

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

68th Session of the 11th Council

January 17, 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 9, 2023 Economic Development, Housing & Planning Subcommittee Meeting Minutes
- B. January 10, 2023 City Council Meeting Minutes
- C. January 12, 2023 Finance and Personnel Subcommittee Meeting Minutes

Special Presentations

1. Congresswoman Haley Stevens Legislative Update
2. Introducing the City of Pontiac's New Building Official Larry Donski

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Ordinances

3. Adoption of an Amendment to Ordinance 2287 to Restructure Departments of City Of Pontiac; Finance Director, Public Works Director (**Second Reading**)
4. Adoption of an Amendment to Ordinance 2360 to Remove Prohibition of Adult Use Marihuana Businesses. (**Second Reading**)
5. Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (**Second Reading Postponed from January 10, 2023 City Council Meeting**)

Resolutions

City Council

6. Resolution Honoring the Life of City Retiree Samuel “Max” James.

Community Development

7. Resolution approving to sell and convey the City’s interest in the Property located at the corner of Martin Luther King Jr. Boulevard and University Drive, consisting of approximately 0.059 acres, property index number 14-21-482-003, in the amount of \$5,000 to PERRY DRUG STORES, INC., a Michigan corporation.

Department of Public Works (DPW)

8. Resolution to authorize DPW to purchase 2 Global M3 sweepers from MTEC at a cost of \$591,004.00
9. Resolution to approve the Michigan Department of Transportation (MDOT) funding agreement for the 2023 MDOT Highway I-75 BL (Woodward Avenue) and South Boulevard Contract Number 22-5410 and authorize the Mayor to sign the agreement.

Discussion

10. Discussion on Dr. Martin Luther King, Jr. Boulevard South Bridge Repair Plan of Action

Public Comment (Three Minutes Time Limit)

Communications

City Council

11. 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.
12. 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
13. 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.
14. 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.
15. 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.
16. 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.

17. Pontiac District One Monthly Meeting January 28, 2023 from 1:00pm to 3:00pm, held at Alley Cat Café, 31 N. Saginaw Street in Downtown Pontiac, Contact Councilwoman Melanie Rutherford for more information
18. Accent Pontiac Winter Showcase, February 8, 2023 at 5:30pm, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac, free admission
19. Pontiac Eastside Community Meeting (District Seven), February 13, 2023 from 7:00pm to 9:00pm, held at Prospect Missionary Baptist Church, 351 Prospect Street in Pontiac, contact Council President Mike McGuinness for more information
20. Confidence in our Stories: 2023 African American Read-In, February 16, 2023 from 6:00pm to 8:00pm, held at the Pontiac Public Library, 60 E. Pike Street in Downtown Pontiac, featuring authors Derrick Barnes and Vanessa Brantley Newton, contact contact@pucc.org and jcampeau@pontiaclibrary.org for more information
21. Third Tuesdays Global Music Jam at the PLAT, February 21, March 21, April 18 and May 16, 2023 at 6:00pm, held at Pontiac's Little Arts Theatre, 47 N. Saginaw Street in Downtown Pontiac, Oakland University Professors Mark Stone and Patrick Fitzgibbon lead a jam session of various musicians, from students to professional area musicians, creating a world music experience
22. Flagstar Strand Theatre Gala, March 4, 2023 at 4:00pm, benefiting Strand Art (STArt) Children's Theatre and performance opportunities for Pontiac youth, tickets \$175 or \$325 per couple, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac. Visit flagstarstrand.com/gala for more information.
23. 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 [oakgov.com / treasurer](http://oakgov.com/treasurer)
24. Pontiac Regional Chamber of Commerce "Prosperity Pontiac" Annual Event, March 29, 2023
25. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023

Mayor's Office

26. Pontiac Skate Park Project Community Meeting, January 18, 2023 from 6:00pm to 7:00pm, held at Pontiac City Hall in the Council Chambers. The meeting will feature a panel discussion about the project, and a grant opportunity to create a work of public art focused on interactive or skate-able art at Oakland Park. The city is looking for community feedback and ideas for these possible artwork installations at the park.
27. Galloway Lake Park Improvements Community Meeting, February 2, 2023 at 5:30pm, held at Pontiac City Hall
28. 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

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

JANUARY 9, 2023

Meeting held at Pontiac City Hall, 47450 Woodward Avenue, Pontiac, Michigan
in the City Council Conference Room.

In Attendance:

Council Members: Chair Mike McGuinness, Mikal Goodman, and Brett Nicholson

Mayor: Tim Greimel

Deputy Mayor: Khalfani Stephens

Community Development Director: Rachel Loughrin

Economic Development Manager: Deborah Younger

Planning Manager: Mark Yandrick

Building Official: Larry Domski

Code Enforcement Manager: Jack McIntyre

Communications Director: Paula Bridges

Legislative Counsel: Monique Sharpe

The meeting started at 9:00 a.m.

AGENDA ITEMS DISCUSSED

Economic Development Updates

1. Downtown Developments
2. Parking Needs
3. Liquor Permits
4. Housing Developments

Planning Division Updates

1. Summary of December 2022 Board Actions
 - a. Historic District Commission – 56 Miami Road
2. Upcoming Board and Commission Agenda Items
 - a. Planning Commission – Adult Use Marijuana Text Ordinance
 - b. Planning Commission – 951 Vanguard – RISE Final Site Plan
 - c. Planning Commission – 46156 Woodward – Lighthouse Rezoning
 - d. Planning Commission – 520 Columbia – McNeal Automotive Expansion
 - e. Planning Commission – 50606 Woodward – M1 Autoclinic
 - f. Zoning Board of Appeals – 396 Lake Laura – Stonegate Variance

- g. Historic District Commission – 18 Fairgrove (Fairgrove Historic District)
- h. Historic District Commission – 39 Ivy (GM Modern Housing H. D.)
- 3. Planning Initiatives
 - a. Planning Process Improvement – 60 Days
 - b. Zoning Code Audit
 - c. Upcoming Zoning Code Amendments
 - d. Master Plan Timeline

Building Division Updates

- 1. Noteworthy Project Updates
- 2. Hearing Officer Update
- 3. Board of Appeals Update
- 4. Demolition Update

Code Enforcement Updates

- 1. Court Updates

Public Comment: There were no requests for public comment at the meeting.

Adjournment: The meeting ended at 10:32 a.m.

CONSENT AGENDA B

**Official Proceedings
Pontiac City Council
67th 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 10, 2023 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Bishop Antonio Gibson, New Experience Church of Christ

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 Parker and second by Councilperson Rutherford. Discussion.

Motion to move item #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) before item #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.) of the agenda. Move by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

Motion Carried

Motion to add letter C to consent agenda (Resolution regarding December 6, 2022 meeting minutes correction.) Moved by Councilperson Carrington and second by Councilperson Parker.

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

No: None

Motion Carried

Motion to go into closed session to receive confidential legal memorandum as the new item #13. Moved by Councilperson Nicholson and second by Councilperson Goodman. Discussion.

January 10, 2023 Draft

Motion to further amend the amendment to move new item #13 to receive confidential legal memorandum and new item #14 City of Pontiac Adult-Use Marihuana Business Ordinance until after public comment as items #24 and #25. Moved by Councilperson Goodman and second by Councilperson Carrington.

Ayes: Parker, Carrington, Goodman, James and McGuinness

No: Nicholson

Abstain: Rutherford

Motion Carried

The vote was taken to approve the overall amendment.

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

No: None

Abstain: Rutherford

Motion to add new item #26 Woodward Overlay District to the agenda. Moved by Councilperson Carrington and second by Councilperson James.

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

No: None

Abstain: Rutherford

Motion Carried

The vote was taken to approve the agenda as amended.

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

No: None

Motion Carried

Consent Agenda

23-15 **Resolution to approve the consent agenda for January 10, 2023.** Moved by Councilperson Goodman and second by Councilperson Nicholson.

WHEREAS, the City Council has reviewed the consent agenda for January 10, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for January 10, 2023 including January 3, 2023 City Council Meeting Minutes, Update Language for Scanning Services Agreement and

23-15b Resolution to amend the December 6, 2022 City Council Meeting Minutes to show that the Council approved the First Reading of The Adult-Use Marihuana Business Ordinance in accordance with the City Charter and ordinances.

WHEREAS, the City Council has conducted a First Reading of the Adult-Use Marihuana Business Ordinance on December 6, 2022 and the Minutes of the City Council meeting did not document the action taken; and

WHEREAS, to ensure the record is complete and to properly document that City Council undertook a First Reading of the Adult-Use Marihuana Business Ordinance in accordance with the City Charter and ordinances, Council should proceed to reconsider and amend the December 6, 2022 Council Minutes.

NOW, THEREFORE, BE IT RESOLVED that the Minutes of the December 6, 2022 City Council meeting be amended to show that the council approved the First Reading of the Adult-Use Marihuana Business Ordinance in accordance with the City Charter and ordinances.

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

January 10, 2023 Draft

No: None

Resolution Passed

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

Council President McGuinness opened the public hearing at 6:26p.m.

1. Robert Bass

Was there a notice published for the sale. If so, why the city leaders did not make it known to the public before the public hearing?

2. Luke Holsworth

Paying taxes on particular property for years. Personal opinion, it to hand over the property.
Policy of 300 feet does not work for entire district.

3. Carlton Jones

Commends council president for informing the public because the public was not informed in the past.
Appreciation to the president for bringing forth information.

4. Antonio Gibson

Should not give them anything if they paying taxes just like the citizens. The property should be sold.

5. Chuck Johnson

No reason for the city to have to sell this property and to instead donate to the property.

Council President McGuinness closed the public hearing at 6:29p.m.

Subcommittee Reports

Announcement of Council Subcommittee Roles for 2023

Communications, Engagement & Operations

Councilmember Goodman, Chair

President Pro Tem Carrington

Alternate: Councilmember Parker

Economic Development, Housing & Planning

President McGuinness, Chair

Councilmember Nicholson

Councilmember Rutherford

Alternate: Councilmember Goodman

Facilities & Property

Councilmember Rutherford, Chair

President Pro Tem Carrington

President McGuinness

Alternate: Councilmember James

Finance & Personnel

Councilmember Nicholson, Chair

Councilmember James

Councilmember Parker

Alternate: President Pro Tem Carrington

Law & The Courts

January 10, 2023 Draft

Councilmember Parker, Chair
Councilmember Goodman
Councilmember Nicholson
Alternate: Councilmember Rutherford

Parks, Recreation & Public Works

Councilmember James, Chair
Councilmember Goodman
Councilmember Rutherford
Alternate: Councilmember Nicholson

Public Safety, Health & Wellness

President Pro Tem Carrington, Chair
Councilmember James
Councilmember Parker
Alternate: President McGuinness

Recognition of Elected Officials

1. Johnathon Wertheimer – Policy Director for State Representative Brenda Carter

Agenda Address

1. Carleton Jones addressed item #25
2. Jerome Crawford addressed item #25
3. Dr. Deirdre Waterman addressed item #10
4. Jessica Jackson addressed item #25
5. Aaron Guyer addressed item #25
6. Dominick Heed addressed item #25
7. Jamie Garmo addressed item #25
8. Craig Arganoff addressed item #25
9. Vincent Serto addressed item #25 (13)
10. Jenn Zienlinski addressed item #25
11. Gloria Miller addressed item #18 & #23

Agenda Items

Resolution

23-16 **Resolution to receive the first reading of the Amendment to Ordinance 2287 to Restructure Departments of City Of Pontiac; Finance Director, Public Works Director.** Moved by Councilperson Goodman and second by Councilperson Nicholson.

WHEREAS, the city is proposing to Amend Ordinance 2287 to Restructure Departments of City Of Pontiac; Finance Director, Public Works Director

NOW THEREFORE, BE IT RESOLVED that the first reading of an Amendment to Ordinance 2287 is hereby received and read by the Pontiac City Council at the January 10, 2023 City Council meeting.

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

No: None

Resolution Carried

Ordinance

2401 **Adoption of an Ordinance Amendment to City of Pontiac Police and Fire Retirement System.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

January 10, 2023 Draft

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:

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, 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:

- (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.

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

No: None

Ordinance Adopted

Resolution

23-17

Resolution to receive the first reading of the Amendment to Ordinance 2360 to Remove Prohibition of Adult Use Marihuana Businesses. Moved by Councilperson Nicholson and second by Councilperson Carrington.

WHEREAS, in 2018 the City adopted Ordinance No. 2360 that 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; and

WHEREAS, the City is proposing to adopt an Adult-Use Marihuana Business ordinance pursuant to the MRTMA, and in conjunction said ordinance, proposes to amend Ordinance No. 2360 that would remove the prohibition set forth in Ordinance No. 2360.

NOW THEREFORE, BE IT HEREBY RESOLVED that the first reading of an amendment to Ordinance No. 2360 as set forth in Exhibit A, attached hereto, to remove the prohibition against marihuana establishments (Adult-use Marihuana Businesses) within the City is hereby approved and adopted by the City Council.

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

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote.

January 10, 2023 Draft

City Council

23-18

Resolution Honoring the Life of Attorney H. Wallace Parker. Moved by Councilperson Nicholson and second by Councilperson James.

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.

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

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote.

January 10, 2023 Draft

23-19 **Resolution Celebrating the Career of Judge Michael Martinez.** Moved by Councilperson Parker and second by Councilperson Goodman.

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,
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.

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

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote.

Community Development

23-20 **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.** Moved by Councilperson Nicholson and second by Councilperson James.

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

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

Councilpersons Rutherford and Goodman were absent during the vote.

January 10, 2023 Draft

23-21 **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.** Moved by Councilperson Carrington and second by Councilperson Nicholson.

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.

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

No: None

Resolution Passed

Councilman Goodman was absent during the vote.

Department of Public Works (DPW)

23-22 **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.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac began a repair project in 2021 to repair local roads including but not limited to Grenada, Gambelle, 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 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.

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

No: None

Resolution Passed

23-23 **Resolution to approve the 2023 North Oakland Household Hazardous Waste Consortium. (No-Haz).** Moved by Councilperson Carrington and second by Councilperson Rutherford.

January 10, 2023 Draft

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.

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

No: None

Resolution Passed

23-24 **Resolution to appoint Allen H. Coley III as Street Administrator for Michigan Department of Transportation (MDOT) Public Act 51.** Moved by Councilperson Goodman and second by Councilperson James. Discussion.

Motion to amend resolution to appoint Allen H. Coley III as Street Administrator for Michigan Department of Transportation (MDOT) Public Act 51 to strike last resolved Pontiac City Council authorizes the Mayor or Deputy Mayor to sign the MDOT Funding Agreement for the Walton Boulevard Safety Project. Moved by Councilperson Rutherford and second by Councilperson Parker.

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

No: None

Motion Carried

The vote was taken to approve the resolution as amended.

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

January 10, 2023 Draft

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.

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

No: None

Resolution Passed

Mayor's Office

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.

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.

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

No: None

Resolution Passed

23-25

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. Moved by Councilperson Parker and second by Councilperson Carrington.

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.

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

No: None

Resolution Passed

Youth Recreation

23-26

Resolution to approve the creation of "Adaptive Sports Coordinator" position for youth and recreation department. Moved by Councilperson Parker and second by Councilperson Rutherford.

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

January 10, 2023 Draft

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.

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

No: None

Resolution Passed

Councilman Goodman was absent during the vote.

Councilwoman Rutherford left the meeting at 8:29p.m.

Closed Session

23-27 **Resolution to proceed in closed session to consider and discuss the confidential legal opinion concerning the recreational marihuana regulation at 8:49p.m.** Moved by Councilperson Parker and second by Councilperson Carrington.

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 provide a legal opinion addressing legal issues 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).

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 communications and legal opinions concerning legal issues in connection with the municipal licensing and regulation of recreational marihuana.

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

Resolution Passed

Councilman Goodman was absent during the vote.

Motion to come out of closed session at 10:36p.m. Moved by Councilperson Parker and second by Councilperson Nicholson.

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

No: None

Motion Carried

Ordinance

City of Pontiac Adult-Use Marihuana Business Ordinance

Amendments to the Proposed Ordinance

Motion on consideration of quality wages and benefits for employees, with the Alpena ordinance invoked. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Sec. _____. General Permit Application Requirements.

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

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

(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, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, and the goals and objectives to recruit, hire and promote residents of the City; 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, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, including plans for community outreach and worker training programs;

Sec. _____. Marihuana Business Permit Application Process.

(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:

(7) Description of staffing plan that includes the number of full-time and part-time positions the applicant intends to create; the proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, 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.

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 Nicholson and second by Councilperson Goodman.

(j) A Designated Consumption Establishment shall:

January 10, 2023 Draft

- (1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;
- (2) Prominently display a sign near the entrance of the business which carries the following warning: *WARNING: Marihuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.*
- (3) Not engage in the sale, consumption, preparation, or serving of food unless the business has obtained the required authorization and licensing from the Oakland County Health Department and the State of Michigan Department of Agriculture and Rural Development.

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

No: None

Motion Carried

Motion for stronger blight enforcement language. Moved by Councilperson Parker and second by Councilperson Goodman.

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;
- (3) Failure of the permittee to obtain or maintain a State Operating License;
- (4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;
- (5) The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;
- (6) Failure of the permittee to maintain the property causing a blighted condition in violation of Ord. No. 2355, 8-9-18 and MCL 125.538 to 125.542.
- (7) 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;
- (8) Violation of any State law applicable to Marihuana Businesses.

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

No: None

Motion Carried

Motion to make "had or have" language consistent between rehab or removal (vacant and blight) pointy categories. Moved by Councilperson Nicholson and second by Councilperson James.

Sec. _____. Marihuana Business Permit Application Process.

- (10) Whether the applicant has rehabilitated and/or redeveloped within 3 years before the submittal of the application under this ordinance 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

January 10, 2023 Draft

as registered with the City for one (1) year or more before the submittal of the application under this ordinance. The maximum number of scoring points in this category shall be ten (10) points.

(11) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance 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). The maximum number of scoring points in this category shall be ten (10) points.

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

No: None

Motion Carried

Motion to permit social equity retailer licenses for social equity applicants from 4 to 5.

Moved by Councilperson Carrington and second by Councilperson Goodman.

Sec. _____. Social Equity Retailers

- (a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit five (5) 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.

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

No: None

Motion Carried

Motion for deed or lease requirement. Moved by Councilperson Nicholson and second by Councilperson Parker.

Sec. _____. General Permit Application Requirements.

- (b) An application shall be complete and made under the penalty of perjury and shall contain all of the following:
 - (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 as applicable; or
 - (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 as applicable.

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

No: None

Motion Carried

Motion for additional definitions. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Sec. _____. Definitions.

"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.

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

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	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

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

(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 to operate under each permit in a single establishment.

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

No: None

Motion Carried

Motion on ordinance effective date. Moved by Councilperson Nicholson and second by Councilperson Parker.

Sec. _____. Effective Date

This Ordinance shall become effective: (a) 30 days following the date of adoption, (b) the effective date of the amendment to ordinance #2360 (removing the prohibition of marihuana establishments); or (c) the effective date of the zoning code text amendments permitting Adult-Use Marihuana Business land uses, whichever is later.

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

No: None

Motion Carried

Motion on social equity fund. Moved by Councilperson Goodman and second by Councilperson Carrington.

Sec. _____. Marihuana Business Permit Application Process.

(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:

January 10, 2023 Draft

(8) Planned philanthropic initiatives and community improvement programs aimed at the City of Pontiac, which may include a \$1,000 donation to a fund administered by the City used to promote social equity in the City of Pontiac, a negatively impacted community by promoting advocacy around criminal justice issues related to marihuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marihuana, and community education and outreach on adult-use marihuana in general. The maximum number of scoring points in this category shall be ten (10) points.

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

No: None

Motion Carried

Motion on social equity good faith effort in employment. Moved by Councilperson Goodman and second by Councilperson Carrington.

Sec. _____. Social Equity

Any person or entity receiving more than \$10,000.00 in contract value or benefit from the City must use good-faith efforts in hiring employees who have been negatively impacted by marihuana prohibition. Adult-use recreational marihuana businesses should use good-faith efforts in hiring 25 percent of employees who are low income or live in the City of Pontiac.

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

No: None

Motion Carried

Motion to change Sec _____. Marihuana Business Permit Application Process sub-section (9) on page 26 of the ordinance from not less than 90 days to 30 days prior to the application for Marihuana Retailer permit. Moved by Councilperson Nicholson and second by Councilperson Goodman.

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

No: None

Motion Carried

Motion to postpone item #25 City of Pontiac Adult-Use Marihuana Business Ordinance to January 17, 2023. Moved by Councilperson Goodman and second by Councilperson Carrington.

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

No: None

Motion Carried

Resolution

City Council

23-28

Resolution to recommend the City Planning Commission to include within the proposed zoning amendments an Adult-Use Marihuana Business Overlay District (Woodward Overlay District #4). Moved by Councilperson Carrington and second by Councilperson James.

WHEREAS, the City Planning Commission will be considering amendments to the City Zoning Ordinance that among other things, proposes the creation of certain Adult-Use Marihuana Business Overlay Districts, and the City Council recommends to the Planning Commission to consider adding an overlay zoning district to include those properties in the City that are located along Woodward Avenue between Auburn Road/Orchard Lake Road and Dr. Martin Luther King Jr. Boulevard South.

January 10, 2023 Draft

NOW THEREFORE, BE IT HEREBY RESOLVED that City Council recommends to the City Planning Commission to include within the proposed zoning amendments to the City Zoning Ordinance, an Adult-Use Marihuana Business Overlay District that includes those properties in the City that are located along Woodward Avenue between Auburn Road/Orchard Lake Road and Dr. Martin Luther King Jr. Boulevard South ("Woodward Gateway Overlay District No. 4").

Ayes: James, Parker and Carrington
No: Goodman, McGuinness and Nicholson
Resolution Failed

Closed Session

23-29 **Resolution to proceed in closed session at 11:12p.m. to consider and discuss the purchase of real property; and to discuss the confidential legal opinion concerning settlement strategy in connection with pending litigation.** Moved by Councilperson Goodman 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: James, McGuinness, Nicholson, Parker, Carrington and Goodman
No: None

Resolution Passed

Councilman Goodman left during the closed session.

Motion to come out of closed session at 12:06a.m. Moved by Councilperson Parker and second by Councilperson Nicholson.

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

Motion Carried

Motion to suspend the rules to add resolution to authorize the Mayor to exercise the option to purchase real property at the former McCarroll School located at 191 North Glenwood subject to a negotiated purchase agreement and resolution to schedule a public hearing for January 24, 2023 on the topic of purchasing of real property for the City of Pontiac at the former McCarroll School

January 10, 2023 Draft

located at 191 North Glenwood. Moved by Councilperson Nicholson and second by Councilperson Parker.

Ayes: Nicholson, Parker, Carrington, James and McGuinness

No: None

Motion Carried

Resolution

City Council

23-30

Resolution to authorize the Mayor to exercise the option to purchase real property at the former McCarroll School located at 191 North Glenwood in Pontiac, Michigan subject to a negotiated purchase agreement. Moved by Councilperson Nicholson and second by Councilperson Parker.

The Pontiac City Council hereby resolves to authorize the mayor of Pontiac to exercise the option to purchase real property at the former McCarroll School located at 191 North Glenwood in Pontiac, Michigan subject to a negotiated purchase agreement.

Ayes: Parker, Carrington, James, McGuinness and Nicholson

No: None

Resolution Passed

23-31

Resolution that establishes a public hearing at the January 24, 2023 City Council Meeting. Moved by Councilperson Carrington and second by Councilperson Nicholson.

The Pontiac City Council hereby resolves to schedule a public hearing on Tuesday, January 24, 2023 at 6pm at Pontiac City Hall in the Council Chambers happening during the regular Pontiac City Council Meeting to discuss the purchase of real property at the former McCarroll School located at 191 North Glenwood in Pontiac, Michigan.

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Mayor Greimel and Council President McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting at 12:16a.m. Moved by Councilperson Carrington and second by Councilperson Parker.

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 12:16 a.m.

Garland S. Doyle

DRAFT

CONSENT AGENDA C

**PONTIAC CITY COUNCIL FINANCE & PERSONNEL
SUBCOMMITTEE MEETING MINUTES**

JANUARY 12, 2023

Meeting held at Pontiac City Hall, 47450 Woodward Avenue, Pontiac, Michigan
in the City Council Conference Room.

In Attendance:

Council members: Chair Brett Nicholson, and Kathalee James

Mayor: Tim Greimel

Deputy Mayor: Khalfani Stephens

HR. Director Angela Benitez

Legislative Counsel: Monique Sharpe

The meeting started at 2:05 p.m.

AGENDA

Finance

1. December 2022 financial YTD financial review
2. Budget Amendments
3. Finance department interim support updates
4. Annual financial audit update

Human Resource Update

1. Positions open/new hires
2. ADP implementation/progress
3. Open enrollment updates

Public Comment: There were no requests for public comment at the meeting.

Adjournment: The meeting ended at 3:23 p.m.

#3

ORDINANCE



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 13, 2023

RE: Proposed amended language for job requirements

Attached is proposed language for the ordinance that was discussed at the city council meeting on January 10. After the discussion on the 10th and input that was received from the Finance and Personnel subcommittee, the administration hopes to have captured the sentiment of City council with this updated language.

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. It is preferred for the Director of the Department of Public Words to have a bachelor's degree and/or a master's degree in engineering, public administration, or business administration and at least 10 years of experience in designing, engineering, servicing, and/or administering municipal, county, state, and/or federal public works, transportation, water, and/or sewer systems.

~~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.~~

2-193 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. It is preferred for the Deputy Director of the Department of Public Words to have a bachelor's degree and/or a master's degree in engineering, public administration, or business administration and at least 10 years of experience in designing, engineering, servicing, and/or administering municipal, county, state, and/or federal public works, transportation, water, and/or sewer systems.

~~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.~~

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. **It is preferred for the Finance Director to have a master's degree in accounting, business administration, finance, or public administration and at least five years' experience in accounting, budgeting, and/or finance.**

~~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.~~

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

#4

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 sativa* 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 accessors 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

#5

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 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 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.

(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.

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, 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.

“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.

“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, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) designated consumption establishment, (i) marihuana event organizer or (j) temporary marihuana event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"State" means the State of Michigan.

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

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

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

(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 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	15
Social Equity Retailer	5
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

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, 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.

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 as applicable; or

(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 as applicable.

(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 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 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 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.

(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, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, 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, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, 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, 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. 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 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, 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 proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, the applicant intends to pay employees, unless otherwise prohibited by state law; 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, which may include a \$1,000 donation to a fund administered by the City used to promote social equity in the City of Pontiac, a negatively impacted community, by promoting advocacy around criminal justice issues related to marihuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marihuana, and community education and outreach on adult-use marihuana in general. 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 not less than 30 days prior to the application for Marihuana Retailer permit. The maximum number of scoring points in this category shall be twenty (20) points.

(10) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, 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 one (1) year or more before the submittal of the application under this ordinance. The maximum number of scoring points in this category shall be ten (10) points.

(11) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, 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). 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 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 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 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 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 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) 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.

(o) 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 apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit five (5) 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. _____. Social Equity

- (a) Any person or entity receiving more than \$10,000.00 in contract value or benefit from the City must use good-faith efforts in hiring employees who have been negatively impacted by marihuana prohibition. Adult-use recreational marihuana businesses should use good-faith efforts in hiring 25 percent employees who are low income or live in the City of Pontiac.

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 specified in this Ordinance.
- (c) All Class A Microbusinesses shall be classified as Special Land Uses in the permitted zoning districts.
- (d) 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.
- (e) 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) 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.
- (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.
- (c) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.
- (d) 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.
- (e) 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.
- (f) A Designated Consumption Establishment shall:
 - (1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;
 - (2) Prominently display a sign near the entrance of the business which carries the following warning:

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

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

(a) Separate Marihuana Business grower, processor, 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. 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 to operate under each permit in a single establishment.

Sec. _____. Transfer of Location 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.

(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 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.

Sec. _____. Permits Generally

(a) Permittees shall report any material change in the required information to the Clerk within twenty-four (24) hours 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 has zoning approval for such use, and the proposed final site plan has 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, 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 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.
- (7) 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;
- (8) 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. The Clerk's 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 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 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) Five Hundred Dollars (\$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 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: (a) 30 days following the date of adoption, (b) the effective date of the amendment to ordinance #2360 (removing the prohibition of marihuana establishments); or (c) the effective date of the zoning code text amendments permitting Adult-Use Marihuana Business land uses, whichever is later.

Sec. _____. Publication

#6

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION HONORING THE LIFE OF SAMUEL "MAX" JAMES

WHEREAS, the Pontiac City Council would like to pay proper tribute to Samuel "Max" James, an individual of great character whose life exemplified the highest ideals of humanity, who truly embodied faith, humility and service to others and a caring and devoted member of the community; and,

WHEREAS, Samuel James, born on May 3, 1922 was an extraordinary and faithful public servant who lived an abundant life that spanned 10 decades; and,

WHEREAS, Samuel James married the love of his life Margaret "Peggy" who preceded him and was the father of Bonnie James, Michael James, Donna (Frank) Saverino and Gary James; and,

WHEREAS, Samuel James was a fearless leader who proudly served in the U.S. Army during World War II and who protected and defended our great nation with conviction and honor; and,

WHEREAS, Samuel James had an inherent desire to continue protecting the life and property of others and as a consequence, subsequently became a loyal and courageous fire fighter for the Pontic Fire Department, and later attained the rank of Captain until he retired; and,

NOW, THEREFORE BE IT RESOLVED, that the Members of the Pontiac City Council and members of this great community will greatly miss Samuel "Max" James 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; we give our sincerest condolences to the family and friends of Samuel "Max" James."

PONTIAC CITY COUNCIL • Pontiac, Michigan • January 17, 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

#7

RESOLUTION

TO: Honorable Tim Greimel
City Council

FROM: Joseph W. Colaianne

DATE: January 17, 2023

SUBJECT: Sale and Transfer City's interest in 0.059 acres, property index number 14-21-482-003 to Rite Aid.

The City was identified as owning a property interest in certain real property located at the corner of Martin Luther King Jr. Boulevard and University Drive, and consisting of approximately 0.059 acres, property index number 14-21-482-003 (the "Property"). Perry Drug Stores, Inc. ("Rite Aid") has been listed as the owner of the Property on the City's assessment records and has paid property taxes since at least 1999. Rite Aid is in the process of restructuring and financing of its property interests when it discovered the City's interest in the course of its due diligence. In order for Rite Aid to proceed with its financing, it has requested the City convey its interest in the Property. Michigan law requires that the City receive value in connection with the transfer of city-owned property. City Administration recommends transfer of the City's interest in exchange for \$5,000 which is the approximate assessed value for the parcel.

In accordance with the requirements under the City Charter, on January 3, 2023 City Council held a public hearing in connection with the disposition of the Property to Perry Drug Stores, Inc.

Attached is a Resolution recommending the sale and transfer of the Property Perry Drug Stores, Inc. c/o Rite Aid Corporation.

CITY OF PONTIAC
Oakland County, Michigan

**RESOLUTION TO SCHEDULE PUBLIC HEARING REGARDING
TRANSFER OF REAL PROPERTY TO RITE AID**

RESOLUTION # _____

Minutes of a regular meeting of the City Council for the City of Pontiac, held City Hall, 47450 Woodward Ave, Pontiac, MI on January 17, 2023 at 6:00 p.m., local time.

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

WHEREAS, the City has been identified as owning a property interest in certain real property located at the corner of Martin Luther King Jr. Boulevard and University Drive, within the City, and consisting of approximately 0.059 acres, property index number 14-21-482-003 (the "Property"); and

WHEREAS, Perry Drug Stores, Inc. ("Rite Aid") has been listed as the owner of the Property on the City's assessment records and has paid property taxes since at least 1999; and,

WHEREAS, Rite Aid also owns the properties contiguous to the Property for its location of the Rite Aid store at 360 Martin Luther King Jr. Boulevard; and,

WHEREAS, Rite Aid has requested the City convey its interest in the Property to Rite Aid and City Administration recommends transfer of the City's interest in exchange for value received by Rite Aid; and,

WHEREAS, on January 3, 2023 City Council held a public hearing in connection with the disposition of the Property in accordance with the requirements under the City Charter.

NOW THEREFOR BE IT RESOLVED, City Council hereby agrees to sell and convey the City's interest in the Property located at the corner of Martin Luther King Jr. Boulevard and University Drive, consisting of approximately 0.059 acres, property index number 14-21-482-003, in the amount of \$5,000 as recommended by City administration to PERRY DRUG STORES, INC., a Michigan corporation.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute a quit claim deed in favor PERRY DRUG STORES, INC., a Michigan corporation, in substantial form as attached as Exhibit A, and other related documents, if any, to effectuate the transfer of said Property.

EXHIBIT A – QUIT CLAIM DEED

PREPARED BY

Udell Wang LLP
556 S. Fair Oaks Avenue, Suite 101-306
Pasadena, California 91105
Michael R. Udell, Esq.

AFTER RECORDING RETURN TO

c/o Rite Aid Corporation
P.O. Box 3165
Harrisburg, PA 17105
Attn: Lisa M. Winnick

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PIN: 14-21-482-003

EXEMPT FROM REAL ESTATE TRANSFER TAXES PURSUANT TO MCL SECTIONS 207.526(H)(I) AND 207.505(H)(I).

QUITCLAIM DEED

The CITY OF PONTIAC, a municipal corporation, whose address is _____, hereby remises, releases, and quitclaims to PERRY DRUG STORES, INC., a Michigan corporation, whose address is c/o Rite Aid Corporation, P.O. Box 3165, Harrisburg, Pennsylvania 17105, for the sum of Ten and No/100 Dollars (\$10.00), all right, title, and interest under that certain Warranty Deed recorded September 28, 1955, in the Official Records of Oakland County, Michigan, in Liber 3410, Page 517, pertaining to the real property situated in the City of Pontiac, Oakland County, Michigan, to wit:

SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE.

Executed this ____ day of _____, 202__.

Signed by:

CITY OF PONTIAC,
a municipal corporation

By: _____

Name: Tim Greimel

Title: Mayor

STATE OF MICHIGAN:

: SS

COUNTY OF OAKLAND:

On this, the _____ day of _____, 202__, before me, a notary public, personally appeared _____, who acknowledged himself/herself to be the _____ of _____, a(n) _____, and that he/she has as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the _____ by himself/herself as _____.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My commission expires:

EXHIBIT A TO QUITCLAIM DEED

Legal Description

That part of Lot 1 Assessor's Plat 117, City of Pontiac, Oakland County, Michigan described as beginning at the N.W. corner Lot 1, being the intersection of Mt. Clemens Street and East Boulevard, thence N. 43° - 09' - 00" E. 54.37 ft., thence S. 46° 51' E. 30.0 ft. to point on southerly line Lot 1; thence 43° - 09' - 00" W. along the southerly line Lot 1 to S.W. corner Lot 1; thence northerly along the west line Lot 1 51.60 ft. to point of beginning, according to the plat recorded in Liber _____, page _____, Oakland County Records.

#8

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 11, 2023

RE: **Purchase of Street Sweepers**

The Department of Public Works Sweeps the Major and Local rds. each spring to clear debris and large items from the gutter pan of the roadways.

The DPW department has investigated and reviewed several brands of street sweepers and have found that the Global M3 street sweeper gives a safe reliable mechanical sweeper to collect the debris from our streets. We had the ability to compare 2 brands of sweepers at the City of Saginaw. There our operators could review 2 separate brands of sweepers and also had the ability to operate and sweep with them as well.

The City of Pontiac is a member of Sourcewell Cooperative and Sourcewell has competitively bid for street sweeper and MTEC is a listed vendor for the Global M3 sweeper.

Based upon the above information, it is the recommendation of the Department of Public Works that the following resolution be passed by Pontiac's City Council.

WHEREAS, the City of Pontiac DPW looks to purchase 2 Global M3 Sweepers from MTEC off of the Sourcewell cooperative agreement.

WHEREAS, it is necessary to have these sweepers to do needed sweeping of City streets.

NOW, THEREFORE IT IS RESOLVED:

WHEREAS, the Pontiac City Council authorizes the DPW to purchase 2 Global M3 sweepers from MTEC at a cost of \$591,004.00

SEWER | STREET | SAFETY



Since 1975, MTech has been an integral part of the sewer, street, and safety industries. We have built our reputation on excellent service and outstanding products. Our customers are our number one priority, and our staff of experienced sales and service experts are reachable 24/7 for your convenience. From sales, to service; from training, to parts - we are constantly striving to be the complete solution to all of your sewer, street, and safety needs.

The Cues sewer inspection systems, GapVax combination cleaning trucks, and Global and Bucher Municipal street sweepers are the heart and soul of our product lineup. We are also very proud to represent the Maintainer service truck bodies and cranes, Holder municipal tractors, RC Mowers remote control slope mowers, Xtreme Vac Debris Collectors/Leaf Vacuums, Axion Lift Aerial Lifts, Ampliroll Hooklift Systems, Hurco Valve Exercisers as well as the Pipehunter and Dyna-Vac sewer product lines. In addition, we offer a wide variety of gas detection, fall protection, confined space, utility locating, and general sewer equipment to help fit your specific needs. We have partnered with some of the most reputable brands in the sewer industry such as Ridgid, Stoneage, Advanced Workhorse, and Southland Tool. The same can be said for our safety equipment manufacturers; which include the likes of RKI, French Creek, DBI, and Pelsue. Our ever expanding product line has allowed us to continue to grow as a company to better support our customers.



Our legacy "Sewer Man Dave" logo



T: (800) 362-0240
E: sales@mtechcompany.com
W: www.metechcompany.com

7401 First Place
Cleveland, Ohio 44146

January 4th, 2023

City of Pontiac, MI
Allen Cooley
47450 Woodward Ave,
Pontiac, MI 48342
acooley@pontiac.mi.us

Global M3 Street Sweeper Quote

Al,

The attached Global M3 street sweeper has been quoted using the Sourcewell Cooperative Purchasing Contract (Contract #: 093021-GEP). All of the pricing is listed included unselected optional items. This spec is our preferred build and has been refined to meet the needs of many municipalities across the state of Michigan and Country. We have a number of these exact builds already on order and in the production schedule with an expected completion date of late April/Early May. Any deviations to this spec will likely require a new build with an extended lead time.

Summary of Quote:

Global M3 (Unit #1): \$295,502.00

Global M3 (Unit #2): \$295,502.00

TOTAL: \$591,004.00

Please let me know if you have any questions.

Sincerely,

Corey Padrutt, Regional Sales Manager
MTech Company
7401 First Place
Cleveland, Ohio 44146
(330) 807-5826
cpadrutt@mtechcompany.com

Sewer • Street • Safety

QUOTATION: M3 MECHANICAL SWEEPER

DATE: 1/4/2023

CUSTOMER: City of Pontiac, MI

Terms: 30 Days Net

DEALER: MTEch

Sourcewell #: 093021-GEP

GLOBAL M3 STANDARD EQUIPMENT

High Visibility Cab (Glass Entry Door included)	5.6 cu yd Hopper (Volumetric)
69 dBA In-Cab Noise Level	Hopper Dump Alarm
Dust & Weather Sealed Cab	47" dia Gutter Brooms
Multi-Adjustable Suspension Seat	In-Cab Gutter Broom Pressure Adjustment
Tilt & Telescoping Steering Wheel	Tuf-Grip Disposable Gutter Broom Segments
Tinted Safety Windows & Windshield	32" x 56.5" Tube Type Pickup Broom
Left & Right Dual West Coast Mirrors	58" Wide Squeegee Type Elevator
Windshield Wiper/Washer	Cab Controlled Elevator Leafgate System
Ergonomic Go Pedal	LED Gutter Broom Spotlights
Coolant Temp, Oil Pressure & Voltmeter Gauges	Sealed Beam Headlights
Coolant, Eng Oil Pressure & Low Hyd Oil Warning Lights	Stop/Tail Lights, Clearance Lights
Speedometer, Tachometer & Hourmeter	Two 18 gal Hydraulic Oil Tanks
Fuel Level Gauge	Hydraulic Manifolds in LH Fender
220 gal Polyethylene Water Tank	12.5' Turning Radius with Front Suspension
15' Hydrant Hose with Coupling & Wrench	120 amp Heavy-Duty Alternator
Gutter Broom Water Spray Jets	All Sheet Metal Surfaces Primer Powder Coated
Pickup Broom Water Spray Jets	Sheet Metal Surfaces Powder Coated
Low Water Level Light in Cab	Fender Mounted Tool Box
Front Spray Bar	Isolated Elevator System (Elevator Suspension)
Buddy Seat	Front & Rear Tie Downs with Tow Hooks
Dual Front Tires with Front Suspension	1 Sweeper Service Manual in English
Electrical Systems Locker	1 Sweeper Parts Manual in English
Engine Grid Heater	1 Sweeper Operator Manual in English
Manual Safety Props	Ergo Switch Standard
PM10 High Quality PUB (Pick Up Broom)	Rear View Camera Standard

QTY DESCRIPTION	List Price	CONTRACT PRICE
1 GLOBAL M3 SWEEPER, Cummins Tier 4 Final, 130 HP QSF 3.8L, High Dump, Hydrostatic Drive, Dual Gutter Broom, A/C, Standard ERGO Sweeping Controls, In - Cab Leaf Gate...	\$251,304	\$239,337

FOB Cleveland, Ohio

\$6,500

*** Powder Coated Paint - White W/ Gray Frame ***

AVAILABLE OPTIONS:

QTY	PT NO.	DESCRIPTION	List Price	Contract Price	
	K323148	Elevator Flusher	\$1,245	\$1,186	
1	K323150	Elevator & Hopper Flusher	\$1,399	\$1,333	Selected
1	K323466	Elevator Ass'y 2-pc bottom 11 squeegee	\$3,720	\$3,543	Selected
1	K323753	GB Speed Control	\$1,484	\$1,414	Selected
1	K247011	Dual GB Tilt	\$5,700	\$5,428	Selected
	K247013	GB Tilt, Left Single	\$2,850	\$2,714	
	K247012	GB Tilt, Right Single	\$2,850	\$2,714	
1	K247077	Hopper Access Door	\$3,515	\$3,348	Selected
	K310154	Hopper Coating	\$5,973	\$5,688	
	K323495-SS	Stainless Steel Hopper	\$15,358	\$14,626	

Delivery: 120 - 150 days after receipt of order

SIGNATURE:

DATE:

Freight - FOB Cleveland, OH All prices are valid for 30 days.

Payment is strictly 30 days net. Late payment penalty 1% per month or part thereof.

5405 Industrial Parkway
San Bernardino, CA 92407
Tel: 1 (909) 713-1600
Fax: 1 (909) 713-1613

www.globalsweeper.com



QUOTATION: M3 MECHANICAL SWEEPER**DATE:** 1/4/2023**CUSTOMER:** Dealer Demo Unit Sourcewell**Terms:** 30 Days Net**DEALER:** MTEch**FREIGHT:** FOB - Cleveland, OH**QUOTE NO.:** OPEN CONTRACT**UAO#****AVAILABLE OPTIONS (continued):**

QTY	PT NO.	DESCRIPTION	List Price	Contract Price	
1	M3JHE2FS	Comfort Glide Rear Suspension	\$8,514	\$8,109	Selected
1	M3JHE3	Triple Pump Option	\$4,027	\$3,836	Selected
1	K325256	AM/FM Radio w/ CD	\$614	\$585	Selected
1	K901325	Aux Power Plug Adaptor Port	\$373	\$355	Selected
1	K318806	Seat, High Back, Air	\$1,263	\$1,203	Selected
	K247172	Heated & Remote Controlled Mirrors with Heavy Duty Brack	\$2,048	\$1,951	
1	K324458	L.E.D. Stop/Tail/Clearance/Marker Lights	\$1,023	\$975	Selected
1	K325221	Arrowstick (LED)	\$2,048	\$1,951	Selected
1	K325514	Limb Guard (Cab Beacon/Strobe)	\$324	\$309	Selected
	K302224	Fire Extinguisher	\$341	\$324	
	K324815	Daytime Running Lights	\$256	\$243	
	FBO11122	Additional Front Broom - Joystick Controlled	\$36,123	\$34,403	
1	NPN	Hopper Raise/Lower - Rear Fender Upgrade	\$313	\$298	Selected
	328100	Automatic Safety Props	\$4,526	\$4,310	
1	247724	High Speed Hopper Lift/Dump	\$2,349	\$2,237	Selected
	302193	GB Plate - Bolt On	\$352	\$335	
	329557	PUB - Strip Broom 18 Piece	\$611	\$582	
1	326844	Cab Strobe (LED)	\$611	\$582	Selected
1	247632	Rear Flashing (LED) Strobes (mounted in hyd. Towers)(Qty.	\$611	\$582	Selected
1	324158	Front Flood Lights Dual (LED)	\$532	\$507	Selected
1	316607	Rear Flood Lights Dual (LED)	\$564	\$537	Selected
	248537	Autolube - Full System M3	\$7,438	\$7,084	
1	329822	Remote Grease Block - 9 positions	\$1,879	\$1,790	Selected
1	316609	In-Cab Water Tank Gauge	\$549	\$523	Selected
1	326517	Battery Master Shutoff	\$329	\$314	Selected
	322420	Microtrap (PM-10 Option)	\$1,879	\$1,790	
	311700	Dual Spring PUB Suspension	\$462	\$440	
	329645	Elevator Stall Alarm	\$783	\$746	
	324677	Reverse Sweep/Lift Option	\$939	\$895	
1	326566	Additional Rear Dock Bumpers	\$392	\$373	Selected
1	320886	Extended Dock Bumpers (Qty. 2)	\$549	\$523	Selected
	329514	Spare Wheel/Tire - Front M3	\$1,551	\$1,477	
	329515	Spare Wheel/Tire - Rear M3	\$1,879	\$1,790	
	319802/3	GB Hour Meter - Dual (Qty. 2)	\$274	\$261	
	319773	PUB Hour Meter	\$274	\$261	
1	324818	Hopper Emergency Lift w/Pump	\$1,409	\$1,342	Selected
	329125	Hopper Vibrator	\$1,409	\$1,342	
	329516	Complete Set of Filters M3	\$783	\$746	
1	323410	Precleaner, Centri Model EX-40	\$438	\$418	Selected
1	NPN	Hopper Load Leveling Device	\$4,572	\$4,354	Selected
1	NPN	Low Hydraulic Oil Shutdown	\$935	\$890	Selected
1	NPN	Additional Camera and Monitor - LeafGate System	\$1,353	\$1,289	Selected
1	NPN	Global M3 Self Diagnostics S+H	\$7,560	\$7,200	
1	330133	LED Headlights Upgrade	\$756	\$720	Selected
1	NPN	360 Degree Camera System	\$3,896	\$3,710	

TOTAL CONTRACT PRICE:**\$295,502****Delivery: 120 - 150 days after receipt of order****SIGNATURE:****DATE:**

Freight - Cleveland, OH All prices are valid for 30 days.

Payment is strictly 30 days net. Late payment penalty 1% per month or part thereof.

#9

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 11, 2023

RE: **2023 MDOT Highway I-75 BL (Woodward Avenue) and South Boulevard
Contract Number 22-5410**

The Michigan Department of Transportation has prepared and delivered the attached funding agreement for Intersection improvement work at Highway I-75 BL (Woodward Avenue) and South Boulevard, including indirect left turn construction, crossover construction, earthwork, embankment, subbase, storm sewer, drainage structure, hot mix asphalt paving, concrete curb and gutter, signal modernization, and maintaining traffic work; together with necessary related work, located within the corporate limits of the City of Pontiac. The total estimated cost of the project is \$3,886,000, of which the City's cost is \$48,600. (12.5%) This project is budgeted in the fiscal year 2022/23 Major Street Fund.

Safety funding through the Michigan Department of Transportation is provided based in competitive application and is specifically for providing safer roads and intersection as well as more efficient roadway corridors. These projects go through the MDOT bid letting process and will be awarded, and funded by MDOT. The City will be responsible for the match dollars as detailed above, and will be billed as the project progresses.

It is the recommendation of the Department of Public Works, Engineering Division, that this City sign the attached MDOT funding agreement for the 2023 MDOT Highway I-75 BL (Woodward Avenue) and South Boulevard Contract Number 22-5410.

WHEREAS, The City of Pontiac has received the funding agreement from the Michigan Department of Transportation, and;

WHEREAS, The Department of Public Works, Engineering Division has reviewed the subject agreement, and;

WHEREAS, The project is budgeted in the 2022/2023 Fiscal Year Major Street budget,

NOW, THEREFORE

IT IS RESOLVED: The Pontiac City Council authorizes the Mayor or Deputy Mayor to sign the MDOT Funding Agreement # 22-5410 for Highway I-75 BL (Woodward Avenue) and South Boulevard.

FEDERAL AID PROGRESS PAYMENT

DA

Control Section

HSIP 63151

Job Number

204953CON; 204953PE

Federal Project

23A0134; 20A0916

Contract

22-5410

THIS CONTRACT is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF PONTIAC, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements located within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the parties hereto anticipate that payments by them and contributions by agencies of the Federal Government or other sources will be sufficient to pay the cost of construction or reconstruction of that which is hereinafter referred to as the "PROJECT" and which is located and described as follows:

Intersection improvement work at Highway I-75 BL (Woodward Avenue) and South Boulevard, including indirect left turn construction, crossover construction, earthwork, embankment, subbase, storm sewer, drainage structure, hot mix asphalt paving, concrete curb and gutter, signal modernization, and maintaining traffic work; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: \$3,886,000

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The CITY hereby consents to the designation of the PROJECT as a state trunkline highway. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of preliminary engineering (PE), plans and specifications; acquisition costs of the property for rights of way, including interest on awards, attorney fees and court costs; physical

construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and construction engineering (CE), legal, appraisal, financing, and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY shall make available to the PROJECT, at no cost, all lands required thereof, now owned by it or under its control for purpose of completing said PROJECT. The CITY shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the CITY. That portion of the PROJECT which lies within the right of way under the control or ownership by the CITY shall become part of the CITY facility upon completion and acceptance of the PROJECT and shall be maintained by the CITY in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of CITY right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PROJECT COST shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

DEPARTMENT -	87.5%
CITY -	12.5%

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

	TOTAL ESTIMATED COST	FEDERAL AID	BALANCE AFTER FEDERAL AID	DEPT'S SHARE	CITY'S SHARE
Constr. & CE	\$3,437,600	\$3,093,800	\$343,800	\$300,800	\$43,000
PE	\$ 448,400	\$ 403,600	\$ 44,800	\$ 39,200	\$ 5,600
TOTAL	\$3,886,000	\$3,497,400	\$388,600	\$340,000	\$48,600

The PE costs will be apportioned in the same ratio as the actual construction award and the CE costs will be apportioned in the same ratio as the actual direct construction costs.

Participation, if any, by the CITY in the acquisition of trunkline right-of-way shall be in accordance with 1951 P.A. 51 Subsection 1d, MCL 247.651d. An amount equivalent to the federal highway funds for acquisition of right-of-way, as would have been available if application had been made thereof and approved by the Federal government, shall be deducted from the total PROJECT COST prior to determining the CITY'S share. Such deduction will be established from the applicable Federal-Aid matching ratio current at the time of acquisition.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _____", or "Final Billing". Payment is due within 30 days of receipt of invoice. Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

7. In order to fulfill the obligations assumed by the CITY under the provisions of this contract, the CITY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. The CITY shall be billed for their share of the preliminary engineering costs upon award of the PROJECT. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the CITY will be based upon the CITY'S share of the actual costs incurred less Federal Aid earned as the work on the PROJECT progresses.

8. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, the DEPARTMENT is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the CITY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

9. The DEPARTMENT shall secure from the Federal Government approval of plans, specifications, and such cost estimates as may be required for the completion of the PROJECT; and shall take all necessary steps to qualify for Federal Aid such costs of acquisition of rights of way, construction, and reconstruction, including cost of surveys, design, construction engineering, and inspection for the PROJECT as deemed appropriate. The DEPARTMENT may elect not to apply for Federal Aid for portions of the PROJECT COST.

10. This contract is not intended to increase or decrease either party's liability, or immunity from, tort claims.

11. All of the PROJECT work shall be done by the DEPARTMENT.

12. In connection with the performance of the PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

13. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF PONTIAC

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:



APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.