0.00
101-000-268.003	Unclaimed Payroll Checks	0.00
101-000-271.001	Judgement Fees	0.00
101-000-274.000	UNDISTRIBUTED TAX COLLECTIONS	0.00
101-000-274.001	OTHER LIABILITIES - FIRE ESCROW	1,595,566.92
101-000-276.001	Refunds/Overpayment of Fines	174.24
101-000-280.001	Deposits - Vending - City Hall	0.00
101-000-281.000	Deposits - Miscellaneous	0.00
101-000-281.004	Deposits - Mobile Home Taxes	896.19
101-000-281.006	Deposits - Legal Department	0.00
101-000-281.009	Deposits - Community Centers	0.00
101-000-283.000	Deposits Held	0.00
101-000-283.001	Deposits Held - Bids	15,000.00
101-000-283.002	Deposits Held-Lawsuits	0.00
101-000-283.003	DEPOSITS - RENTAL	600.00
101-000-283.007	Deposits-Building Deposits	0.00
101-000-283.009	BUSINESS LICENSE BOND	0.00
101-000-283.010	Deposits-Engineering Bonds	14,684.94
101-000-283.014	Security Deposit	5,000.00
101-000-283.018	PERFORMANCE DEPOSIT	169,971.47
101-000-283.031	Deposits-Operations	11,798.20
101-000-283.050	ROW DEPOSITS - OTHER	943,633.60
101-000-283.055	SOIL EROSION DEPOSITS-PLAN REVIEW	0.00
101-000-283.056	SOIL EROSION DEPOSITS-INSEPECTION	0.00
101-000-283.057	SOIL EROSION DEPOSITS-OTHER	0.00
101-000-283.060	CONSTR. PLAN DEPOSITS-PLAN REVIEW	65,502.52
101-000-283.061	CONSTR. PLAN DEPOSITS-INSPECTION	0.00
101-000-283.062	CONSTR. PLAN DEPOSITS-AS BUILT DE	0.00
101-000-288.000	UNEARNED REVENUE	0.00
101-000-288.008	Oakland County Prepaid Overtime	0.00
101-000-314.590	ADVANCE FROM FUND 590	0.00
101-000-314.591	ADVANCE FROM FUND 591	0.00
101-000-339.003	Deferred Revenue - 60 Day Rule	102,252.43
101-000-339.004	Deferred Rev - Del Pers Prop Tax	40,427.78
101-000-339.005	Deferred Rev - Accts Rec Treas	0.00
101-000-339.006	Deferred Rev - Income Tax	2,735,728.77
101-000-339.007	Deferred Rev. - Special Assessmen	0.00
101-000-339.010	Deferred Revenue - Hospital Lease	0.00
101-000-339.012	Deferred Rev - VEBA	0.00
101-000-339.020	DEFERRED REVENUE - CABLE 60 DAY R	0.00
101-206-276.001	Refunds/Overpayment of Fines	0.00
Total Liabilities		6,709,019.14

*** Fund Balance ***

101-000-389.016	Reserve for Spec Projs Cost Effec	0.00
101-000-390.000	Fund Balance	21,862,624.15
101-000-393.001	FUND BALANCE COMMITTED	3,200,000.00
101-000-394.000	Fund Balance Nonspendable	32,619.71

Fund 101 General Fund

GL Number	Description	Balance
*** Fund Balance ***		
101-000-396.000	Fund Balance Restricted	48,875.00
101-000-398.000	FUND BALANCE ASSIGNED	0.00
Total Fund Balance		25,144,118.86
Beginning Fund Balance		25,144,118.86
Net of Revenues VS Expenditures		10,256,713.65
Ending Fund Balance		35,400,832.51
Total Liabilities And Fund Balance		42,109,851.65

#10

ORDINANCE

TO: Honorable Tim Greimel
City Council

FROM: Joseph W. Colaianne

DATE: January 6, 2023

SUBJECT: **Municipal Code Amendment – Amendment to Ordinance 2287 to restructure departments of City of Pontiac; Finance Director; Public Works Director**

In 2013, in accordance with its authority pursuant to the Local Financial Stability and Choice Act (2012 PA 436, as amended), the Office of the Emergency Manager issued Order #S-280 which called for the adoption of Ordinance No. 2287 to restructure City departments. Ordinance No. 2287, among other things, prescribed certain education and work experience required for the positions of Finance Director, Public Works Director and Deputy Public Works Director.

We understand that City Administration has had difficulties with pursuing and hiring candidates for these positions due to the restrictive qualifications specified in the City's municipal code. Accordingly, Administration desires flexibility in order to define the qualifications for its department heads and proposes amending Ordinance No. 2287 to remove the specific education and work experience required for the positions of Finance Director, Public Works Director and Deputy Public Works Director. The proposed amendment will enable the Administration to hire and provide opportunities to qualified candidates that would not otherwise meet the restrictive requirements set forth in the City municipal code.

CITY OF PONTIAC

ORDINANCE NO. # _____

AN ORDINANCE TO AMEND ORDINANCE NO. 2287 TO RESTRUCTURE THE DEPARTMENTS OF THE CITY OF PONTIAC TO DELETE CERTAIN REQUIREMENTS FOR FINANCE DIRECTOR, PUBLIC WORKS DIRECTOR AND DEPUTY PUBLIC WORKS DIRECTOR.

THE CITY OF PONTIAC ORDAINS:

Chapter 2, Article III Departments, Sections 2-88, 2-192 and 2-193, shall be amended to read as follows:

2-88 Director.

There shall be a Director of the Department of Finance (Finance Director), whose appointment and remuneration shall be in accord with the procedures provided for in the Charter. The Director of the Department of Finance shall have the overall supervisory and administrative responsibilities pertaining to the administration and implementation of the functions described in section 2-87. The Director shall be responsible for ensuring that all of the duties and responsibilities of the Department identified in the Code of Ordinances are executed in a fair and legal manner. The Director shall be responsible for administering all contracts in which services are provided to the City that assist the Director in fulfilling the responsibilities of his position. The Director may hire such number of full-time, part-time, or seasonal employees as the City budget shall authorize to assist him in fulfilling the responsibilities of his position. ~~The Finance Director shall have a master's degree in accounting, business administration, finance, or public administration and at least five years' experience in accounting, budgeting, and finance, of which at least two years shall have been in the public sector.~~

2-192 Director.

There shall be a Director of the Department of Public Works (DPW Director), whose appointment and compensation shall be in accord with the procedures provided for in the Charter. ~~The Director of the Department of Public Works shall have a master's degree in architecture, business administration, community development, engineering, political science, or public administration and at least three years' experience in the administration of a department of public works or contract administration. In lieu of a master's degree, the Director of the Department of Public Works may have a bachelor's degree and at least five years' experience working in a municipal department of public works, during which time he shall have had administrative responsibilities.~~

The Director shall be responsible for ensuring that all of the duties and responsibilities of the Department identified in the Code of Ordinances are executed in a fair and legal manner. The Director shall be responsible for administering all contracts in which services are provided to the City that assist the Director in fulfilling the responsibilities of his position. The Director may hire such number of full-time, part-time, or seasonal employees as the City budget shall authorize to assist him in fulfilling the responsibilities of his position.

2-193 Deputy Director.

There may be a Deputy Director of the Department of Public Works, whose appointment and compensation shall be in accord with the procedures provided for in the Charter. The Deputy Director of the Department of Public Works shall be considered the Chief Assistant Director of the Department of Public Works. ~~The Deputy Director of the Department of Public Works shall have a bachelor's degree in architecture, business administration, community development, engineering, political science, or public administration and at least three years' experience in the administration of a department of public works or contract administration. In lieu of a bachelor's degree, the Deputy Director of the Department of Public Works may have a high school diploma and at least ten years' experience working in a municipal department of public works, of which five shall have had administrative responsibilities.~~

ADOPTED, APPROVED AND PASSED by the City Council of the City of Pontiac this ____ day of _____ 2023

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Pontiac at a regular Council Meeting held in the City Council Chambers in said City on the ____ day of _____ 2023.

Garland S. Doyle, Interim City Clerk

#11

ORDINANCE

**PROPOSED ORDINANCE AMENDMENT TO
CITY OF PONTIAC POLICE AND FIRE RETIREMENT SYSTEM**

NOW THEREFORE, the City of Pontiac ordains:

- I. The following section 5(c) shall be amended as follows:

Section 5(c)

- (c) In accordance with subsection 401(a)(9) of the Internal Revenue Code and the regulations thereunder, which are incorporated herein by reference, a Member's retirement annuity shall be distributed to him or her- as follows:~~not later than April 1 of the calendar year following the later of:~~

For those who turned 70½ years on or before December 31, 2019 (i.e. whose birthday is on or before June 30, 1949) not later than April 1 of the calendar year following the later of:

- (1) The calendar year in which the member attains age seventy and one-half (70 ½) years, or
- (2) The calendar year in which the member retires.

For those who turned 70½ years after December 31, 2019 (i.e. whose birthday is on or after July 1, 1949) not later than April 1 of the calendar year following the later of:

- (1) The calendar year in which the participant attains age 72 years, or
- (2) The calendar year in which the member retires.

- II. The following section 6(c)(6) shall be amended as follows:

Section 6(c)(6)

- (c) Death of Member Before Distributions Begin. If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:
- (i) If the member's surviving spouse is the member's sole designated beneficiary, ~~then, except as provided in the adoption agreement,~~ distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by December 31 of the calendar year in which ~~the member would have attained age 70 ½, if later.~~

- (1) For members who turned (or would have turned) 70½ on or before December 31, 2019 (i.e. whose birthday is on or before June 30, 1949), when the member would have attained age 70½ if later, or
- (2) For members who turn (or would have turned) 70½ after December 31, 2019 (i.e. whose birthday is on or after July 1, 1949), when the member would have attained age 72, if later.

#12

ORDINANCE

TO: Honorable Tim Greimel
City Council

FROM: Joseph W. Colaianne

DATE: January 6, 2023

SUBJECT: **Municipal Code Amendment – Amendment to Ordinance 2360 to remove the prohibition of Adult-Use Marihuana Businesses**

In 2018, the City adopted Ordinance No. 2360 which, among other things, decriminalized certain forms of possession of marihuana but prohibited marihuana establishments (Adult-use Marihuana Businesses) as defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") within the City.

At this time, City Council is considering the adoption of an Adult-Use Marihuana Business ordinance pursuant to the MRTMA. Accordingly, to avoid any conflict in the City Code, Administration recommends amending Ordinance No. 2360 that would remove the prohibition of marihuana establishments (Adult-use Marihuana Businesses).

EXHIBIT A
CITY OF PONTIAC
ORDINANCE NO. # _____

AN ORDINANCE TO AMEND ORDINANCE NO. 2360 DECRIMINALIZE CERTAIN FORMS OF POSSESSION OF MARIHUANA AND AUTHORIZE CERTAIN FORMS OF RECREATIONAL MARIHUANA ESTABLISHMENTS WITHIN IN THE CITY OF PONTIAC AND ADD SECTIONS TO CHAPTER 86 OF THE CITY OF PONTIAC CODE OF ORDINANCES.

THE CITY OF PONTIAC ORDAINS:

Chapter 86 shall be amended to read as follows:

DIVISION 4. CONTROLLED SUBSTANCES

86-116 Use and possession of marijuana prohibited.

(a) No person shall knowingly or intentionally use marijuana or have marijuana in his possession except that:

- (1) persons 21 years of age or older may possess, purchase, transport or process 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate and possess marihuana accessories in accordance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA"), or in compliance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. ("MMMA").
- (2) within the person's residence, he/she may possess, store, and process not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises, and may cultivate not more than 12 marihuana plants for personal use, provided that not more than 12 marihuana plants are possessed, cultivated or processed on the premises at once in accordance with the MRTMA or in compliance with the MMMA.
- (3) persons may transport marihuana through the City by a person operating pursuant to a medical marihuana facilities license or adult-use marihuana transporter license.
- (4) persons 21 years of age or older may assist another person who is 21 years of age or older in any of the permitted acts in the Michigan Regulation and Taxation of Marihuana Act.
- (5) persons may give away or otherwise transfer without remuneration up to 2.5 ounces of marihuana except that not more than 15 grams of marihuana may be in the form of concentrate to a person 21 years of age or older.

(6) persons may operate in compliance with a license issued by the State of Michigan and the City under the ~~Medical Marihuana Facilities Licensing Act~~, MRTMA or in compliance with the MMMA, and City ordinances for such facilities or businesses.

(b) As used in this section, "~~marijuana~~" shall mean ~~all parts of the genus cannabis saliva L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including marihuana concentrate and marihuana infused products. Such term does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted from those stalks; fiber, oil or cake; or the sterilized seed of the plant which is incapable of germination, industrial hemp or any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink or other products.~~ "Marihuana" means the term as defined at MCL 333.27953. .

86-117 Controlled substance paraphernalia.

(a) *Definition.* As used in this section "*marihuana accessories*" and "*drug paraphernalia*" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance; including, but not limited to, all of the following:

(1) An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance.

(2) Testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance.

(3) A weight scale or balance specifically designed for use in weighing or measuring a controlled substance.

(4) A diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose, and lactose, specifically designed for use with a controlled substance.

(5) A separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana.

(6) An object specifically designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body.

(7) A kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.

(8) A kit specifically designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(9) A device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror.

(10) A device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user.

(11) A device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose.

(12) A device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil, or carburetor cleaner, which contains a compartment for carrying and concealing controlled substances.

(13) A spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

(b) *Indicia of marihuana accessories and drug paraphernalia.* In determining whether an object is a marihuana accessory or drug paraphernalia, in addition to all other logically relevant factors, all of the following shall be considered:

(1) Statements by an owner or by anyone in control of the object concerning the use of the object.

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.

(3) The proximity of the object to a controlled substance or a violation of this division.

(4) The existence of any residue of a controlled substance on the object.

(5) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver the object to a person to whom he knows intends to use the object in violation of this division. The innocence of an owner, or of anyone in control of the object, as to the violation of this division shall not prevent a finding that the object is intended for use or specifically designed for use as drug paraphernalia.

- (6) Instructions, oral or written, provided with the object concerning the use of the object.
- (7) Descriptive materials accompanying the object which explain or depict the use of the object.
- (8) National and local advertising concerning the use of the object.
- (9) The manner in which the object is displayed for sale.
- (10) The existence and scope of legitimate uses for the object.
- (11) Expert testimony concerning the use or uses of the object.
- (12) Whether the owner, or anyone in control of the object, is a legitimate supplier of similar objects to the community, such as a licensed distributor or dealer of tobacco products.
- (13) Direct or circumstantial evidence of the ratio of sales by the owner of the object to the total sales of the business enterprise.

(C) *Possess, use, delivery, manufacture, sale, offer for sale, notice in writing before arrest, compliance with notice as defense; penalty.*

(1) No person shall use marihuana accessories and drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, except as specifically permitted in the ~~Michigan Regulation and Taxation of Marihuana Act or the Michigan Medical Marihuana Act~~ MRTMA or in compliance with the MMMA.

(2) No person shall possess, deliver, or manufacture marihuana accessories or drug paraphernalia knowing that the marihuana accessories or drug paraphernalia may be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, except as specifically permitted in the ~~Michigan Regulation and Taxation of Marihuana Act or the Michigan Medical Marihuana Act~~ MRTMA or in compliance with the MMMA.

(3) Subject to subsection (4), a person shall not sell or offer for sale marihuana accessories or drug paraphernalia, knowing that the marihuana accessories or drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, except as specifically permitted in the ~~Michigan Regulation and Taxation of Marihuana Act or the Michigan Medical Marihuana Act~~ MRTMA or in compliance with the MMMA.

(4) Before a person is arrested for violation of subsection (3), the city attorney or the sheriff's department shall notify the person in writing, not less than two business days before the person is to be arrested that the person is in possession of specific, defined material that has been determined by the city attorney or the sheriff's department to be marihuana accessories or drug paraphernalia. The notice also shall request that the person refrain from selling or offering for sale the material and shall state that if the person complies with the notice, no arrest will be made for a violation of subsection (3).

(5) If a person complies with a notice sent under subsection (4), the compliance is a complete defense for the person against a prosecution under section 86-116, as long as the compliance continues.

(d) *Civil forfeiture.* Any marihuana accessories or drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this section shall be seized and forfeited to the city in accordance with applicable state law.

(e) *Exceptions.* This section does not apply to any of the following:

(1) An object sold or offered for sale to a person licensed under article 15 or under the occupational code, Act No. 299 of the Public Acts of 1980, being sections 339.101 to 339.2721 if the Michigan Compiled Laws, or any intern, trainee, apprentice, or assistant in a profession licensed under article 15 or under Act No. 299 of the Public Acts of 1980 for use in that profession.

(2) An object sold or offered for sale to any hospital, sanitarium, clinical laboratory, or other health care institution including a penal, correctional, or juvenile detention facility for use in that institution.

(3) An object sold or offered for sale to a dealer in medical, dental, surgical, or pharmaceutical supplies.

(4) Equipment, a product, or material which may be used in the preparation or smoking of tobacco or smoking herbs other than a controlled substance.

(5) A blender, bowl, container, spoon, or mixing device not specifically designed for a use in ingesting, inhaling, or otherwise introducing controlled substances into the human body.

(6) A hypodermic syringe or needle sold or offered for sale for the purpose of injecting or otherwise treating livestock or other animals.

(7) An object sold, offered for sale, or given away by a state or local governmental agency or by a person specifically authorized by a state or local governmental agency to prevent the transmission of infectious agents.

86-118 Marihuana Establishments

~~As permitted in section 6.1 of the Michigan Regulation and Taxation of Marihuana Act, the City hereby completely prohibits any marihuana establishments as defined in the Michigan Regulation and Taxation of Marihuana Act from locating within the boundaries of the City. Repealed.~~

86-119 Penalties

Any violations of this Division shall be punishable by:

- (a) for the first violation, a civil infraction punishable by a fine of not more than \$500.00 and forfeiture of the marihuana;
- (b) for a second violation, a civil infraction punishable by a fine of not more than \$1,000.00 and forfeiture of the marihuana; and
- (c) for a third and subsequent violation, a misdemeanor punishable by a fine of not more than \$2,000.00 and forfeiture of the marihuana.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Pontiac this _____ day of _____ 2023

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Pontiac at a regular Council Meeting held in the City Council Chambers in said City on the _____ day of _____ 2023.

Garland S. Doyle, Interim City Clerk

#13

ORDINANCE

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 adult-use 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. The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to reject any and all applications, to reject an application not accompanied with the required documentation or data required by the application, or to reject an application which is any way incomplete, irregular, not responsive or not responsible.~~

(2) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac 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.

(32) 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.

"Application" means the form(s) provided by the City, accompanied with the nonrefundable application fee per each license requested.

"City" means the City of Pontiac, Michigan.

"Co-Locate" or "Co-Location" means any combination of growers, processors, and/or retailer retailers, social equity retailers, designated consumption, and Class A microbusiness 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 establishment 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~~ 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; Composition; Quorum

~~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.~~

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

(b) A quorum of the Marihuana Business Commission shall consist of three (3) members.

26- _____ Marihuana Business Commission Membership; Qualifications; Term; Vacancies; Compensation.

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

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

(c) If a vacancy occurs on the Marihuana Business Commission, the mayor shall appoint a new member to fill the vacancy.

(d) Members of the Marihuana Business Commission shall serve without pay.

26- Marihuana Business Commission Powers and Duties.

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

26- Marihuana Business Commission Rules and Regulations; Meetings.

(a) The Marihuana Business Commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations.

(b) The rules and regulations adopted by the Marihuana Business Commission shall be subject to approval by the council.

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

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 permitted ~~prohibited~~, in strict compliance with Department Rules.

(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	<u>2015</u>
Social Equity Retailer	<u>45</u>
Class A Microbusiness	<u>35</u>
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 or social equity retailer establishment, Class A microbusiness, and designated consumption establishment at the same location is authorized, provided that each establishment is separately licensed and permitted. Operation of a retailer establishment or social equity retailer establishment, Class A microbusiness and a designated consumption establishment at the same location as a grower or processing facility is authorized when in conformity with the City zoning ordinance.

(e) Within thirty (30) days of approval of the applicant's application, the applicant will start all necessary requirements as required by the City to obtain their certificate of occupancy, including, without limitation, complying with all applicable building department, fire department, code and inspection requirements, including the approval of the site plan.

(f) All Marihuana Business permits shall be effective for one (1) year of its original date of issuance by the City and must be renewed annually.

(g) The conditional permittee has one (1) year to complete its site plan upon the approval of the issuance of the Marihuana Business conditional permit. The Community Development Director may extend the completion of the site plan up to an additional six months, provided the applicant demonstrates good cause for the extension.

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. No Adult-Use Marihuana Retailers shall be permitted outside of the Adult-Use Marihuana Business Overlay Districts, as set forth in the City zoning ordinance, as amended.
- (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 history background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police criminal history report for applicants residing in Michigan. For applicants who reside in any other states, federal or foreign jurisdiction, or who have resided in any other states, federal or foreign jurisdiction within 5 years prior to the date of the application provide a certified state, federal or foreign jurisdiction 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 history ~~background check report~~ from the Michigan State Police, ~~or~~ the Federal Bureau of Investigation, or other applicable state, federal or foreign jurisdiction law enforcement 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, or a Temporary Marihuana Event, 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~~Class A Microbusiness applicants may not hold an ownership interest in a grower, processor, retailer, or social equity retailer, and social equity retailer permits are limited to social equity qualified applicants. No person who holds an ownership interest in a safety compliance facility or in a secure transporter may hold an ownership interest in grower, a processor, a retailer, a social equity retailer, or a Class A microbusiness.

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 conditional permit to any applicant for a permit to operate a grower, processor, secure transporter, or safety compliance facility, marihuana event organizer, and temporary marihuana event, upon the determination by the Clerk that the application is complete, the applicant receives the City and State of Michigan 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. The Clerk will grant a final permit if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, and obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted and enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(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 compliance 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 marihuana provisioning center permit pursuant to City of Pontiac's Medical Marihuana 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 marihuana 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 twentyfive (520) points.

(10) Whether the applicant has rehabilitated and/or redeveloped or will rehabilitate and/or redevelop an existing building by demolishing and rebuilding or completely renovating a building that has been vacant or had been vacant as registered with the City for 4-year or more three (3) years or less 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 has rehabilitated and/or redeveloped or 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 or had been cited as blighted or dangerous (as such term is defined in the City's Code of Ordinances) for three (3) years or less before the submittal of the application under this ordinance. 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). The maximum number of scoring points in this category shall be fifteen (15) points.

(13) Whether an applicant demonstrates social equity participation and greater than 50% ownership 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). The maximum number of scoring points in this category shall be fifteen (15) points.

(g) Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero (0) points to _____ () 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 conditional 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 conditional 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 conditional 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 conditional 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 conditional 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)~~(m) The Clerk will grant a final permit to a retailer, social equity retailer, Class A microbusiness and designated consumption establishment if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted, and enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the

Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(n) 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, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit.

Sec. _____. Odor Control.

(a). No Marihuana Business, permittee, person, tenant, occupant, licensee, landlord or property owner shall permit the release of marihuana odors from any origin to cause obvious odors emanating from the premises in which they derived and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor interferes with the reasonable and comfortable use and enjoyment of another's property shall be determined by the objective standards of a reasonable person of normal sensitivity.

(b). Marihuana Businesses shall use sufficient procedures to prevent smoke, odor, debris, dust, fluids and other substances from escaping the premises of the Marihuana Business. If any smoke, odor, debris, dust, fluids or other substances leave the Marihuana Business in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the Marihuana Business and the owner of the

premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this chapter.

1. A plan for ventilation of the Marihuana Business that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. Such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

2. Cultivated, produced, or distributed by a Marihuana Business. A Marihuana Business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the Marihuana Business or at any adjoining use or property.

3. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a Marihuana Business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana establishment, the owner of the subject premises and the permittee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The Marihuana Business shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

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~~specified 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)~~(a) 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)~~(b) 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)~~(c) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.

~~(e)~~(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.

~~(f)~~(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.

~~(g)~~(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.

~~(h)~~(g) Buildings should be oriented so that automobile bays do not face onto any adjacent road.

~~(i)~~(h) 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.

(jj) 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) Not engage in the sale, consumption, preparation, or serving of food unless the business has obtained the required authorization from the City; and licensing from the Oakland County Health Department and the State of Michigan Department of Agriculture and Rural Development.~~

~~(3) Not engage in the sale, consumption or serving of alcoholic beverages;~~

(3) 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, , retailer, Class A microbusiness, and designated consumption establishment uses, shall be permitted to operate at the same location subject to permit approval for each use from the City. Co-locating establishments~~ Establishments operating at the same location must have permit approval for each Marihuana Business type and use. described above.

(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 Prohibited; Transfer of and Ownership and Assets.

(a) Transfer of Location Prohibited. Permittees may not 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 of ownership or assets 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 a fine, 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~~ has zoning approval for such use, and the proposed final site plan has ~~received approval~~ from been approved by 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. _____. Closing of Marihuana Business.

- (a) A permittee that closes a Marihuana Business must comply with the requirements issued by the Michigan Cannabis Regulatory Agency.
- (b) Within thirty (30) days of a permittee ceasing operations, written notification must be provided to the City Clerk.
- (c) The permittee shall furnish to the City a current forwarding address, phone number and email for all permittees.
- (d) The permittee shall surrender its Marihuana Business license to the City upon the expiration of the thirty (30) days' notice to the City.

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. Failure to submit a completed application for renewal of an existing permit along with the required renewal fee to the City Clerk on or before the license expiration date shall be grounds for the revocation or suspension of a permit. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal permit has been obtained.

(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 or 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, and the Clerk determines that the applicant has satisfied subsections (a), (b), (c), (d) and (e) of this Section, then the Clerk shall renew the permit of the applicant.~~

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; including any conviction of any felony or any misdemeanor involving controlled substances, theft, or dishonesty by the applicant, permittee, stakeholder, or any person holding an ownership interest in the licensee;

(3) Failure of the permittee to obtain or maintain ~~a State Operating License; a State License or approval pursuant to MRTMA and MMFLA;~~

(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) Failure of the permittee to maintain the property causing a blighted or other condition in violation of any City ordinance, including but not limited to, Ord. No. 2355, 8-9-18, or in violation of any state law, including but not limited to, MCL 125.538 to 125.542.

(76) 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;

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

(9) Failure to obtain or maintain a certificate of occupancy from the Building Department;

(10) Failure of the permittee to obtain or maintain a permit or to renew a permit from the City Clerk; or

(11) The facility's approved site plan is determined to be in substantial violation by the City.

(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 written recommendation and report to the Clerk. The Clerk shall review the report and recommendation of the hearing officer and issue a written decision~~make a decision on the matter~~. The Clerk's decision may be appealed to the Marihuana Business Commission by filing an appeal~~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. The Marihuana Business Commission shall overturn a decision of finding of the Clerk if it finds such decision or finding to be arbitrary or capricious and/or not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding. 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.

(e) The City Clerk shall notify the Michigan Cannabis Regulatory Agency of all renewal applications which are renewed or denied.

(f) A permittee whose renewal application is denied, must submit a new application as a new applicant.

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~~civil infraction 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~~Five Hundred ~~Fifty~~ Dollars (~~\$750~~\$500), 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 repeat 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

#14

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION HONORING THE LIFE OF ATTORNEY H. WALLACE PARKER

WHEREAS, it is the sense of this legislative body to pay proper tribute to individuals of exemplary character and whose lives have been dedicated to uplifting, empowering and fighting social injustices and inequality in the community; and,

WHEREAS, H. Wallace Parker was born on December 18, 1941, was the son of Rudolph and Annie M. Williams Parker, was the second youngest of five children, accepted Christ and joined his home church at an early age; and,

WHEREAS, H. Wallace Parker began his education in Martin County Public schools, completed his undergraduate education at Winston Salem University, earning a Bachelor of Arts degree in History and a Minor in Art and a Juris Doctorate from North Carolina Central University School of Law; and,

WHEREAS, with honor, integrity and service at the helm, H. Wallace Parker proudly served this country for two tours of duty as a Marine, stateside during the Vietnam War and after which, he completed a legal fellowship in Pontiac, Michigan; and,

WHEREAS, H. Wallace Parker held his family, business and service to his community near and dear to his heart and was a philanthropist, humanitarian and an outstanding lawyer whose legal career spanned 45 years in Michigan; and,

WHEREAS, after completing a legal fellowship in Pontiac, Michigan, H. Wallace Parker became a notable leader and a force to be reckoned with, making history, as he was the first minority to be appointed as Deputy City Attorney for Pontiac, then becoming a member and Trustee of St. John United Methodist Church in Pontiac, where he managed the church's legal affairs; and,

WHEREAS, H. Wallace Parker established a law firm in Bloomfield Hills, Michigan with a reputation of being a resilient civil rights and defense attorney, serving as Chief Counsel for the North Oakland County Branch NAACP for decades, leading the fight for justice and racial equality, a committed public servant, he represented countless community members pro bono, addressed incidents of racism and championed and drafted a bill that became law changing the method of jury selection in the state of Michigan and that new law increased the number of minority jurors serving on cases; and,

WHEREAS, Attorney Parker was also one of twelve attorneys who defended Affirmative Action at the University of Michigan, where he secured a judgment from the U.S. Federal Court requiring implementation of proper testing and promotions for minority police officers, on behalf of the NAACP and developed an action plan to address racial profiling for law enforcement agencies in Oakland County, and he further served as the City Attorney for Royal Oak Township for more than a decade; and,

WHEREAS, H. Wallace Parker was a member of the Michigan State Bar Association, Lifetime Member of the NAACP and Omega Psi Phi Fraternity, received numerous awards some include, the U.S. Department of Justice/FBI Lifetime Achievement Award, the Michigan Bar Association's Citizens Lawyer Award, the NAACP Lifetime Achievement Award, NAACP Presidential Award and the National NAACP Foot Soldier's Award and the H. Wallace Parker Preservation of Justice Award was presented annually by the NAACP; now,

THEREFORE, BE IT RESOLVED, that the Pontiac City Council and members of this great community will greatly miss H. Wallace Parker as his life was a portrait of service, a legacy that will long endure the passage of time and will remain as a comforting memory to all those whose lives he touched; and further

RESOLVED, the City Council and the entire Pontiac community conveys our sincerest condolences to the family and friends of H. Wallace Parker.

PONTIAC CITY COUNCIL • Pontiac, Michigan • January 10, 2023

Mike McGuinness, *Council President*

Mikal Goodman, *Councilmember*

Brett Nicholson, *Councilmember*

Melanie Rutherford, *Councilmember*

William A. Carrington, *President Pro Tem*

Kathalee James, *Councilmember*

William Parker, Jr., *Councilmember*

#15

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION ACKNOWLEDGING THE SERVICE OF JUDGE MICHAEL C. MARTINEZ

Whereas, the City of Pontiac, Michigan acknowledges citizens whose exemplary character and whose lives have had a profound impact of elevating and inspiring the community; and,

Whereas, Judge Michael C. Martinez is a native of Pontiac, Michigan; and,

Whereas, Judge Martinez obtained a degree from the University of Michigan and graduated from Wayne State University Law School; and,

Whereas, Judge Martinez early in his legal career, began as an attorney in private practice and also worked as a Staff Attorney for the Legal Aid Society of New York-Criminal Defense Division; and,

Whereas, Judge Martinez furthered his legal career and served as a Deputy City Attorney for the City of Pontiac for seven years; and,

Whereas, Judge Martinez was appointed as judge to the 50th District Court in Pontiac by Governor Jennifer Granholm on March 19, 2004 and was elected in November 2004; and,

Whereas, Judge Martinez dedicated 18 years of service to the Michigan justice system, to the citizens of Michigan and more specifically, to the people of Pontiac; and,

Whereas, Judge Martinez has served as a member of various professional and civic organizations, associations and committees including the State Bar of Michigan, the American Bar Association, the Hispanic Bar Association and the Oakland County Bar Association; and,

Whereas, Judge Martinez remarkably throughout his tenure, remained engaged with the community and met with local residents and seniors to listen to their concerns; now,

THEREFORE, BE IT RESOLVED, that the members of the Pontiac City Council in partnership with Mayor Tim Greimel hereby recognize Judge Michael C. Martinez as an outstanding Judge whose professional, civil, and social contributions of leadership, selflessness and commitment to strengthening the community are monumental; and further

RESOLVED, the City Council, on behalf of the entire Pontiac community, extends our best wishes to Judge Martinez and his family on his next chapter and in future endeavors.

PONTIAC CITY COUNCIL • Pontiac, Michigan • January 10, 2023

Mike McGuinness, Council President

William A. Carrington, President Pro Tem

Mikal Goodman, Councilmember

Kathalee James, Councilmember

Brett Nicholson, Councilmember

William Parker, Jr., Councilmember

Melanie Rutherford, Councilmember

#16

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council

FROM: Rachel Loughrin, Community Development Director

CC: Mayor Tim Greimel
Deputy Mayor Khalfani Stephens

DATE: December 27, 2022

RE: **Resolution to increase the Building Official compensation from current salary up to \$110,000**

The City of Pontiac is currently recruiting for the vacant Building Official position. The Building Official is a managerial role on the Building and Safety team, and is crucial for guiding the City of Pontiac with appropriate leadership and responsibilities. The role of the City's Building Official is to ensure developments in Pontiac follow the State of Michigan Building Code.

In order to facilitate attracting a qualified candidate, it is recommended that the maximum allowable salary of the Building Official be increased from \$93,194 to \$110,000. As such, the following resolution is recommended for your approval.

Resolution of the Pontiac City Council



Resolution to approve the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the Building Inspection Fund account 249-371-702-000 by \$10,000 for the purpose of increasing the Building Official Salary.

Whereas, City Council appropriated funds for the Building Inspection Fund 249 to begin on July 1, 2022;

Now Therefore, Be It Resolved, that the City Council hereby approves the budget amendment for Fiscal year 2022-23 increasing the budget appropriation in the following Building Inspection Fund 249 account: 249-371-702-000 Salaries & Wages by \$10,000

#17

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council

FROM: Khalfani Stephens, Deputy Mayor

CC: Mayor Tim Greimel

DATE: January 6, 2022

RE: **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction for the purpose of completing the ASI Rd. project**

The City of Pontiac began a Rd. construction/ repair project in 2021. This project carried over fiscal years. Normally when this happens, the funds that were allocated in the original year, but not spent are automatically budgeted in the new year. For whatever reason this did not happen. This budget amendment is to rectify that situation.

The City has a new policy to address this issue in the future. When we do our budgets going forward, any project that was begun and is not anticipated to end and have final bills delivered by July 31 of that calendar year, will be budgeted to the new fiscal year.



CITY OF PONTIAC CITY COUNCIL

Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction for the purpose of completing the ASI Rd. project

WHEREAS, the City of Pontiac began a repair project in 2021 to repair local roads including but not limited to Grenada, Gambrelle, Grandville, Oliver, Bynum and Hazel; and

WHEREAS, the project was not completed before the end of the 21-22 FY; and

WHEREAS, it is customary to have funds "rolled over" in this situation to complete the project;

NOW THEREFORE, BE RESOLVED, City Council hereby authorizes the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction by \$715,846.90 for the purpose of completing the ASI Rd. project.



CITY OF PONTIAC CITY COUNCIL

Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction for the purpose of completing the ASI Rd. project

WHEREAS, the began a repair project in 2021 to repair local roads including but not limited to Grenada, Gambrelle, Grandville, Oliver, Bynum an Hazel; and

WHEREAS, the project was not completed before the end of the 21-22 FY; and

WHEREAS, it is customary to have funds "rolled over" in this situation to complete the project;

NOW THEREFORE, BE RESOLVED, City Council hereby approves the budget amendment to allocate \$715,846.90 from 203 local roads fund balance to line item 203-463-974.074 Road Construction.

#18

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council

FROM: Khalfani Stephens, Deputy Mayor

CC: Mayor Tim Greimel

DATE: January 6, 2022

RE: **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000**

The City of Pontiac reorganized the building department and brought services in-house during the current fiscal year. Funds were budgeted to cover Wade Trim cost through approximately October, but the process was not fully completed until December. In order to clear all outstanding invoices with Wade Trim an additional \$108,000 should be allocated from fund balance.

The City is clearing a backlog of items in the planning department. This increased activity has escalated the number of public notices that have been placed so far. Additionally, we expect an increase in new applications based on current trends and on heightened code enforcement activities. For those reasons, we are suggesting an increase of \$35,000 to the line item for public notices.



CITY OF PONTIAC CITY COUNCIL

Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000

WHEREAS, the City of Pontiac began the fiscal year with Wade Trim as a contractor; and

WHEREAS, the City transitioned those services in-house; and

WHEREAS, this transition took longer than was originally budgeted; and

WHEREAS, the City combined planning and building under the department of Community Development; and

WHEREAS, \$108,000 is needed to cover the additional expense; and

WHEREAS, the \$108,000 will come from the building department enterprise fund balance sheet account (fund 249); and

WHEREAS, the planning division is required to publish public notices for a variety of reasons; and

WHEREAS, we have accelerated activity in the planning department such that we anticipate an increase in the number of public notices to be posted between now and the end of the fiscal year; and

WHEREAS, \$35,000 is needed to cover the additional expense; and

WHEREAS, the \$35,000 will come from the general fund balance sheet account (fund 101); and

NOW THEREFORE, BE RESOLVED, City Council hereby authorizes the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000 and to decrease the balance sheet accounts of funds 101 and 249 by the same numbers respectively.



CITY OF PONTIAC CITY COUNCIL

Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000

WHEREAS, the City of Pontiac began the fiscal year with Wade Trim as a contractor; and

WHEREAS, the City transitioned those services in-house; and

WHEREAS, this transition took longer than was originally budgeted; and

WHEREAS, the City combined planning and building under the department of Community Development; and

WHEREAS, \$108,000 is needed to cover the additional expense; and

WHEREAS, the \$108,000 will come from the building department enterprise fund balance sheet account (fund 249); and

WHEREAS, the planning division is required to publish public notices for a variety of reasons; and

WHEREAS, we have accelerated activity in the planning department such that we anticipate an increase in the number of public notices to be posted between now and the end of the fiscal year; and

WHEREAS, \$35,000 is needed to cover the additional expense; and

WHEREAS, the \$35,000 will come from the general fund balance sheet account (fund 101); and

NOW THEREFORE, BE RESOLVED, City Council hereby approves the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000 and to decrease the balance sheet accounts of funds 101 and 249 by the same numbers respectively.

#19

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Department of Public Works

TO: Pontiac City Council

FROM: Al Cooley III, Interim Director of DPW

CC: Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

DATE: January, 10 2023

RE: **2023 North Oakland Household Hazardous Waste Consortium (NoHaz)**

The following resolution is an agreement to continue or participation in the **North Oakland Household Hazardous Waste Consortium (NoHaz)** for the 2023 calendar year. Attached is the agreement, resolution and cost for our City to participate. We have annually participated in the consortium and have not charged our residents to participate in this program.

As you will read the City will incur estimated costs of \$16,541.12 for the year. This is paid for out of Sanitation fund 226-528-818.000 Other Professional Services.

THE NORTH OAKLAND HOUSEHOLD HAZARDOUS WASTE CONSORTIUM

WHEREAS, the northern cities, villages, and townships in Oakland County are committed to protection of the natural environment and preventing toxic materials from entering our waterways and landfill resources; and

WHEREAS, the improper handling and disposal of toxic and poisonous household chemicals also poses a health risk to our citizens; and

WHEREAS, recognizing there is a need to provide regular and easily accessible household hazardous waste collection services to North Oakland County residents; and

WHEREAS, collection events for household hazardous waste have become widely accepted as the best way to provide citizens with a safe method of disposal of these toxic and poisonous household chemicals, and for the communities to realize the economies of scale, and

WHEREAS, Oakland County, through its Planning and Local Business Development Division, has joined these northern Oakland County communities in creating the North Oakland Household Hazardous Waste Consortium (NoHaz), and

WHEREAS, the NoHaz Consortium has developed a household hazardous waste collection program, and

WHEREAS, a NoHaz Interlocal Agreement has been drafted to address necessary legal, liability, and responsibility issues for both the County and the participating communities, and identifies Oakland County's role in administering and managing the NoHaz program, and,

WHEREAS, the NoHaz Interlocal agreement establishes a NoHaz advisory board to assist and advise Oakland County in the development of the NoHaz program.

Now Therefore be it Resolved: That our community, City of Pontiac, hereby approves the attached NoHaz Interlocal Agreement and authorizes its signature, and

Be it Further Resolved: That we will not charge residents to participate in NoHaz events in 2023, and

Be it Further Resolved: That we hereby appoint Allen H Cooley III, as our official representative to the NoHaz Advisory Board, to work with the Oakland County Planning and Local Business Development Division as needed to plan the NoHaz program for 2023.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Pontiac City Council, at a regular meeting held on 01/10/2023.

**NORTH OAKLAND COUNTY HOUSEHOLD HAZARDOUS WASTE
INTERLOCAL AGREEMENT
BETWEEN
OAKLAND COUNTY
AND
CITY OF PONTIAC**

This Interlocal Agreement ("the AGREEMENT") is made between Oakland County, a Constitutional and Municipal Corporation, 1200 North Telegraph, Pontiac, Michigan 48341 ("COUNTY"), and City of Pontiac, 47450 Woodward Avenue, Pontiac, MI 48342 ("MUNICIPALITY"). In this AGREEMENT the COUNTY and the MUNICIPALITY may also be referred to individually as "Party" or jointly as "Parties."

1. INTRODUCTORY STATEMENTS

- 1.1 The northern cities, villages and townships of Oakland COUNTY are committed to protection of the natural environment and preventing toxic materials from entering their waterways and landfill resources.
- 1.2 In order to accomplish this goal, there is a need to provide regular and easily accessible household hazardous waste collection services to north Oakland COUNTY residents.
- 1.3 These northern cities, villages and townships have sought the COUNTY'S assistance in coordinating a household hazardous waste collection program.
- 1.4 The COUNTY has agreed to assist these communities by coordinating and facilitating this AGREEMENT in order to form a comprehensive household hazardous waste management program.
- 1.5 This interlocal AGREEMENT will allow participating communities to obtain economic benefits of scale, without placing an undue burden on any one community, in the provision of a coordinated program of household hazardous waste collection and disposal. Residents of these communities will enjoy access to a coordinated, convenient, ongoing collection program supported by an aggressive educational program regarding the hazards of household hazardous wastes and their proper re-use and disposal.

2. PURPOSE OF AGREEMENT Pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501 *et seq.*, the COUNTY and the MUNICIPALITY enter into this AGREEMENT for the purpose of developing a comprehensive household hazardous waste management program ("Program") that will meet the following goals and objectives.

3. **GOALS OF THE PROGRAM:**

- 3.1 To provide regular, reliable and easily accessible household hazardous waste collection services to the residents of northern Oakland COUNTY. The Program will help prevent toxic materials from entering Oakland COUNTY'S waterways, water tables, and landfill resources and help to remove them from potentially hazardous situations in area households.
- 3.2 To establish, coordinate, and promote an educational program to inform residents about re-use, return, and reduction of potentially hazardous materials, bolster community spirit, and educate residents about environmentally sensitive behavior in general.

4. **OBJECTIVES OF THE PROGRAM:**

- 4.1 Increase public awareness of return, disposal, and source reduction options.
- 4.2 Initiate a reliable, regular, and convenient collection program for household hazardous waste collection;
- 4.3 Promote knowledge of program requirements;
- 4.4 Help divert significant quantities of household hazardous materials from landfills;
- 4.5 Help return significant quantities of potentially household hazardous materials to point of purchase or recycling outlets for proper disposition; and
- 4.6 Collect data about the amount and type of household hazardous materials in north Oakland COUNTY and their ultimate disposition.

NOW THEREFORE, in consideration of the mutual promises, obligations, representations, and assurances in this AGREEMENT, the Parties agree to the following:

5. **DEFINITIONS** The following words and expressions used throughout this AGREEMENT, whether used in the singular or plural, within or without quotation marks, or possessive or non-possessive, shall be defined, read, and interpreted as follows:

- 5.1 **"ACCEPTABLE HAZARDOUS WASTE"** shall be defined as any and all forms of HAZARDOUS WASTE that the HAZARDOUS WASTE VENDOR specifically agrees to collect and properly dispose of and/or recycle at any and all collection events throughout this program.
- 5.2 **"ADMINISTRATIVE COSTS"** shall be defined as and may include any and all Program costs and expenses that are incurred and/or paid by the COUNTY in the administration of this program. Administrative Costs and HAZARDOUS WASTE COLLECTION COSTS are mutually exclusive cost categories.
- 5.3 **"AGENT" OR "AGENTS"** of the COUNTY or the MUNICIPALITY, shall be defined to include any and all of that Party's officers, elected

officials, appointed officials, directors, board members, council members, authorities, boards, committees, commissions, employees, managers, departments, divisions, volunteers, AGENTS, representatives, and/or any such persons' successors or predecessors, employees, attorneys, or auditors (whether such persons act or acted in their personal, representative, or official capacities), and/or any and all persons acting by, through, under, or in concert with any of them. AGENT shall also include any person who was an AGENT at any time during this AGREEMENT but for any reason is no longer employed, appointed, or elected in that capacity. AGENT, as defined for any purpose in this AGREEMENT, shall NOT include the HAZARDOUS WASTE VENDOR.

- 5.4 **"AGREEMENT"** means the terms and conditions of this AGREEMENT, Exhibits A and B referenced below and any other mutually agreed to and properly executed modification, amendment, addendum, or change order.

5.4.1. **Exhibit A** (ADMINISTRATIVE and HAZARDOUS WASTE COLLECTION COSTS)

5.4.2. **Exhibit B** (Population statistics and estimates of percentage of total participation in program contributed by MUNICIPALITY used to calculate ADMINISTRATIVE COSTS of this program for participating MUNICIPALITIES).

- 5.5 **"CLAIM(S)"** means any alleged losses, claims, complaints, demands for relief or damages, suits, causes of action, proceedings, judgments, deficiencies, liability, penalties, litigation, costs, and/or expenses of any kind which are imposed upon, incurred by, or asserted against a Party.

- 5.6 **"COLLECTION SCHEDULE"** means the dates scheduled for hazardous waste collection services throughout North Oakland County. Oakland County will schedule dates and times for hazardous waste collection services for the 2023 year program in cooperation with the NoHaz Board.

- 5.7 **"COLLECTION SITE PROTOCOL"** shall be a clearly defined set of operating procedures for every scheduled hazardous waste collection event. This protocol shall clearly define the duties and responsibilities of the HAZARDOUS WASTE VENDOR, COUNTY, and MUNICIPALITY at each collection event. The protocol shall clearly provide that the HAZARDOUS WASTE VENDOR is solely responsible for the collection, sorting, transport and proper disposition of all ACCEPTABLE HAZARDOUS WASTE collected at an event. The COUNTY has developed this protocol in consultation with the NoHaz VENDOR and NoHaz BOARD, and will update as needed or requested by the parties

- 5.8 **"COUNTY"** means Oakland County, a Municipal and Constitutional Corporation including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities,

committees, employees, AGENTS, subcontractors, volunteers, and/or any such persons' successors.

- 5.9 **"HAZARDOUS WASTE VENDOR"** shall be defined as the vendor selected by the COUNTY to perform hazardous waste collection services on behalf of participating municipalities. The HAZARDOUS WASTE VENDOR will conduct and oversee household hazardous waste collection events throughout northern Oakland County. The vendor will be responsible for all core operations at each event including receiving and handling of household hazardous wastes, waste characterization, manifestation and ultimate disposition of materials collected. The vendor will assume all liability for ACCEPTABLE HAZARDOUS WASTE once collected.
- 5.10 **"HAZARDOUS WASTE COLLECTION COSTS"** shall be defined as any and all actual amounts paid to the HAZARDOUS WASTE VENDOR by the COUNTY on behalf of participating MUNICIPALITIES for the collection and disposal of ACCEPTABLE HAZARDOUS WASTE.
- 5.11 **"MUNICIPALITY"** as defined above also includes, without limitation, its Council, any and all of its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, AGENTS, subcontractors, volunteers, and/or any such persons' successors.
- 5.12 **"NORTH OAKLAND HOUSEHOLD HAZARDOUS WASTE ADVISORY BOARD" ("NoHaz BOARD")** means an advisory board made up of one appointed representative from each participating MUNICIPALITY. This board shall provide counsel and recommendations to the COUNTY regarding the operation and administration of this Program.
- 5.13 **"PARTICIPATING MUNICIPALITY"** means a city, village or township that has agreed to participate in the North Oakland Household Hazardous Waste Program. Municipal participation shall be evidenced by a duly executed Interlocal Agreement between Oakland County and a city, village or township.
- 5.14 **"PROGRAM HOST"** means any entity, public or private, which has agreed to allow the COUNTY, the PARTICIPATING MUNICIPALITIES, and the HAZARDOUS WASTE VENDOR to conduct a hazardous waste collection event on its premises.
6. **COUNTY RESPONSIBILITIES** Subject to the terms and conditions contained in this AGREEMENT, and applicable changes in law, the COUNTY shall carry out the following:
- 6.1 The COUNTY shall be responsible for development and operation of the Program and shall enter into contracts for the benefit of the Program. Such contracts include, but are not limited to, a contract with the HAZARDOUS WASTE VENDOR.

- 6.2 The COUNTY, together with the NoHaz BOARD, will monitor the services and activities of the HAZARDOUS WASTE VENDOR in order to insure that all terms and conditions of the HAZARDOUS WASTE VENDOR contract are satisfied. The COUNTY will take whatever steps are reasonably necessary, in its sole discretion, to modify or correct a deficiency in the HAZARDOUS WASTE VENDOR service and/or to enforce or terminate the agreement in the event of default by the HAZARDOUS WASTE VENDOR.
- 6.3 The COUNTY shall be responsible for selecting dates and locations for hazardous waste collection services with the recommendation of the NoHaz BOARD.
- 6.4 The COUNTY, in consultation with the HAZARDOUS WASTE VENDOR and NoHaz BOARD, shall develop a COLLECTION SITE PROTOCOL for hazardous waste collection events within the MUNICIPALITY.
- 6.5 The COUNTY, in consultation with the NoHaz BOARD, shall formulate a survey to be filled out by MUNICIPAL residents participating in a scheduled collection event. This survey will require residents to provide their name and address (including street, city or township and zip code). Information gathered within this survey shall only be used for reasons directly related to the administration of the NoHaz program including, but not limited to, the calculation of HAZARDOUS WASTE COLLECTION COSTS for PARTICIPATING MUNICIPALITIES. Each NoHaz BOARD member shall have the right at any time to review the addresses of participants to verify all are located within the MUNICIPALITY. All personal identifying information collected from MUNICIPAL residents shall be regarded as confidential and will not be released by the COUNTY, the MUNICIPALITY or a NoHaz BOARD member except as required by law or court order.
- 6.6 The COUNTY shall provide educational support for the Program.

7. MUNICIPALITY'S RESPONSIBILITIES

- 7.1 Upon approval of this agreement, the MUNICIPALITY shall appoint a MUNICIPAL AGENT to the NoHaz BOARD to represent its interests. This Board member shall be available to assist the COUNTY, as necessary, in the administration of the program within the MUNICIPALITY.
- 7.2 Each MUNICIPALITY will provide MUNICIPAL AGENT(S) to work at each collection event as the Parties agree that many workers are needed to make each collection event run smoothly. The MUNICIPAL AGENT(S) provided shall assist the COUNTY and HAZARDOUS WASTE VENDOR in the set-up and operation of hazardous waste collection events. Such assistance may include, but is not limited to, traffic control, greeting residents, administering surveys, and accepting donations on behalf of the Program. Under no circumstances will a MUNICIPAL AGENT accept, handle, dispose of, or otherwise come into contact with household

hazardous waste. The MUNICIPALITY will provide the following numbers of MUNICIPAL AGENTS for each scheduled collection event based upon the most recent census figures available:

7.2.1 A MUNICIPALITY with a population of 30,000 or less will provide one MUNICIPAL AGENT at each scheduled collection event. A MUNICIPALITY with a population of 30,001 or more is required to provide two MUNICIPAL AGENTS at each scheduled collection event.

7.3 In the event that a MUNICIPALITY fails to supply the required MUNICIPAL AGENTS to work at any given collection event, the MUNICIPALITY will be assessed the following fees based upon the most recent available census figures.

7.3.1 A MUNICIPALITY that had 125 participants or less at the 2022 NoHaz events will be assessed \$50.00 per collection event in 2023

7.3.2 A MUNICIPALITY that had more than 126 but less than 401 total participants at the 2022 NoHaz events will be assessed \$125.00 per collection event in 2023.

7.3.3 A MUNICIPALITY that had 401 or more total participants at the 2022 NoHaz events will be assessed \$250.00 per collection event in 2023.

7.3.4 In the event a PARTICIPATING MUNICIPALITY that is new to the Program in 2023 fails to provide the required MUNICIPAL AGENT(S) at a scheduled collection event, the MUNICIPALITY will be assessed a fee of \$50.00 per event if it has a population of less than 10,000, \$125.00 per event if it has a population between 10,001 and 50,000, and \$250.00 per event if it has a population of 50,001 or more.

8. **MUNICIPAL AGENTS SHALL NOT BE DEEMED COUNTY EMPLOYEES** The Parties agree that no MUNICIPALITY AGENT shall be considered a COUNTY employee or COUNTY AGENT for any purpose under this AGREEMENT. The MUNICIPALITY agrees that it shall be solely and completely liable for any and all MUNICIPALITY AGENTS' past, present, or future wages, compensation, overtime wages, expenses, fringe benefits, pension or retirement benefits, travel expenses, mileage allowances, training expenses, transportation costs, and/ or other allowances of reimbursements of any kind, including, but not limited to, workers' disability compensation benefits, unemployment compensation, Social Security Act protections and benefits, any employment taxes and/or any other statutory or contractual right or benefit based on or in any way related to any MUNICIPALITY AGENT'S employment status. The MUNICIPALITY shall be solely and completely responsible for any and all liability for CLAIM(S) which are based upon, result from, arise from, or are in any way related to, any MUNICIPALITY AGENT'S wages, compensation,

benefits or other employment-related or based rights, including, but not limited to, those described in this Paragraph.

9. **NEITHER THE COUNTY OR MUNICIPALITY SHALL HANDLE OR DISPOSE OF HAZARDOUS WASTE** Neither the MUNICIPALITY nor the COUNTY is responsible for handling or disposing of household hazardous waste. This function will be performed solely by the HAZARDOUS WASTE VENDOR.
10. **MUNICIPALITY MAY LIMIT PARTICIPATION OF RESIDENTS** If a MUNICIPALITY decides to limit the number of residents it will allow to participate at one or more collection events, the MUNICIPALITY will identify a method to limit such participation (which may include, for example, a voucher, pre-registration or other reasonable process). The MUNICIPALITY must communicate the process it intends to use to limit resident participation to the COUNTY in advance of a collection event to ensure smooth enforcement of this process and to allow the COUNTY ample time to communicate the process to potential resident participants in applicable advertising regarding upcoming events.
11. **PARTICIPATION FEES** A MUNICIPALITY may charge participating residents a fee to participate in NoHaz events. This fee will be collected by the COUNTY at the NoHaz events unless other arrangements have been made with the COUNTY in advance. Each MUNICIPALITY will indicate via resolution whether or not a fee is to be charged, and if so, the amount.
12. **FINANCIAL RESPONSIBILITIES**
 - 12.1 The COUNTY, subject to the terms of this AGREEMENT, will advance such funds as are necessary to pay the HAZARDOUS WASTE COLLECTION COSTS and ADMINISTRATIVE COSTS of the PROGRAM. The MUNICIPALITY shall repay the COUNTY in the following manner.
 - 12.2 The MUNICIPALITY shall repay the COUNTY a percentage of the total ADMINISTRATIVE COST of the PROGRAM. The MUNICIPALITY'S share of administrative costs under the program shall be the sum total of two different calculations. The first calculation, based upon MUNICIPAL population figures, represents half of the MUNICIPALITIES share of ADMINISTRATIVE COSTS under the program. This figure shall be based upon total MUNICIPAL population compared to the overall population of participating MUNICIPALITIES program-wide. For purposes of illustration without limitation, if the MUNICIPALITY consists of 1,000 residents and there are a total of 10,000 MUNICIPAL residents served program-wide, then the MUNICIPALITY would pay 10 (ten) percent of this half of the PROGRAM'S total ADMINISTRATIVE COST. The second half of the MUNICIPALITY'S total ADMINISTRATIVE COST shall be the percentage of total MUNICIPAL participation compared to the overall participation of residents program-wide. For purposes of illustration without limitation, if 1,000 MUNICIPAL residents participate in the program and there are a total of 10,000 MUNICIPAL residents

participating program-wide, then the MUNICIPALITY would pay 10 (ten) percent of this half of the ADMINISTRATIVE COST.

12.2.1

12.2.1 The MUNICIPALITY shall also repay the COUNTY a portion of the HAZARDOUS WASTE COLLECTION COSTS. The HAZARDOUS WASTE COLLECTION COSTS will be all costs paid by the COUNTY to the HAZARDOUS WASTE VENDOR for collecting and disposing of a MUNICIPAL resident's hazardous waste material, less any fees collected at the NoHaz events for this purpose. The MUNICIPALITY may cap its HAZARDOUS WASTE COLLECTION COSTS by limiting the number of MUNICIPAL residents that may participate in collection events. The MUNICIPALITY shall advise the COUNTY of any such limitation upon MUNICIPAL resident participation.

12.22The COUNTY shall submit an invoice to the MUNICIPALITY itemizing all amounts due under this AGREEMENT for its share of ADMINISTRATIVE and HAZARDOUS WASTE COLLECTION COSTS. The MUNICIPALITY shall pay the invoice submitted to the COUNTY within thirty (30) days after receipt of the invoice.

12.2.3 Except as expressly provided in this AGREEMENT, the COUNTY is not responsible for any cost, fee, fine or penalty incurred by the MUNICIPALITY in connection with this AGREEMENT.

12.3 In the event any monetary sponsorships from businesses or other entities are received for the program, the proceeds shall be split between the member MUNICIPALITIES using the same formula as is used to determine the portion of the administrative fee that each MUNICIPALITY is responsible for. This amount shall be deducted from the invoice that the COUNTY submits to the MUNICIPALITY.

13. MUNICIPALITY'S FAILURE TO PAY

13.1 If the MUNICIPALITY, for any reason, fails to pay the COUNTY any monies when and as due under this AGREEMENT, the MUNICIPALITY agrees that unless expressly prohibited by law, the COUNTY or the County Treasurer, at their sole option, shall be entitled to setoff from any other MUNICIPALITY funds that are in the County's possession for any reason. Funds include but are not limited to the Delinquent Tax Revolving Fund ("DTRF"). Any setoff or retention of funds by the COUNTY shall be deemed a voluntary assignment of the amount by the MUNICIPALITY to the COUNTY. MUNICIPALITY waives any CLAIMS against the COUNTY or its Officials for any acts related

specifically to the COUNTY'S offsetting or retaining such amounts. This paragraph shall not limit MUNICIPALITY'S legal right to dispute whether the underlying amount retained by the COUNTY was actually due and owing under this AGREEMENT.

- 13.2 If the COUNTY chooses not to exercise its right to setoff or if any setoff is insufficient to fully pay the COUNTY any amounts due and owing the COUNTY under this AGREEMENT, the COUNTY shall have the right to charge up to the then-maximum legal interest on any unpaid amount. Interest charges shall be in addition to any other amounts due to the COUNTY under this AGREEMENT. Interest charges shall be calculated using the daily unpaid balance method and accumulate until all outstanding amounts and accumulated interest are fully paid.
- 13.3 Nothing in this Section shall operate to limit the COUNTY'S right to pursue or exercise any other legal rights or remedies under this AGREEMENT against MUNICIPALITY to secure reimbursement or amounts due the COUNTY under this AGREEMENT. The remedies in this Section shall be available to the COUNTY on an ongoing and successive basis if the MUNICIPALITY at any time becomes delinquent in its payment. Notwithstanding any other term and condition in this AGREEMENT, if the COUNTY pursues any legal action in any court to secure its payment under this AGREEMENT, the MUNICIPALITY agrees to pay all costs and expenses, including attorney's fees and court costs, incurred by the COUNTY in the collection of any amount owed by MUNICIPALITY.

14. EACH PARTY RESPONSIBLE FOR ITS OWN ACTIONS UNDER AGREEMENT

- 14.1 Each Party shall be responsible for any CLAIMS made against that Party and for the acts of its Employees or AGENTS.
- 14.2 In any CLAIMS that may arise from the performance of this AGREEMENT, each Party shall seek its own legal representation and bear the costs associated with such representation including any attorney fees.
- 14.3 Except as otherwise provided in this AGREEMENT, neither Party shall have any right under any legal principle to be indemnified by the other Party or any of its employees or AGENTS in connection with any CLAIM.
- 14.4 This AGREEMENT does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty or immunity of the Parties. Nothing in this AGREEMENT shall be construed as a waiver of governmental immunity for either PARTY.

15. HAZARDOUS WASTE VENDOR INDEMNIFICATION OF THE MUNICIPALITY

- 15.1 The COUNTY shall require the following indemnification for participating MUNICIPALITIES within the HAZARDOUS WASTE VENDOR CONTRACT:
- 15.1.1 The Contractor will protect, defend and indemnify the COUNTY, PROGRAM HOSTS, and all PARTICIPATING MUNICIPALITIES, together with their controllers, trustees, officers, agents, servants, volunteers, and employees from any and all liabilities, claims, liens, demands, and costs, of whatever kind and nature which may result in injury or death to any persons, and for loss or damage to any property, including property owned or in the care, custody or control of the COUNTY, PROGRAM HOSTS or PARTICIPATING MUNICIPALITIES in connection with or in any way incident to or arising out of the occupancy, use, service operations, performance, or non-performance of work in connection with this contract resulting in whole or in part from negligent acts or omissions of the Contractor, or any sub-contractor, or any employee, agent or representative of the Contractor or subcontractor.
- 15.1.2 The indemnification rights contained in this Contract are in excess and over and above any valid and collectible insurance rights/policies.
- 15.1.3 Contractor waives and releases all actions, liabilities, loss and damage including any subrogated rights it may have against the COUNTY, PROGRAM HOSTS, or PARTICIPATING MUNICIPALITIES based upon any CLAIM brought against the COUNTY, PROGRAM HOST, OR PARTICIPATING MUNICIPALITIES by a Contractor Employee.
16. **LENGTH OF AGREEMENT** This AGREEMENT shall become effective at 12:01 A.M., January 1, 2023 and shall remain in effect continuously until it expires, without any further act or notice being required by either party, at 11:59 P.M. on December 31, 2023.
17. **TERMINATION OR CANCELLATION OF AGREEMENT** Once the agreement commences (as described in section 16 above), the parties may only terminate this AGREEMENT as provided below:
- 17.1 Either Party may terminate or cancel this AGREEMENT for any reason upon thirty (30) days' notice. The effective date for termination or cancellation shall be clearly stated in the notice. If the MUNICIPALITY terminates this AGREEMENT after commencement of the program, it shall nevertheless remain liable for its share of the ADMINISTRATIVE COSTS and HAZARDOUS WASTE COLLECTION COSTS for the entire term of this Agreement.
- 17.2 The COUNTY may cancel this AGREEMENT at any time should the MUNICIPALITY "default" on any obligation under this AGREEMENT. "Default" is defined as the failure of the MUNICIPALITY and/or any MUNICIPALITY AGENT to fulfill any MUNICIPALITY obligations under this AGREEMENT. If time permits, but not otherwise, the COUNTY shall notify the MUNICIPALITY in writing of any default and

provide the MUNICIPALITY with an opportunity to correct the situation. If after a reasonable period to cure the default, the MUNICIPALITY has not corrected the circumstances giving rise to the notice, the COUNTY may cancel this AGREEMENT and terminate the MUNICIPALITY'S further participation in this program.

18. **SUSPENSION OF SERVICES** Upon notice to the MUNICIPALITY and the NoHaz ADVISORY BOARD the COUNTY may immediately suspend this AGREEMENT if the MUNICIPALITY has failed to reasonably comply, within the COUNTY'S sole discretion, with federal, state, or local law, or any requirements contained in this AGREEMENT. The right to suspend services is in addition to the right to terminate or cancel this AGREEMENT contained in Section 17. The COUNTY shall not incur penalty, expense, or liability if services are suspended under this Section.
19. **LIMITATION OF LIABILITY** The Parties agree that the COUNTY used its best efforts and judgment when selecting a HAZARDOUS WASTE VENDOR for this program. The MUNICIPALITY agrees to waive any CLAIM(S) or liability against the COUNTY for any material defects, errors, mistakes, negligence, or omissions in the bid specifications, the bid procedure, the bid award process, the HAZARDOUS WASTE VENDOR contract negotiation process, the preparation or execution of the HAZARDOUS WASTE VENDOR contract, or any other errors or mistakes of fact by the COUNTY in the selection of the HAZARDOUS WASTE VENDOR. The MUNICIPALITY agrees that at all times and for all purposes under this AGREEMENT, the HAZARDOUS WASTE VENDOR relationship to the COUNTY shall be that of an Independent Contractor and not a COUNTY AGENT as defined herein. The MUNICIPALITY hereby agrees to waive any CLAIM(S) or liability against the COUNTY based in any manner upon any act or omission of the HAZARDOUS WASTE VENDOR.
20. **NO THIRD PARTY BENEFICIARIES** Except as provided for the benefit of the Parties, this AGREEMENT does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right, in favor of any other person or entity.
21. **COMPLIANCE WITH LAWS** Each Party shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this AGREEMENT, including, but not limited to, the policies, procedures, rules and regulations attached as Exhibits to this AGREEMENT, and properly promulgated amendments to those Exhibits.
22. **DISCRIMINATION** The Parties shall not discriminate against their employees, AGENTS, applicants for employment, or another persons or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.
23. **PERMITS AND LICENSES** Each Party shall be responsible for obtaining and maintaining, throughout the term of this AGREEMENT, all licenses, permits,

certificates, and governmental authorizations necessary to perform all its obligations under this AGREEMENT. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requesting Party.

24. **RESERVATION OF RIGHTS** This AGREEMENT does not, and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
25. **FORCE MAJEURE** Each Party shall be excused from any obligations under this AGREEMENT during the time and to the extent that a Party is prevented from performing due to causes beyond such Party's control, including, but not limited to, an act of God, war, acts of government (other than the Parties'), fire, strike, labor disputes, civil disturbances, reduction of power source, or any other circumstances beyond the reasonable control of the affected Party. Reasonable notice shall be given to the affected Party of any such event.
26. **IN-KIND SERVICES**. This AGREEMENT does not authorize any in-kind services, unless previously agreed to by the Parties and specifically listed herein.
27. **DELEGATION/SUBCONTRACT/ASSIGNMENT** A Party shall not delegate, subcontract, and/or assign any obligations or rights under this AGREEMENT without the prior written consent of the other Party. A delegation, subcontract and/or assignment made without the prior written consent of the other Party is void.
28. **NO IMPLIED WAIVER** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this AGREEMENT shall constitute a waiver of those rights with regard to any existing or subsequent breach of this AGREEMENT. No waiver of any term, condition, or provision of this AGREEMENT, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this AGREEMENT. No waiver by either Party shall subsequently affect its right to require strict performance of this AGREEMENT.
29. **SEVERABILITY** If a court of competent jurisdiction finds a term, or condition, of this AGREEMENT to be illegal or invalid, then the term, or condition, shall be deemed severed from this AGREEMENT. All other terms, conditions, and provisions of this AGREEMENT shall remain in full force.
30. **CAPTIONS** The section and subsection numbers, captions, and any index to such sections and subsections contained in this AGREEMENT are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this AGREEMENT. Any use of the singular or plural number, any reference to the male, female, or neuter genders, and any possessive or non-possessive use in this AGREEMENT shall be deemed the appropriate plurality, gender or possession as the context requires.

31. **NOTICES** Notices given under this AGREEMENT shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.
- 31.1 If Notice is sent to the COUNTY, it shall be addressed and sent to: Oakland County Economic Development, 2100 Pontiac Lake Road, Bldg. 41W, Waterford, MI 48328-0409 and Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph, Pontiac, Michigan 48341.
- 31.2 If Notice is sent to the MUNICIPALITY, it shall be addressed to:
-
- 31.3 Either Party may change the address and/or individual to which Notice is sent by notifying the other Party in writing of the change.
32. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE** This AGREEMENT shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any CLAIM arising under or related to this AGREEMENT shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
33. **AGREEMENT APPROVAL AND AMENDMENT**
- 33.1 This AGREEMENT shall not become effective prior to the approval by concurrent resolutions of the County Board of Commissioners and the governing Legislative Body of the MUNICIPALITY. The approval and terms of this AGREEMENT shall be entered in the official minutes and proceedings of the County Board of Commissioners and governing Legislative Body of the MUNICIPALITY and shall also be filed with the office of the Clerk for the County and the MUNICIPALITY. In addition, this AGREEMENT, and any subsequent amendments, shall be filed with the Secretary of State for the State of Michigan by the COUNTY and shall not become effective or implemented prior to its filing with the Secretary of State.
- 33.2 Except as expressly provided herein, this AGREEMENT may be amended only by concurrent written resolutions of the County Board of Commissioners and the governing Legislative Body of the MUNICIPALITY. This AGREEMENT shall not be changed, supplemented, or amended except as provided for herein, and no other act,

verbal representation, document, usage, or custom shall be deemed to amend or modify this AGREEMENT.

34. **ENTIRE AGREEMENT** This AGREEMENT constitutes the complete and entire AGREEMENT between the COUNTY and MUNICIPALITY and fully supersedes any and all prior AGREEMENTS or contemporaneous representations or understandings, verbal or oral, between them concerning and in any way related to the subject matter of this AGREEMENT. It is further agreed that the terms and conditions herein are contractual and are not a mere recital and that there are no other AGREEMENTS, understandings, contracts, or representations between the MUNICIPALITY and the COUNTY in any way related to the subject matter hereof, except as expressly stated herein.
35. **CONCLUSION:** For and in consideration of the mutual promises, acknowledgements and representations set forth in this AGREEMENT, and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the COUNTY and MUNICIPALITY hereby agree to be bound by the above terms and provisions.

IN WITNESS WHEREOF, _____ hereby acknowledges that he has been authorized by a resolution of the _____, a certified copy of which is attached, to execute this AGREEMENT on behalf of the MUNICIPALITY and hereby accepts and binds the MUNICIPALITY to the terms and conditions of this AGREEMENT.

EXECUTED: _____

DATE: _____

WITNESSED: _____

DATE: _____

IN WITNESS WHEREOF, the Chairperson of the Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this AGREEMENT on behalf of the County of OAKLAND and hereby accepts and binds the COUNTY to the terms and conditions of this AGREEMENT.

EXECUTED: _____

DATE: _____

Chairperson
Oakland County Board of Commissioners

WITNESSED: _____

DATE: _____

EXHIBIT A

2023 Projected NoHaz Budget

2023 NoHaz Program Cost Details		
Collection Costs		\$2,500.00
Administration		\$500.00
Education and Outreach		\$12,000.00
TOTAL		\$15,000.00
2023 NoHaz Hazardous Waste Disposal and Recycling Costs		
Per Vehicle Fee (including computer & electronic waste and latex paint)		\$100.25*
<p><i>This Estimate is based on holding four collection events. If more communities join the program than are expected, or communities drop from the program, the number of collections may be adjusted accordingly. Additional collection events will increase the administrative fee by approximately \$2,500 each. Any additional collections will be agreed upon by the County and the NoHaz Advisory Board.</i></p> <p><i>*If the vendor deems a vehicle to have an excessive amount of waste, additional charges may apply.</i></p> <p><i>Vendor imposes a 600 car minimum per collection event. In the event a collection has fewer than 600 participants, the cost difference will be split between all member communities using the formula that is used to determine the administrative fee.</i></p>		

EXHIBIT B -2023 Estimated Costs

Municipality	Population (2020 census)	% of population	admin fee based on population	Cars	% of participation	admin fee based on # of cars	HHW disposal fee	Revenue from \$10 or \$15 charge	total amount for program
			\$7,500.00			\$7,500.00	\$100.25		
Addison*	6,256	2.11%	\$158.06	129	2.90%	\$217.56	\$12,932.25	\$1,290.00	\$12,017.87
Clarkston**	928	0.31%	\$23.45	40	0.90%	\$67.46	\$4,010.00	\$600.00	\$3,500.91
Groveland*	5,912	1.99%	\$149.36	74	1.66%	\$124.80	\$7,418.50	\$740.00	\$6,952.67
Independence**	36,686	12.36%	\$926.86	577	12.98%	\$973.13	\$57,844.25	\$8,655.00	\$51,089.24
Lake Angelus	287	0.10%	\$7.25	30	0.67%	\$50.60	\$3,007.50	\$0.00	\$3,065.35
Oakland**	20,067	6.76%	\$506.98	310	6.97%	\$522.82	\$31,077.50	\$4,650.00	\$27,457.31
Orion**	38,206	12.87%	\$965.26	1,377	30.96%	\$2,322.35	\$138,044.25	\$20,655.00	\$120,676.86
Oxford	22,419	7.55%	\$566.41	689	15.49%	\$1,162.02	\$69,072.25	\$0.00	\$70,800.68
Pontiac	61,606	20.75%	\$1,556.45	147	3.31%	\$247.92	\$14,736.75	\$0.00	\$16,541.12
Rochester	13,035	4.39%	\$329.32	247	5.55%	\$416.57	\$24,761.75	\$0.00	\$25,507.65
Rose	6,188	2.08%	\$156.34	63	1.42%	\$106.25	\$6,315.75	\$0.00	\$6,578.34
Springfield**	14,703	4.95%	\$371.47	192	4.32%	\$323.81	\$19,248.00	\$2,880.00	\$17,063.28
Waterford**	70,565	23.77%	\$1,782.80	572	12.86%	\$964.70	\$57,343.00	\$8,580.00	\$51,510.49
	296,858	100.00%	\$7,500.00	4,447	100.00%	\$7,500.00	\$445,811.75	\$48,050.00	\$412,761.75

* = Community charges participants \$10 each to participate in NO HAZ events,

** = Community charges participants \$15 each to participate in NO HAZ events

(1.) **This is only an estimate.** Communities will be billed on actual use and participation based on which communities are under contract for 2023.

Participating communities listed above are preliminary and will be finalized in early 2023.

(2.) The cost per vehicle including collection of latex paint and electronic waste is \$100.25.

(3.) The total administration fee is \$15,000.00, which includes 4 collection events.

(4.) The number of participants is estimated using the 2022 number of participants and adding 3% for member communities in 2022.

(5.) One or two people from each community are required to work at each of the collection events. These costs are not factored into this estimate.

Failure to provide a volunteer will result in charges as outlined in the Interlocal agreement. These costs are not factored into this estimate.

A representative from each community is also needed to attend meetings 1-3 times per year. These costs are not factored into this estimate.

(6.) If additional communities join the program, additional collections may be necessary. This would be decided upon by the County and

NO HAZ Advisory Board, and would result in additional administration costs of approximately \$2,500 per collection.

(7.) Vendor imposes a 600 car minimum per collection event. In the event a collection has fewer than 600 participants, the difference will be split between all member communities using the formula used to determine the administrative fee.

(8). This estimate does not take into account any sponsorships that may be received for the program.

#20

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Department of Public Works

TO: Pontiac City Council

FROM: Al Cooley III, Interim Director of DPW

CC: Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

DATE: January, 10 2023

RE: **MDOT – Public Act 51 requirement to appoint a Street Administrator**

Public Act 51, as amended requires each incorporated City, or Village to designate an individual who shall be responsible for representing the governing body in transaction with the State Transportation Department pursuant to the Act.

It is the duty of the municipality's Street Administrator to prepare reports, communicate with MDOT and represent the municipality in any and all issues related to the provisions set forth in the Public Act 51.

Since the previous Street Administrator has departed the City employment it is necessary to designate a new Administrator.

Allen H Cooley III, is the Interim Director of Public Works and he has the experience to perform the duties required by the State of Michigan.

Based upon the above it is the recommendation of the Department of Public Works that the Following resolution be passed by Pontic City Council.

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act.";

NOW, THEREFORE
IT IS RESOLVED:

This Honorable Body designates Mr. Allen H Cooley III as the single Street Administrator for the City of Pontiac in all transactions with the State Transportation Department as provided in section 13 of the Act. Pontiac City Council authorizes the Mayor or Deputy Mayor to sign the MDOT Funding Agreement for the Walton Boulevard Safety Project.

RESOLUTION FOR DESIGNATION OF STREET ADMINISTRATOR

*This information is required by Act 51, P.A. 1951 as amended. Failure
to supply this information will result in funds being withheld.*

MAIL TO: Michigan Department of Transportation, Financial Operations
Division, P.O. Box 30050, Lansing, MI 48909.
or Fax to: (517) 335-1828

NOTE: Indicate, if possible, where Street Administrator can usually be reached during normal
working hours, if different than City or Village Office. List any other office held by the Administrator.

Councilperson or Commissioner _____
offered the following resolution and moved its adoption:

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

Therefore, be it resolved, that this Honorable Body designate _____ Allen H Cooley III

Interim Director of Public Works _____ as the single Street Administrator for the City or Village of
City of Pontiac _____ in all transactions with the State Transportation Department
as provided in Section 13 of the Act.

Supported by the Councilperson or Commissioner _____

Yeas _____

Nays _____

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting
of the governing body of this municipality on the _____ day of _____

CITY OR VILLAGE CLERK (SIGNATURE)	E-MAIL ADDRESS	DATE
STREET ADMINISTRATOR (SIGNATURE)	E-MAIL ADDRESS acooley @pontiac.mi.us	DATE
ADDRESS OF CITY OR VILLAGE OFFICE 47450 Woodward Ave,		P.O.BOX
CITY OR VILLAGE Pontiac	ZIP CODE 48342	PHONE NUMBER 248-758-3600

#21

RESOLUTION



CITY

Executive Branch

TO: Honorable City Council President and City Council

FROM: Mayor Tim Greimel

CC: Deputy Mayor Khalfani Stephens

DATE: January 3, 2022

RE: **Resolution to approve a two-year extension of the Waterford Township fire services contract**

The Waterford Regional Fire Department provides fire protection service to residents in Waterford Township, the City of Lake Angelus and the City of Pontiac.

The City of Pontiac and Waterford Township discussed an extension of the fire service contract. The contract extension language will remain consistent as the previous contract. This contract extension will allow the City of Pontiac and Waterford Township to work collaboratively and formulate a plan to benefit future fire services. Our intent is to complete a full analysis with the Waterford Fire Department. As such, the following resolution is recommended for your approval.



CITY OF PONTIAC CITY COUNCIL

Council resolution to approve a two-year extension of the Waterford Township fire services contract

WHEREAS, the contract extension will allow the City of Pontiac and Waterford Township to work collaboratively and formulate a plan to benefit the future fire services for the City of Pontiac; and

WHEREAS, the twenty-three-month contract will expire December 2024 and our intent is to complete a full analysis with the Waterford Fire Department; and

WHEREAS, the extension with Waterford Township will consist of a 4% increase each year;

NOW THEREFORE, BE RESOLVED, the City Council hereby approves and authorizes the Mayor to proceed with the two-year Waterford Township fire services contract.

#22

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President, and City Council Members

FROM: Alicia Martin, Purchasing Manager

DATE: January 6, 2023

RE: Legal Services Contract Award

The City of Pontiac Purchasing Department conducted the competitive bid process for the Legal Services RFP in accordance with City Ordinance Article IV, 4.304 (<https://www.codepublishing.com/MI/Pontiac/?PontiacCH/PontiacCH04.html#4.304>), which ended on September 19, 2022. The Purchasing Manager established an RFP review panel of three City Council members from the Law & The Courts subcommittee, the Mayor, and the Deputy Mayor. A total of 24 firms expressed an interest in the solicitation; 20 were located or headquartered in Michigan. A total of five firms submitted a proposal in response to the bid. The panel reviewed the firms' respective proposals; interviews were scheduled as a result. After much of the panel's deliberation, the panel recommends the following two firms for the bid award, not listed in any specific order:

- Clark Hill – General Legal Work on an hourly basis
- Kelly Law Firm – General Legal Work on an hourly basis; Advice regarding code enforcement activity on an hourly basis; All Prosecutions at the flat rate of \$200,000 per year (following the completion by February 28, 2023 of a transition period from the law firm currently handling prosecution work, during which transition period the firm will charge \$130/hour)

The Kelly Firm for the bid award. The panel believes that the Kelly Firm's area of expertise and available resources, as it pertains to legal services, will be a great asset to the City.

WHEREAS, The Purchasing Division has conducted the competitive bid process for Legal Services in accordance with the City's municipal code, Division II. Purchasing, Section 2-519;

WHEREAS, the RFP review panel recommends The Kelly Law Firm; the panel believes the firm's skills and resources are equal to the task of providing legal services in a satisfactory manner in the time period specified by the City, and whose bid is determined to be in the best interest of the City;

WHEREAS, the contract term shall be for three (3) years with an option to renew for two (2) three-year periods.

NOW, THEREFORE,
BE IT RESOLVED The Pontiac City Council endorses the approval of the bid award to Clark Hill, PLC and The Kelly Law Firm.

AM

Legal Services RFP Cost Comparison Worksheet

Prepared on 12/21/2022 (updated 1/6/23)

Rates Confirmed on 1/6/2023 by Alicia Martin

Cost Description	Clark Hill	The Kelly Firm	The Perkins Group
General Work (Hourly Rate)	\$245	\$135-\$165	\$150
Code Enforcement (Hourly Rate)	\$245	\$130	\$150
Non-Code Enforcement Prosecutions (Fixed Rate)	\$300,000	\$220,000	\$200,000
Code Enforcement Prosecutions (Fixed Rate)	\$155,000	N/A	\$70,000
All Prosecutions (Fixed Rate)	\$455,000	\$200,000	\$200,000

#23

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council

FROM: Mayor Tim Greimel

DATE: January 6, 2023

RE: **Installment of the Adaptive Sports Coordinator position**

Honorable City Council:

In accordance with Article 4.106 of the City Charter, it is my honor and privilege to recommend the installment of the Adaptive Sports Coordinator position.

As the City of Pontiac's Youth Recreation Department continues to build quality recreational programs for our youth, we have determined that there is a need for an Adaptive Sports Coordinator to develop programming for youth with special needs. The ASC will be instrumental in not only developing programming, but will also establish program goals and objectives, recruit volunteers to serve as mentors, and oversee risk management. Currently, we do not have someone on staff with this skill set.

Ideal candidates may have experience in one or more of the following: adaptive sports, therapeutic recreation, physical therapy, occupational therapy, exercise and/or sports science or physical medicine and rehab.

- Prior knowledge and experience in adaptive sports preferred but not required.
- A personal passion for outdoor recreation! Skills and experience in cycling, climbing or paddling preferred.
- Seeking a high-energy leader and engaging individual.
- Willingness to perform manual labor loading and unloading trailers in hot weather conditions.
- Strong organizational, management and leadership skills with the ability to prioritize projects enhancing work flow using independent judgment in making decisions that affect day to day operations of Adaptive Adventures.
- Has the ability to work with a variety of different people including potential sponsors, event managers, volunteers, participants with special needs, Board of Directors and program staff.
- Must have a valid driver's license.

It is with great pleasure that I recommend the approval of the Adaptive Sports Coordinator position.

As such, the following resolution is recommended for your approval.



CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO INSTALL THE POSITION OF ADAPTIVE SPORTS COORDINATOR

WHEREAS, it is apparent that additional services are needed to service youth with special needs in the Pontiac area

WHEREAS, we currently do not have anyone on staff with the necessary skill set that can provide these services.

NOW THEREFORE, BE IT RESOLVED, in accordance with the appointment procedures provided by law and the City Charter, that the position of Adaptive Sports Coordinator be added as an approved paid position with the City of Pontiac.

City of Pontiac

Adaptive Sports Associate (40 hrs.)

\$21.00 hourly

Key Responsibilities

Adaptive Sports Coordinator Job Description

The Adaptive Sports Coordinator is a valued position within Adaptive Adventures program team. Adaptive Sports Coordinators assist with the planning, implementation and execution of adaptive sports programs including but not limited to: cycling, climbing, kayaking, paddleboarding, dragon boat racing and skiing. Adaptive Sports Coordinators play an important role in maintaining Adaptive Adventures positive, empowering and inclusive culture. This position reports to the Program Director and Adaptive Sports Lead. Adaptive Adventures is currently seeking to add an Adaptive Sports Coordinator to our team in Westminster, CO. The Adaptive Sports Coordinator will assist and lead ongoing programs in Colorado, as well as, travel to serve other areas of the country.

General Responsibilities Include the Following:

Program Planning and Operations

- Collaborates with the Program Director and fellow Adaptive Sports Coordinators on establishing program specific goals and objectives; including identifying, developing and implementing program opportunities.
- Works with the Program Director to determine necessary resources; including program supplies, venue, participant marketing and volunteers.
- Implements Adaptive Adventures program delivery procedures at all events as detailed in the pre-event, event delivery and post-event procedures.
- Assists in identifying and cultivating volunteers to successfully meet needs of the program.
- Assists in provision of appropriate training to all program volunteers and interns.
- Ensures programs are delivered effectively to all participants.
- Assists the Program Director in program planning process including calendar postings, volunteer recruitment, equipment loading, participant recruitment, communication with partner staff and venue set up.
- Assists the Program Director and Adaptive Sports Coordinators in program delivery including registration, risk management and safety, volunteer management, adaptive sport delivery and venue tear down.
- Assists the Program Director and Adaptive Sports Coordinators in post-event duties including storage and unloading of equipment, data entry, reporting and follow up with participants, volunteers and other community members as necessary.
- Implements appropriate safety and risk management protocols as related to specific program.

- Ensures all essential program equipment is available and in good working order for events. This includes securing additional equipment when necessary, maintenance and repair of equipment.
- Assists in actively recruiting participants for programs utilizing all of the resources available, human and technological, to maximize event participation.
- Provides direct client services, support and instruction in all programs as needed.
- Works cohesively with the Adaptive Adventures Team to contribute to a dynamic work environment and exceptional program delivery.
- Follows policies and procedures as defined by Adaptive Adventures manuals.
- Reports concerns and issues directly to supervisor.
- Engages in all other duties as assigned.

Qualifications

- Ideal candidates may have experience in one or more of the following: adaptive sports, therapeutic recreation, physical therapy, occupational therapy, exercise and/or sports science or physical medicine and rehab.
- Prior knowledge and experience in adaptive sports preferred but not required.
- A personal passion for outdoor recreation! Skills and experience in cycling, climbing or paddling preferred.
- Seeking a high-energy leader and engaging individual.
- Willingness to perform manual labor loading and unloading trailers in hot weather conditions.
- Strong organizational, management and leadership skills with the ability to prioritize projects enhancing work flow using independent judgment in making decisions that affect day to day operations of Adaptive Adventures.
- Has the ability to work with a variety of different people including potential sponsors, event managers, volunteers, participants with special needs, Board of Directors and program staff.
- Must have a valid driver's license.

Education/Degree Preferred:

- Bachelor's Degree in Health or Adaptive Sports related field including but not limited to: Recreation Therapy (CTRS), Athletic Training, Adaptive Physical Education, Outdoor Education, Exercise Science/physiology, kinesiology **and or** four years' experience with working with people with disabilities

Licensure/Certifications

Required

- Valid driver's license with no driving violations
- American Red Cross or American Heart Association First Aid, CPR, AED

#24

**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

#38

COMMUNICATION



PONTIAC

The HEART of Oakland County

WINTER FESTIVAL

SAT, JAN 14, 2023 • 5-9PM

**SHOPPING • FOOD • MUSIC
ICE SKATING • POLAR EXPRESS
RIDE • HOT CHOCOLATE •
SMORES & MORE**



CITY HALL GROUNDS

47450 WOODWARD AVE PONTIAC, MI

FOR MORE INFORMATION CALL (248) 758-3037