

# 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

**74<sup>th</sup> Session of the 11<sup>th</sup> Council**

**February 28, 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**

February 21, 2023 City Council Meeting Minutes

**Special Presentations**

1. Norton Street Innovation Project by Oakland County Water Resources Commission
2. City of Pontiac Home Repair Program
3. City of Pontiac Park Revitalization Program

**Recognition of Elected Officials**

**Agenda Address (Two Minutes Time Limit)**

**Agenda Items**

**Ordinances**

4. Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (**Second Reading Postponed from February 21, 2023 City Council Meeting**)
5. An Ordinance Amendment to Ordinance 2-372 Clarifying Planning Commission Bylaws (**Second Reading**)
6. An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103- Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) (**Second Reading**)

## **Resolutions**

### **Department of Public Works (DPW)**

7. Resolution to authorize the City Clerk to Post Notice of Budget Amendment for Department of Public Works Engineering Services in the amount of \$360,000.
8. Resolution approving the appointment of Allen Cooley III as DPW Director.

### **Finance**

9. Resolution to authorize the City Clerk to Post Notice of Budget Amendment for Finance Department Accounting Support Professional Services in the amount of \$40,000.

### **Purchasing**

10. Resolution approving New Contract Agreement with CompOne for Third Party Administrator Services.

### **Treasury**

11. Resolution approving Annual Board of Review Hardship Exemption Guidelines.

## **Public Comment (Three Minutes Time Limit)**

## **Discussion**

12. Oakland County Expanded Transit Services, Bus Lines

## **Closed Session**

13. Resolution to proceed into Closed Session pursuant to Sections 8(d) 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 in connection with the purchase of real property.

## **Communications**

### **City Council**

14. Pontiac Community Foundation is hiring part-time drivers for the M1 Mobility initiative starting at \$20 per hour. Inquire at [hr@pontiaccommunityfoundation.org](mailto:hr@pontiaccommunityfoundation.org) or (248) 246-6606.
15. 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](mailto:info@olhsa.org)
16. Oakland Livingston Human Service Agency (OLSHA) is Now enrolling for Home Based Early Start for Children ages 0 to 3, with tuition-free weekly sessions with early childhood educators at your home, start the enrollment process today by calling (248) 209-2600 or visiting [www.olsha.org/early-head](http://www.olsha.org/early-head) start
17. Oakland Livingston Human Service Agency (OLSHA) is hiring for multiple positions, with paid vacation, health benefits, retirement plans, paid business and education leave, and tuition reimbursement. Find out more by visiting [www.olhsa.org/employment](http://www.olhsa.org/employment)
18. WeCare Neighborhood Association Meeting, March 3, 2023 at 6:00 pm, held at Shiloh Baptist Church, 474 University Drive, Pontiac 48342. The following meeting, at the same time and location, is April 7, 2023.
19. M1 Concourse Cars and Coffee free gathering open to the community, March 4, 2023 at 8:00 a.m. held at M1 Concourse in Pontiac

20. 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](http://flagstarstrand.com/gala) for more information.
21. Accent Pontiac "Music for the Soul" Benefit, March 5, 2023 at 4:00 pm, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac, tickets \$30, VIP Tickets \$100
22. M.A.N.U.P. Presents "Laying the Foundation" March 7, 2023 from 5:30 to 7:30 pm, held at Pontiac Academy for Excellence, 196 Cesar E. Chavez Avenue, Pontiac 48342. Feathers discussions on real estate, mental health, personal credit, and entrepreneurship.
23. Jack and Jill of America, Inc. Oakland County Chapter Academic Incentive for 2023 High School Seniors, award amounts of up to \$2,000. Application deadline is March 15, 2023. Apply online at <https://bit.ly/jjoc2023> and send questions to [jjocacademicincentive@gmail.com](mailto:jjocacademicincentive@gmail.com)
24. 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)
25. Identify Your Dream Foundation "Strike Out Violence" Bowling Fundraiser March 19, 2023 from 1:00 to 4:00 pm, held at Classic Lanes, 2145 Avon Industrial Drive in Rochester Hills. Entry cost is \$25, visit [www.identifyyourdream.org](http://www.identifyyourdream.org) for more information.
26. Third Tuesdays Global Music Jam at the PLAT, 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
27. Fee Oakland University Jazz Concert featuring Pontiac's own Damani Philips and Oakland University Faculty, March 24, 2023 at 12:00 Noon, held at Varner recital Hall on Oakland University's campus, free and no tickets required
28. Oakland County Links Scholarship Application Deadline is March 27, 2023, awarding need-based scholarships to qualify Black students pursuing undergraduate degrees or apprenticeships, for more information visit [www.oaklandcountylinks.org](http://www.oaklandcountylinks.org).
29. Pontiac Regional Chamber of Commerce "Prosperity Pontiac" Annual Event, March 29, 2023
30. Pontiac City Council Presents the Pontiac Health and Wellness Fair, March 31, 2023 from 11:00 am to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341. *This event will offer, Diabetes screening, High Blood Pressure Screening, Mammogram Screening, Vaccination station, Diet and health workshop, mental health and wellness discussion, and other resources.* Contact the Pontiac City Council and Outreach Specialist Darryl Earl for more information.
31. Pontiac Community Policing Team Easter Egg Hunt, April 1, 2023 from 12:00 to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341, free Easter baskets to first 200 kids, Registration Required
32. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023
33. Save the Date: Pontiac Collective Impact Partnership Youth Expo set for June 10, 2023

**Mayor's Office**

34. Youth and Teen Community Town Hall Meeting, March 1, 2023 at 6:00 pm, held at Pontiac City Hall in the Council Chambers, seeking youth feedback on the programs they would like to see and community concerns shared, refreshments served
35. Deadline for Proposals from General Contractors for the Pontiac Home repair Program in Response to request for Qualifications is March 3, 2023, for more information visit [www.pontiac.mi.us](http://www.pontiac.mi.us)
36. Annual City-Wide Community Cleanup Happening April 17-April 23, 2023

**Closing Comments**

Mayor Greimel (Seven Minutes Time Limit)  
Clerk and City Council (Three Minutes Time Limit)

**Adjournment**

# CONSENT AGENDA

February 21, 2023 Draft

**Official Proceedings  
Pontiac City Council  
73<sup>rd</sup> 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, February 21, 2023 at 6:00 p.m. by Council President Mike McGuinness.

**Invocation** – Minister Kathalee James, Eastside Church of God, Pontiac Michigan

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call**

**Members Present** – William Carrington, 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 Carrington and second by Councilperson Parker.

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

No: None

**Motion Carried**

**Consent Agenda**

23-69 **Resolution to approve the consent agenda for February 21, 2023.** Moved by Councilperson Parker and second by Councilperson Rutherford.

Whereas, the City Council has reviewed the consent agenda for February 21, 2023.  
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for February 21, 2023 including February 16, 2023 City Council Meeting Minutes.

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

No: None

**Resolution Passed**

Councilman Mikal Goodman arrived at 6:09 p.m.

**Special Presentation**

Murphy Park Expansion Progress, Improvements

**Recognition of Elected Officials** – None

**Agenda Address**

1. Blair McGowan addressed item #2

~~Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Manager may remove a member for any reason as provided by Act No. 4 of the Public Acts of Michigan.~~

(c) In the case of the termination of membership of any member of the city planning commission before the expiration of his term, through resignation, removal or any other reason, the vacancy shall be filled by appointment by the mayor, subject to the approval by a majority vote of the members of the city council, for the unexpired term of the member whose membership has terminated, or, ~~in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Financial Manager shall fill the vacancy with an appointment with no vote by the City Council required, as provided in state law.~~

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

No: None

**Motion Carried**

**Motion to strike language from Ordinance #3 (an Ordinance Amendment to Ordinance 2-372 Clarifying Planning Commission Bylaws) removing Section 2-372 i. Moved by Councilperson Goodman and second by Councilperson Parker.**

2-372. Composition; terms.

- (i) ~~The service of current members of the city planning commission shall terminate on June 30, 2011 (whether their terms are expired or unexpired), replaced by the members appointed under this division on July 1, 2011. Notwithstanding the foregoing, such current members of the city planning commission may apply for appointment to the new city planning commission created under this division.~~

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

No: None

**Motion Carried**

Councilman Brett Nicholson left the meeting at 7:05 pm.

**Motion to postpone for one week an Ordinance Amendment to Ordinance 2-372 Clarifying Planning Commission Bylaws. (Second Reading postponed from February 16, 2023 City Council Meeting) Moved by Councilperson Rutherford and second by Councilperson Carrington.**

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

No: None

**Motion Carried**

**Motion to postpone for one week an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103 – Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) Moved by Councilperson Rutherford and second by Councilperson Carrington.**

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

No: None

**Motion Carried**

February 21, 2023 Draft

Resolutions

City Clerk

23-70

**Resolution to approve a proposed budget amendment to transfer \$15,000 in funding out of the General Fund Balance GL account 101-000-390-000 and transfer \$15,000 into 101-215-902-005 Public Notices.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City of Pontiac timely approved the FY 2022-23 budget on June 22, 2022 and;

WHEREAS, 10,000 was allocated for General Fund GL Account 101-215-902.005 Public Notices in the FY 2022-23 budget and;

WHEREAS, expenditures for publishing public notices in the newspaper between July 1, 2022 – December 31, 2022 has exceeded \$10,000 and;

WHEREAS, without allocating additional funding the City will be unable to publish public notices for public hearing and budget amendments as required by the City Charter and/or ordinances.

NOW THEREFORE, BE IT RESOLVED that the City Council approves the proposed budget amendment to transfer \$15,000 in funding out of the General Fund Balance GL account 101-000-390.000 and transfer \$15,000 into 101-215-902.005 Public Notices.

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

No: None

**Resolution Passed**

City Council

23-71

**Resolution to approve the appointments of Linda Watson, Elizabeth Peete, Mattie Lasseigne, and Alternate Elick Shorter to the Board of Review.** Move by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, section 5.402 of the Pontiac City Charter requires the City Council to appoint three electors of the City, annually, to the Board of Review before that Board's first meeting; and,

WHEREAS, in addition to the charter requirement of being an elector, all members of the Board of Review must attend and receive training prior to attending the first meeting; and,

WHEREAS, Linda D. Watson, Elizabeth Peete, Mattie Lasseigne and alternate Elick Shorter have effectively served on the Board of Review and are generously willing to continue their service to the City of Pontiac.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council appoints Linda D. Watson, Elizabeth Peete, Mattie Lasseigne and alternate, Elick Shorter, to serve as members to the Board of Review.

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

No: None

**Resolution Passed**

23-72

**Resolution Calling for the Repeal of Michigan Public Act 436 of 2012.** Moved by Councilperson Carrington and second by Councilperson Rutherford. Discussion.

**Motion to amend Resolution Calling for the Repeal of Michigan Public Act 436 of 2012 by adding 436 after Public Act in paragraph 5.** Moved by Councilperson McGuinness and second by Councilperson Goodman.

Whereas, on February 1, 2023, House Bill 4065 was introduced in the Michigan House of Representatives, which would if enacted, repeal the entirety of Public Act 436; now,



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

No: None

**Motion Carried**

**23-72 Resolution Calling for the Repeal of Michigan Public Act 436 of 2012 as amended.**

Moved by Councilperson Carrington and second by Councilperson Rutherford.

Whereas, the Local Financial Stability and Choice Act, Public Act 436 of 2012 ("P.A. 436"), was enacted to provide for the appointment of Emergency Managers to local municipalities and school districts experiencing financial distress; and

Whereas, P.A. 436 authorizes an emergency manager to, among other things, amend a local government's budget; sell, lease, or assign assets; apply for state loans on the municipalities' behalf; suspend collecting bargaining agreements; modify or terminate existing contracts; exercise power over the local pension board; consolidate or eliminate departments of local government and decide whether to fill or create staff positions; irrespective of the local government's charters and law; and

Whereas, these board powers conferred on an Emergency Manager, not subject to local review or control, had devastating financial consequences for many municipalities, including the city of Pontiac; and

Whereas, while under control of state-appointed Emergency managers, the Phoenix center debacle occurred, city assets were sold to various entities, and Pontiac's residents were deprived of their right to challenge their government when Charter-mandated offices were disbanded; and

Whereas, on February 1, 2023, House Bill 4065 was introduced in the Michigan House of Representatives, which would if enacted, repeal the entirety of Public Act 436; now,

Therefore, Be It Resolved that the City of Pontiac calls for the repeal of Public Act 436, the so-called Local Financial Stability and Choice Act 436 of 2012; and further

Resolved, the City Council fully supports House Bill 4065 of 2023 and urges the Michigan Legislature to enact House Bill 4065, which would repeal Public Act 436.

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

No: None

**Resolution Passed**

**Communications**

**23-73 Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 for Cable Operations, Video and Microphones Systems in the amount of \$27,564.45.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS City council appropriated funds for the Cable Department to begin on July 1, 2022; and,

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

WHEREAS, that appropriation did not include enough allocation for the purchase approved in FY 2022 for City Council Chamber microphone system; and,

WHEREAS, this budget amendment decreases the fund balance by \$27,564.45;

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

Increase the budget appropriation in the following GL accounts:

231-291-977.014	Video Equipment	\$27,564.45
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Ayes: Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

**Resolution Passed**

Economic Development

23-74        **Resolution to approve redevelopment liquor license for Sunset Island LLC located at 7 N. Saginaw.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, the City of Pontiac chooses to engage in PA 58, 1998, MCL 436.1521a(1)(b)(i) for the Issuance of New-On-Premises Development District License and establishment of Redevelopment Licenses in the Tax Increment Finance Authority Act (TIFA) District and under Part 3 of Public Act 57 of 2018.

Whereas, Sunset Island LLC, Parcel 64-14-29-476-032-014, 7 N. Saginaw St., has made a petition for a Specially Designated Merchant ("SDM") and Class C, "Bistro" license and meets eligibility requirements for licensure issuance under MCL 436.1521a(1)(b)(i).

Whereas, Sunset Island LLC, 7 N. Saginaw shall comply with the City of Pontiac Ordinance 2366 to Allow for Redevelopment Liquor Licenses and Conditions for Issuance and operations of the Specially Designated Merchant ("SDM") and Class C, "Bistro" License and MCL 436.1521a(1)(b)(i).

Be It Resolved, that the petition for Specially Designated Merchant ("SDM") and Class C, "Bistro" License on behalf of the petitioner, Sunset Island LLC, 7 N. Saginaw St., is hereby approved and City Council further recommends this application be considered for approval by the Michigan Liquor Control Commission.

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

No: None

**Resolution Passed**

Grants

23-75        **Resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$392,500 to account 208-000-532-000 UWOCST, and appropriations in the amount of \$135,000 to account 208-756-702-000 UWOCST Salaries and Wages, \$18,500 to account 208-756-745-000 UWOCST Recreation Supplies, \$108,500 to account 208-756-779-020 UWOCST Programming, \$65,000 to account 208-756-819-000 UWOCST Contractual Temp/PT Labor, \$5,500 to account 208-756-957-002 UWOCST Training Expense, and \$25,000 to account 208-756-977-008 UWOCST Special Equipment.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City of Pontiac was awarded \$392,500 from the United Way of Southeast Michigan Out of School Time Grant Program; and,

WHEREAS, the grant award will support youth recreation programming and staff time; and,

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2022-2023 in the amount of \$392,500 for grant income, and increase the appropriations in the amount of \$392,500, representing grant expenditures.

NOW THEREFORE, be it resolved that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment for the Fiscal Year 2022-23 Budget as requested by the Administration to increase budgeted revenues in the amount of \$392,500 to account 208-000-532.000-UWOCST, and appropriations in the amount of \$135,000 to account 208-756-702.000-UWOCST Salaries and Wages, \$18,500 to account 208-756-745.000-UWOCST Recreation Supplies, \$108,500 to account 208-756-779.020-UWOCST Programming, \$65,000 to account 208-756-819.000-UWOCST Contractual Temp/PT Labor, \$5,500 to account 208-756-957.002-UWOCST Training Expense, and \$25,000 to account 208-756-977.008-UWOCST Special Equipment.

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

No: None

**Resolution Passed**

February 21, 2023 Draft

**23-76 Resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$294,000 to account 212-000-532-000 OCSCMG Federal Grant Others, and appropriations in the amount of \$150,000 to account 212-813-818-000 OCSCMG – Other Professional Services (Ruth Peterson Senior Center) and \$144,000 to account 212-814-818-000 OCSCMG – Other Professional Service (Bowen Senior Center) Moved by Councilperson Rutherford and second by Councilperson Carrington.**

WHEREAS, the City of Pontiac was awarded \$144,000 assigned to the Robert Bowens Center and \$150,000 assigned to the Ruth Peterson Center through the Oakland County Senior Center Matching Grant Program; and,

WHEREAS, the grant will allow the city to renovate and update structurally deficient, unsafe and inaccessible senior facilities so they can be used and enjoyed by the older adult and disabled communities in safe, inclusive, and innovative ways for years to come; and,

WHEREAS, the matching requirement for this Grant Program has been waived by Oakland County; and,

WHEREAS, the Grant Program requires that the City of Pontiac certify compliance with all Grant Program requirements, including commitment to long-term maintenance and all project cost overruns.

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2022-2023 in the amount of \$294,500 for grant income, and increase the appropriations in the amount of \$294,000, representing grant expenditures.

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment for the Fiscal Year 2022-23 Budget as requested by the Administration to increase budgeted revenues in the amount of \$294,000 to account 212-000-532.000-OCSCMG Federal Grant Others, and appropriations in the amount of \$150,000 to account 212-813-818.000-OCSCMG – Other Prof Serv (Ruth Center) and \$144,000 to account 212-814-818.000-OCSCMG – Other Prof Serv (Bowen).

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

No: None

**Resolution Passed**

Planning

**23-77 Resolution to approve the proposed budget amendment for Budget Year 2022-23 to transfer \$35,000 from GL account 101-721-702-000 for Salaries and Wages to GL account 101-721-818-000 for Other Professional Services for Planning Consulting Services. Moved by Councilperson Parker and second by Councilperson Rutherford.**

WHEREAS, The Department of Community Development must hire and train the Planning Division to properly administer plan review for Planning and Zoning functions; and,

WHEREAS, the consultant, Carlisle Wortman Associates, Inc. has performed consultant work since December 1, 2022 for plan review services on a temporary basis while Planning Staff are hired and trained; and,

WHEREAS, the City needs to transfer funds from the Planning Division's General Ledger account for Salary & Wages to Other Professional Services for these consultative services in lieu of having unfilled positions during this budget year.

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council approves the proposed budget amendment of \$35,000 from the Planning Division's Salary & Wages GL account 101-721-702.000 to Other Professional Services GL account 101-721-818.000.

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

No: None

**Resolution Passed**

Purchasing

February 21, 2023 Draft

**Motion to table Resolution #23-66 (Resolution to recognize Contract Template Change for City Building Scanning Documents Contract) indefinitely.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

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

No: None

**Motion Carried**

**23-78 Resolution to approve revisions to AmeriScan Contract.** Moved by Councilperson Parker and second by Councilperson Goodman.

Whereas, the Purchasing Manager has completed her due diligence by requesting contract revisions to protect the City's interests better;

Whereas, the Purchasing Manager is notifying Council of changes in the terms and conditions of the contract;

Now, therefore, Be It Resolved, the Pontiac City Council approves the attached AmeriScan contract which includes revised terms and conditions.

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

No: None

**Resolution Passed**

#### **Public Comment**

1. Dr. Deidre Waterman
2. Chuck Johnson
3. Larry Jasper

#### **Discussions**

Larcenies from Automobiles

Swift Patching of Potholes, Proactive Approach by Public Works

#### **Closed Session**

**23-79 Resolution to proceed into Closed Session at 8:14 p.m. to consider and discuss the confidential Legal Opinion concerning a pending Marihuana Appeal.** Moved by Councilperson Carrington and second by Councilperson Goodman.

WHEREAS, the Mayor directed the City's outside legal counsel, Clark Hill PLC, to provide an attorney-client privileged legal opinion addressing legal issues related to a pending marihuana appeal and Clark Hill PLC has prepared a Memorandum dated February 15, 2023; 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 Section 8(h) of the Open Meetings Act, MCL 15.268(h) to review and discuss the confidential attorney-client Memorandum dated February 15, 2023 concerning legal issues in connection with a pending marihuana appeal.

Ayes: Parker, Carrington, Goodman, James and McGuinness

No: None

Abstain: Rutherford

February 21, 2023 Draft

**Resolution Passed**

**Motion to come out of Closed Session at 8:55 p.m.** Moved by Councilperson Goodman and second by Councilperson Carrington.

Ayes: Parker, Carrington, Goodman, James and McGuinness

No: None

**Motion Carried**

Councilwoman Rutherford was absent during the vote and did not participate in Closed Session

Councilman Goodman left the meeting at 8:55 p.m.

**Communications**

City Council and Mayor's Office

**Mayor, Clerk and Council Closing Comments**

Mayor Greimel, Councilwoman Melanie Rutherford, Councilman William Parker Jr., Councilwoman Kathalee James, Council President Pro-Tem William Carrington and Council President Mike McGuinness made closing comments.

**Adjournment**

**Motion to adjourn the meeting.** Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Rutherford, Carrington, James, McGuinness and Parker

No: None

**Motion Carried**

Council President Mike McGuinness adjourned the meeting at 9:12 p.m.

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Garland S. Doyle  
City Clerk

**#1**

**SPECIAL  
PRESENTATION**

# **Norton Street Innovation:**

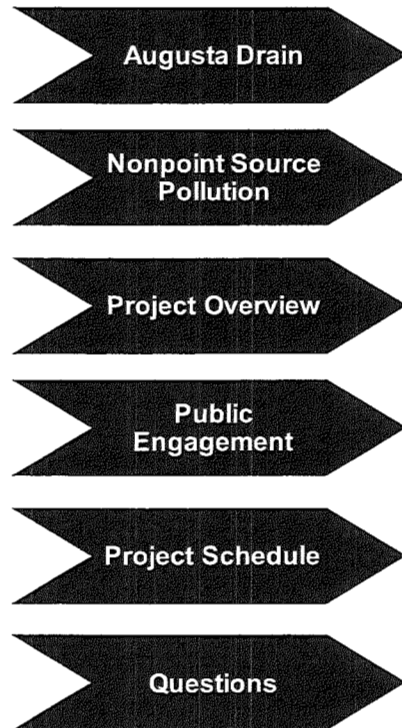
## Augusta Drain Stormwater Improvement Project

*February 28, 2023*



248-858 - 0958 | One Public Works Drive Building 95 West Waterford, MI 48328 | [www.oakgov.com/nortonstreet](http://www.oakgov.com/nortonstreet)

# Presentation Agenda





# Augusta Drain: Pre-Construction (1963)

Augusta Drain:  
Original Location



Augusta Drain:  
Current Property  
and Location

Augusta Drain

Nonpoint  
Source Pollution

Project  
Overview

Public  
Engagement

Project  
Schedule

Questions



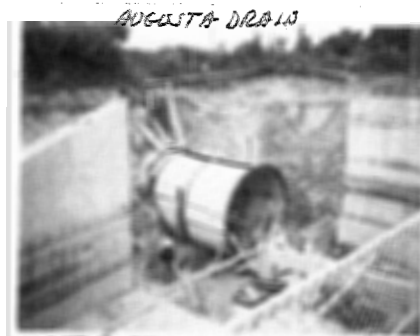
**Purely Resourceful**

# Augusta Drain: Construction (1972)



AUGUSTA DRAIN  
SHAFT C STR. NORTON ST.

2:30 AM 6/30/72



AUGUSTA DRAIN  
NORTON ST. INLET



AUGUSTA DRAIN  
NORTON ST. INLET C.D. 2:05 AM 6/30/72



AUGUSTA DRAIN 9/6/72  
C.D. 1:00 AM '72



AUGUSTA DRAIN 9/6/72 C.D. 1:00 AM  
View - looking north from S. M. & W. St.



AUGUSTA DRAIN 9/6/72 C.D. 1:00 AM

Back side of Shaft C



AUGUSTA DRAIN 9/6/72  
NORTON ST. INLET to the 10' x 10' bridge under R.R.



AUGUSTA DRAIN 9/6/72 9:10 AM  
NORTON ST. INLET

Augusta Drain

Nonpoint  
Source Pollution

Project  
Overview

Public  
Engagement

Project  
Schedule

Questions



Purely Resourceful

## Augusta Drain: Post Construction



**1974**



**2022**

# Augusta Drain: Today



Augusta Drain

Nonpoint  
Source Pollution

Project  
Overview

Public  
Engagement

Project  
Schedule

Questions



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# Nonpoint Source Pollution

- Pollution caused by sediment, nutrients, organic, and toxic substances
  - Originate from land-use activities
  - Carried to lakes, rivers and streams by surface runoff via rainfall or snowmelt



Augusta Drain

Nonpoint  
Source Pollution

Project  
Overview

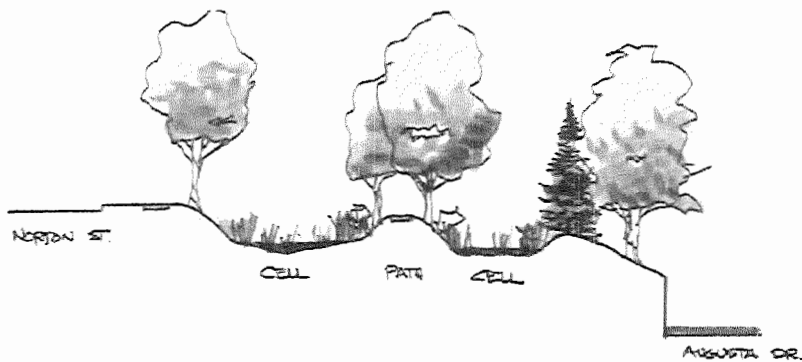
Public  
Engagement

Project  
Schedule

Questions



# Project Overview



- **Grant Funding**

- EGLE Clean Water State Revolving Fund + American Rescue Plan
- ~\$1.3 million

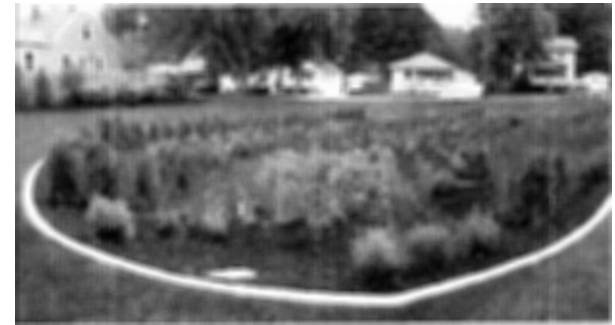
- **Project Description**

- Curb cuts and modifications to stormwater catch basins
- Collect stormwater in bioretention cells
- Promote infiltration with native plants
- Gathering space and walking trail



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## Project Overview - Examples



Augusta Drain

Nonpoint  
Source Pollution

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Public  
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## Project Overview: Progress to Date



### Infiltration Tests



Florence St - Clay



Sanborn Ave - Sand

Augusta Drain

Nonpoint  
Source Pollution

Project  
Overview

Public  
Engagement

Project  
Schedule

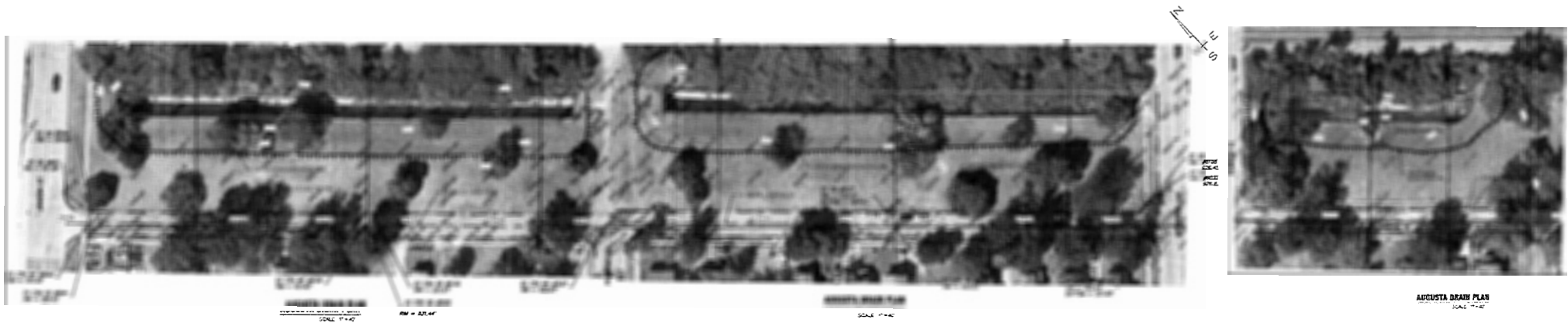
Questions



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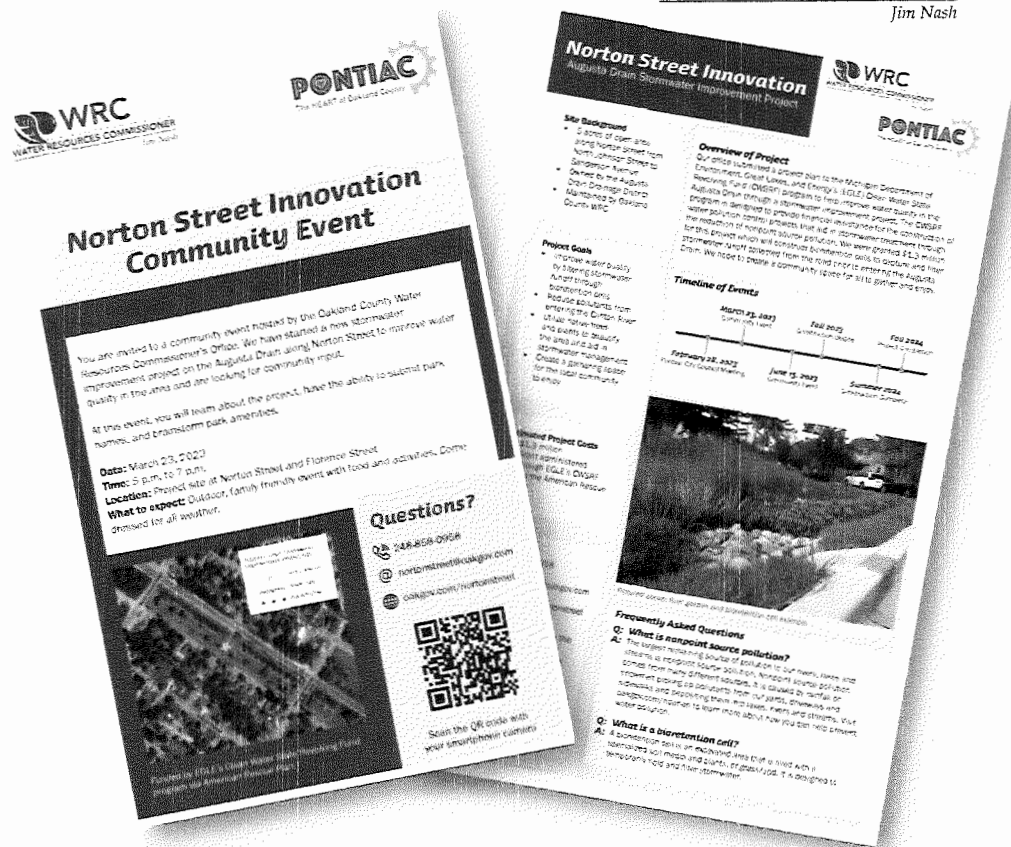


# Project Overview: Progress to Date



# Public Engagement

- **Community Event Materials**
  - Postcards, door hangers, posters
  - Project sign, storymap
  - Website: [oakgov.com/nortonstreet](http://oakgov.com/nortonstreet)
- **Community Engagement Events**
  - *March 23 and June 15*
  - Gather input on:
    - Name, plant selection, future visioning, etc.
  - Provide realistic, year-round pictures of bioretention
  - Discuss public art opportunity



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# Project Schedule

- **Winter 2023:** Public Engagement and Initial Design
  - Present at City Council (February 28, 2023)
  - Community Engagement Event (March 23, 2023)
- **Summer 2023:** Public Engagement and Final Design
  - Community Engagement Event (June 15, 2023)
- **Fall 2023:** Construction Begins
- **Fall 2024:** Project Completion
- **Fall 2024:** Naming Ceremony/Ribbon Cutting



## Questions/Comments?



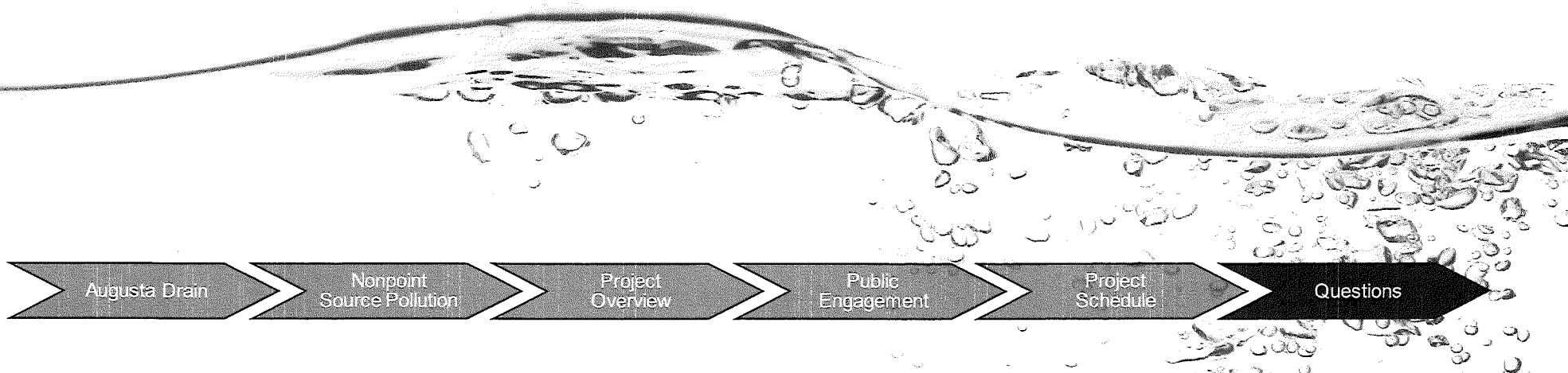
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ruffinj@oakgov.com



**#4**

# **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 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. 01. Title.**

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

**Sec. 02. 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 marijuana establishments in accordance with the Michigan Regulation and Taxation of Marijuana 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 marijuana 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 marijuana 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 marijuana prohibition and enforcement and that social equity in the marijuana industry is necessary to address the historical disproportionate impact of marijuana 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 marijuana;

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

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

(8) To restrict the issuance of Marijuana 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 marijuana 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 marijuana remains illegal under federal law, and marijuana 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 marijuana 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 marijuana commercial operation is occurring from prosecution or from 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 marijuana business interests. The operation of a permitted adult-use marijuana 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 marijuana as a commercial enterprise

In the City. The City determines that the commercialization of marijuana 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 marijuana 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 marijuana in any form that is not in strict compliance with the MRTMA and the Marijuana Tracking Act, and all applicable administrative rules promulgated by the State of Michigan regarding the commercialization of marijuana. 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 marijuana 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 marijuana business arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marijuana 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 marijuana business or limiting the number and types of adult-use marijuana businesses authorized to operate in the City.

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

**Sec. 03. 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 marijuana 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 Marijuana 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 Marijuana 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 permit requested.

"City" means the City of Pontiac, Michigan.

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

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

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

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

"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 marijuana businesses at the same physical location.

"Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana 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 marijuana-related business authorized to permit individuals 21 years of age and older to consume marijuana 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 Medical Marijuana Facilities Licensing Act, MCL 333.27101 et. seq. ("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 marijuana 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 marijuana establishment in the City.

"Marihuana" means the term as defined at MCL 333.27953. For purposes of this Ordinance marijuana 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 marijuana 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) marijuana event organizer or (j) temporary marijuana 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 marijuana event license.

"Marihuana-Infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana 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 Marijuana 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 Marijuana Business in the City.

"Permittee" means a person who receives and holds a permit to operate a Marijuana 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 marijuana from a grower establishment and who processes the marijuana 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 marijuana from marijuana establishments and sells or otherwise transfers marijuana to marijuana 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 marijuana, including certification for potency and the presence of contaminants.

"Secure Transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana 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 marijuana 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 marijuana establishment, as specified in the license.

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

#### **Sec. 04. Creation of Marijuana Business Commission; Composition; Quorum**

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

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

#### **Sec. 05. Marijuana Business Commission Membership; Qualifications; Term; Vacancies; Compensation.**

(a) Members of the Marijuana 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 Marijuana 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 Marijuana Business Commission, the mayor shall appoint a new member to fill the vacancy.

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

#### **Sec. 06. Marijuana Business Commission Powers and Duties.**

The Marijuana Business Commission shall review and decide all appeals that are forwarded to it by the clerk under this ordinance. The Marijuana Business Commission shall review all appeals de novo. The Marijuana 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.

**Sec. 07. 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. 08. 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 Establishments and Social Equity Retailer Establishments is permitted in strict compliance with Department Rules.

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

**Sec. 09. 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	18
Social Equity Retailer	6
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. 10. 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 establishment 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 Marijuana 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 Marijuana 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. 11. Location Criteria.**

- (a) No marijuana business is eligible to receive a permit unless at the time the application for the marijuana 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 marijuana commercial business for which the permit is being sought. No Adult-Use Marijuana Retailers shall be permitted outside of the Adult-Use Marijuana Business Overlay Districts, as set forth in the City zoning ordinance, as amended.
- (b) Mobile marijuana businesses and limited contact transaction operations, except for curbside service in a designated area at a marijuana sales location in compliance with applicable Department-issued rules and the City zoning ordinance, are prohibited.
- (c) A permittee shall not operate a marijuana business at any location in the City other than at the address provided in the application on file with the City Clerk.

## **Sec. 12. General Permit Application Requirements.**

(a) An applicant seeking a permit pursuant to the provisions of this ordinance and license 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.

(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, or other state or foreign jurisdiction, 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 social-equity 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 marijuana 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 Marijuana 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 marijuana 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 marijuana 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 marijuana 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 marijuana-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 marijuana 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 Marijuana 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 establishment 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 Marijuana 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 marijuana 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 establishment 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 marijuana 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 Marijuana Business,

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

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

(23) A social equity plan that (a) promotes and encourages participation and ownership in the marijuana industry by local residents that have been disproportionately impacted by marijuana 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 Marijuana Business.

(25) A sanitation plan designed to protect against any marijuana 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 marijuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract or letter of intent 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 compliance with the requirements of the Department.

(27) Proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy 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 marijuana 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 Marijuana 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 Marijuana 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 Marijuana Secure Transporter license shall provide copies of the vehicle registration for all commercial motor vehicles that will be used to transport marijuana or marijuana-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 Marijuana 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 a grower, a processor, a retailer, a social equity retailer, or a Class A microbusiness.

### **Sec. 13. Marijuana 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 Marijuana 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 Marijuana Businesses are not in default to the City.

(c) ~~After this ordinance becomes effective, the Clerk shall begin accepting adult-use Marijuana Business applications within 60 days.~~ After sixty (60) days from the effective date of this ordinance, the Clerk shall begin accepting adult-use Marijuana Business applications for a permit

to operate a grower, processor, secure transporter, safety compliance facility, marijuana event organizer, and temporary marijuana event.

(d) The Clerk shall award a conditional permit to any applicant for a permit to operate a grower, processor, secure transporter, safety compliance facility, marijuana event organizer, and temporary marijuana 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 marijuana 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 which shall be approved by City Council resolution, 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 and accurate labeling of all required items. Failure to clearly and accurately label and organize the application materials will result in the deduction of points. The maximum number of scoring points in this category shall be five (5) points.

(2) Whether the proposed Marijuana 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. Applicant shall submit a sanitation plan designed to protect against any marijuana 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 marijuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract between the Applicant and sanitation waste provider. Applicant shall submit an odor control plan satisfying the criteria in Sec. 15 of this ordinance. The maximum number of scoring points in this category shall be twenty (20) points.

(3) Neighborhood Communication/Education Plan on behalf of the proposed Marijuana 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 marijuana 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 Marijuana Business is to be located, including the applicant's financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marijuana Business and 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 by 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, proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy satisfying the criteria in Sec. 12 (b)(27) of this ordinance, attest that the applicant and 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 and type 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 Constitution of Michigan 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); a staff training and education plan that the applicant will provide to employees; 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 establishment; short and long-term goals and objectives; 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 marijuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marijuana, and community education and outreach on adult-use marijuana 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 marijuana provisioning center permit pursuant to City of Pontiac's Medical Marijuana Facilities Ordinance, Article XXX, Section 26.1491 et seq., is not currently in default of compliance with Article XXX, and has received site plan approval from the City's Community Development Department and has started construction of the medical marijuana provisioning center subject to receipt of a valid building permit from the City not less than 30 days prior to the application for Marijuana Retailer or Social Equity 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. 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 marijuana 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 one hundred and sixty five (165) points with the lowest overall total score as zero (0) points and the highest possible total score being one hundred and sixty five (165) 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 eighteen (18) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than eighteen (18) 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 five (5) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than five (5) 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 six (6) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than six (6) 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 marijuana 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. 14. 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 six (6) ~~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 for social equity retailer permits 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. 15. Odor Control.**

(a) No Marijuana Business, permittee, person, tenant, occupant, licensee, landlord or property owner shall permit the release of marijuana 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 marijuana 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) Marijuana Businesses shall use sufficient procedures to prevent smoke, odor, debris, dust, fluids and other substances from escaping the premises of the Marijuana Business. If any smoke, odor, debris, dust, fluids or other substances leave the Marijuana 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 Marijuana 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. 16. Social Equity**

(a) ~~A permittee 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 to hire and retain 25 percent of its employees who are low income or live in the City of Pontiac.

## **Sec. 17. 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; (f) 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 Marijuana Business.~~

#### **Sec. 18. Designated Consumption Establishments.**

- (a) All Designated Consumption Establishments shall comply with all applicable requirements of the City of Pontiac's zoning ordinance.
- (b) Designated Consumption Establishments shall be limited to C-2 Downtown Adult-Use Marijuana 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; (f) 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: Marijuana 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. 19. Marijuana Business Co-Location and Stacking.**

(a) Separate Marijuana 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 Marijuana 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. 20. Transfer of Location Prohibited; Transfer of Ownership and Assets.**

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

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

the Department authorizes the transfer pursuant to the MRTMA and the Rules. A sale or transfer of an ownership interest of a social equity applicant shall be at a price no less than fair market value and the buyer or transferee shall be qualified as a social equity applicant.

(c) With submission of a complete transfer of ownership 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 marijuana business operation.

#### **Sec. 21. 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 Marijuana Business may operate, unless the Marijuana Business has obtained a State License, the site of the proposed use and proposed structure for the Marijuana Business has zoning approval for such use, and the proposed final site plan and special land use has been approved by the Planning Commission.

#### **Sec. 22. Term of Marijuana 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, MRTMA and the Rules.

(b) Each permit for that current year shall be displayed in a conspicuous spot in the location.

(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. 23. Closing of Marijuana Business.**

(a) A permittee that closes a Marijuana 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 Marijuana Business permit to the City upon the expiration of the thirty (30) days' notice to the City.

#### **Sec. 24. Annual Marijuana 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 Marijuana 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 complies 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 Marijuana 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 and proof of an insurance policy 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.

(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 marijuana industry by local residents that have been disproportionately impacted by marijuana 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.

(11) Unless the applicant shows good cause, the applicant shall demonstrate to the City Clerk that the applicant was open and conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. The term "good cause" shall mean substantial grounds, such as an emergency, fire damage, or other unforeseeable circumstances that prevented the applicant from conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. Economic or financial decisions, or inability to secure capital or financial resources that prevented an applicant from conducting business for a minimum of twenty (20) hours per week during the prior year shall not be good cause.

(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. 25. Denial, Nonrenewal, Suspension, or Revocation of Marijuana Business Permit; Basis for Action; Appeal.**

(a) Each Marijuana 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 Marijuana 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 Marijuana Business. This cure period does not apply to scoring of initial applications for Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment permits;
- (8) Violation of any State law applicable to Marijuana 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 establishment 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 or e-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 Marijuana Business Commission by filing an appeal in writing to the Marijuana 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 Marijuana Business Commission pursuant to this ordinance. The Marijuana Business Commission shall overturn a decision or 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 Marijuana 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, social equity retailer permit, Class A microbusiness permit or designated consumption establishment 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, and all permits that are suspended or revoked.

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

**Sec. 26. Penalties; temporary suspension of a permit.**

(a) The City may require an applicant or permittee of a Marijuana 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 or state law and rules. Failure to provide the required material may be grounds for application denial, or permit suspension or revocation.

(b) Any person in violation of any provision of this Ordinance, including the operation of a Marijuana 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 Marijuana 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. 27. 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. 28. Effective Date.**

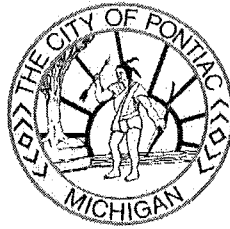
This Ordinance shall become effective: (a) 30 days following the date of adoption, (b) the effective date of the amendment to ordinance #2360 (removing the prohibition of marijuana establishments); or (c) the effective date of the zoning code text amendments permitting Adult-Use Marijuana Business land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

**Sec. 29. Publication.**

**#5**

# **ORDINANCE**

Mark Yandrick  
Planning Manager  
myandrick@pontiac.mi.us  
248-758-2824



Community Development  
Department  
Planning Division  
47450 Woodward Avenue  
Pontiac, MI 48342

**TO:** City Council  
**CC:** Mayor Tim Greimel  
**FROM:** Mark Yandrick, Planning Manager  
**DATE:** February 22, 2023  
**RE:** Ordinance: Planning Commission By-Laws Amendment

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**Executive Summary:**

The City proposes an amendment to the Planning Commission Ordinance and By-Laws to align with the State of Michigan Planning Enabling Act that clarifies confusing language regarding membership of the Planning Commission.

Staff worked with legal counsel to remove references to Emergency Management, as noted at the February 21, 2023 City Council Meeting.

Staff recommends City Council consider the two (2) proposed items and the removal of language related to Emergency Manager in the Planning Commission Ordinance and the Planning Commission By-Laws at the second reading, during the February 28, 2023 meeting.

**Overview:**

This Ordinance proposes to replace the previous Ordinance and By-Laws. As it currently reads, there is conflicting language of the make-up of the Planning Commission between residents and non-residents in different sections of the existing code.

This proposal clarifies language on several items to align with the Michigan Planning Enabling Act, including:

- That one member of the Planning Commission is a non-resident, as allowed by the Michigan Planning Enabling Act.
- That the Mayor appoints the ex-officio City Council Member.

Additionally, language related to Emergency Manager are proposed to be removed from this ordinance including Article 2.372(i) which terminates the terms of Planning Commission members on June 30, 2011 from the Emergency Management process. The term limits are not proposed to be modified as they are already listed in Article 2.372(f).

**Non-Resident Consideration**

The State of Michigan Planning Enabling Act allows one (1) non-resident to be appointed to Planning Commission. This allowance is provided to municipalities because there are often stakeholders who do not live in the City but may work in the City or have a high level of participation in the City (for example, being a landowner, developer, or community leader). Municipalities generally find that there is a benefit and/or value to allowing for an individual with high community involvement/participation in the

community to be a member of the Planning Commission even if they are not a resident of that municipality.

**Recommendation:**

Staff recommends City Council consider the motions below related to the updating of the Ordinance and By-Laws.

**Motions**

**Motion #1**

*"I move to approve the first reading of the amendments to Article V. ("BOARDS AND COMMISSIONS), Division 2. (PLANNING COMMISSION), Sec. 2-372 (Composition; Terms) of the City of Pontiac's Code of Ordinances and direct the City Clerk to publish said Ordinance in accordance with state law and hereby set the second reading of said Ordinance amendment for March 14, 2023."*

**Motion #2**

If the City Council is in agreement to approve the amendment to the Planning Commission Bylaws, an appropriate motion would be:

*"I move to approve the proposed amendment to Sec. 2-372 of the City Of Pontiac's Planning Commission Bylaws presented to City Council on February 16, 2023."*

**Attachments:**

Exhibit A: Planning Commission Proposed Ordinance

Exhibit B: Planning Commission By-Laws



## ARTICLE V. BOARDS AND COMMISSIONS

### DIVISION 1. GENERALLY

**2-356—2-370 Reserved.**

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### DIVISION 2. PLANNING COMMISSION

#### **2-371 Scope, purpose and intent.**

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This division is adopted pursuant to the authority granted to the city under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.) to establish a City Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this division and any future amendments to this division.

The purpose of this division is to provide that the City of Pontiac shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801, et seq.) to establish the appointments, terms, and membership of the city planning commission; to identify officers and the minimum number of meetings per year of the city planning commission; and to prescribe the authority, powers and duties of the city planning commission.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 1, 5-20-11)

#### **2-372 Composition; terms.**

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(a) Under and by virtue of the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), there is created a city planning commission, formerly established under the former Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.). The city planning commission shall consist of six (6) members plus one (1) ex officio member for a total of seven (7) members. All Planning Commission Members, including the ex-officio member, shall be appointed by the mayor, subject to approval by a majority vote of the City Council, as provided in state law.

(b) City planning commission members shall be qualified electors of the city (i.e., a United States citizen who is eighteen (18) years old, and who has been a resident of the State of Michigan for six (6) months and a resident of the City for at least thirty (30) days), except that one city planning commission member may be an individual who is not a qualified elector of the City.

(c) An appointed member of the city planning commission shall hold no other municipal office, except that one member may be a member of the zoning board of appeals or a member of the joint fire administrative board, except one ex officio member. No elected officer or employee of the City is eligible to be a member of the city planning commission, except one ex officio member.

(d) The term of each appointed member shall be three (3) years and shall serve for the terms herein specified, unless removed before the expiration of the term pursuant to this division or state law and except as provided in subsection (f) below.

(e) Members of the city planning commission shall represent, insofar as is possible, different professions or occupations. By way of example and to the extent practicable, members should come from the economic, governmental, educational, and social development segments of the City of Pontiac, in accordance with the major interests as they exist in the City of Pontiac, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the City of Pontiac to the extent practicable.

(f) The terms of the six (6) members shall be for three (3) years and commence on July 1, 2011; provided, however, that three members of the first city planning commission to be appointed hereunder shall serve until June 30, 2012, two members until June 30, 2013, and two members until June 30, 2014. Thereafter all members shall be appointed for a term of three years and shall serve until their successors are appointed and qualified. The term of ex officio member shall be concurrent with the term of office of the Mayor of the City of Pontiac. A member will hold the position until a successor is appointed, although the mayor or the Emergency Manager, shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this division.

(g) The ex officio member shall include the mayor, or a person appointed by him.

(h) No member of the city planning commission shall receive any compensation as such.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 2, 5-20-11; Ord. No. 2236, § 1, 12-5-11)

**Cross references**—Buildings and building regulations, ch. 22.

**State law references**—Michigan Planning Enabling Act, MCL 125.3801 et seq.

## **PLANNING COMMISSION BYLAWS**

### **City of Pontiac**

### **Municipal Code – Article V – Boards and Commissions**

#### **2-371. Scope, purpose and intent.**

This division is adopted pursuant to the authority granted to the city under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.) to establish a City Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this division and any future amendments to this division.

The purpose of this division is to provide that the City of Pontiac shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801, et seq.) to establish the appointments, terms, and membership of the city planning commission; to identify officers and the minimum number of meetings per year of the city planning commission; and to prescribe the authority, powers and duties of the city planning commission.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 1, 5-20-11)

#### **2-372. Composition; terms.**

- a. Under and by virtue of the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), there is created a city planning commission, formerly established under the former Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.). The city planning commission shall consist of six (6) members plus one (1) ex officio member for a total of seven (7) members. All Planning Commission Members, including the ex officio member, shall be appointed by the mayor, subject to approval by a majority vote of the City Council, as provided in state law.
- b. City planning commission members shall be qualified electors of the city (i.e., a United States citizen who is eighteen (18) years old, and who has been a resident of the State of Michigan for six (6) months and a resident of the City for at least thirty (30) days), except that one city planning commission member may be an individual who is not qualified elector of the City.
- c. An appointed member of the city planning commission shall hold no other municipal office, except that one member may be a member of the zoning board of appeals or a member of the joint fire administrative board, except one ex officio member. No elected officer or employee of the City is eligible to be a member of the city planning commission, except one ex officio member.
- d. The term of each appointed member shall be three (3) years and shall serve for the terms herein specified, unless removed before the expiration of the term pursuant to this division or state law and except as provided in subsection (f) below.
- e. Members of the city planning commission shall represent, insofar as is possible, different professions or occupations. By way of example and to the extent practicable, members should come from the economic, governmental, educational, and social development segments of the City of Pontiac, in accordance with the major interests as they exist in the City of Pontiac, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the City of Pontiac to the extent practicable.

- f. The terms of the six (6) members shall be for three (3) years and commence on July 1, 2011; provided, however, that three members of the first city planning commission to be appointed hereunder shall serve until June 30, 2012, two members until June 30, 2013, and two members until June 30, 2014. Thereafter all members shall be appointed for a term of three years and shall serve until their successors are appointed and qualified. The term of ex officio member shall be concurrent with the term of office of the Mayor of the City of Pontiac. A member will hold the position until a successor is appointed, although the mayor or the Emergency Manager, shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this division.
- g. The ex officio member shall include the mayor or a person appointed by him.
- h. No member of the city planning commission shall receive any compensation as such.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 2, 5-20-11; Ord. No. 2236, § 1, 12-5-11)

**Cross references**—Buildings and building regulations, ch. 22.

**State law references**—Michigan Planning Enabling Act, MCL 125.3801 et seq.

### **2-373. Officers' election; meeting.**

- a. The city planning commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be one (1) year, with eligibility for reelection.
- b. The city planning commission shall hold at least one regular meeting in each month.
- c. The city planning commission shall comply with the Open Meetings Act.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 3, 5-20-11)

### **2-374. Removal of city planning commission member vacancy.**

- a. Members of the city planning commission may, after written charges and a public hearing occurring no sooner than ten (10) days after the preparation of written charges, be removed by the mayor for the following reasons: conflict of interest; inefficiency; neglect of duty; malfeasance, misfeasance or nonfeasance in office; lack of qualifications; incompetency; misconduct; conviction of a felony; or a violation of this charter (including the charter's conflict of interest provisions) or any job-related ordinance, rule or regulation.
- b. Members shall disclose of all potential conflicts of interest and may not vote on a matter for which the member has a conflict of interest. Failure to disclose potential conflicts of interest or voting on matters for which the member has a conflict of interest is considered malfeasance in office.
- c. In the case of the termination of membership of any member of the city planning commission before the expiration of his term, through resignation, removal or any other reason, the vacancy shall be filled by appointment by the mayor, subject to the approval by a majority vote of the members of the city council, for the unexpired term of the member whose membership has terminated, as provided in state law.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 4, 5-20-11)

## **2-375. City liability limited; expenditures.**

No liability shall be incurred by the city planning commission, nor shall any employee be hired or contract made with any person, except on the approval of the city planning commission by resolution. No expenditure of any funds shall be made unless such funds are first appropriated and set aside by the city planning commission.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 5, 5-20-11)

## **2-376. Additional duties**

The City Planning Commission shall:

- a. Under the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the City's planning jurisdiction;
- b. Keep a public record of all resolutions, transactions, findings and determinations, including, but not limited to, making all final agendas and minutes available on the City Planning Commission's website; and
- c. Make an annual written report to the Mayor and City Council of the City Planning Commission's operations and status of planning activities.
- d. Be exempted from preparing the capital improvement program in accordance with MCL 125.3865. The capital improvement program shall be prepared by the Community Development Director, subject to final approval by the City Council.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 6, 5-20-11; Ord. No. 2298, § 1, 7-7-13)

## **2-377. State regulations applicable.**

The city planning commission, except as provided in this division, shall be governed by the rules and regulations set forth in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended. The purpose of the city planning commission shall be the adoption of a city plan and a zoning ordinance for the control of the height, area, bulk, location and use of buildings and premises in the city.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 7, 5-20-11)

**#6**

# **ORDINANCE**



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** Pontiac City Council

**FROM:** Dick Carlisle, AICP, Planning Consultant for the City  
Mark Yandrick, Planning Manager

**DATE:** February 8, 2023

**RE:** Request for Zoning Map Amendment (ZMA-22-011)  
Lighthouse Campus Plan  
46156 Woodward Ave.

**Executive Summary**

Lighthouse, at 46156 Woodward, proposes a rezoning for their headquarters and adjacent parcels to the east between Woodward Avenue and Center Street. The rezoning for the western half to Local Business (C-1) and the eastern half to Office Business (C-0) allows the property owner to incorporate some additional uses into their campus, including a grocery store and community service facility.

Planning Commission reviewed the proposal during a public hearing at their Wednesday, March 1, 2023 meeting and recommended approval to City Council, 4-0.

**Proposal**

James Pappas, Fusco, Shaffer & Pappas, on behalf of Lighthouse, submitted a concept drawing for preliminary site plan approval in October 2022. As depicted in the preliminary site plan, the organization is seeking to expand an existing service location into a multi-use campus. To move forward with this plan, the applicant has requested to make the following changes to zoning, as seen in the table below:

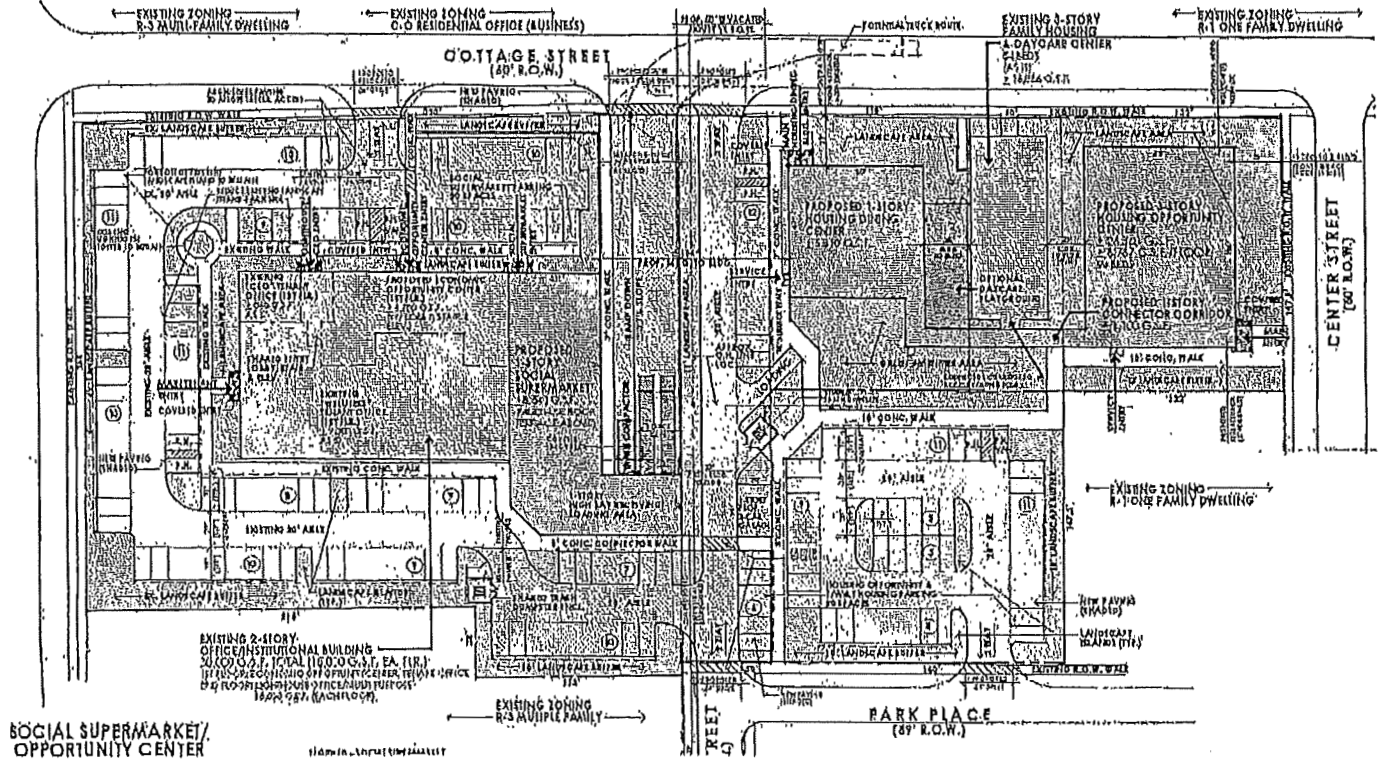
Table 1.0, Zoning Map Amendment Request

Parcel Number(s)	Current Zoning	Requested Change
14-33-151-019  West of Hovey Street	C-0	C-1
14-33-152-001 14-33-152-002 14-33-152-003 14-33-152-004 14-33-152-005 14-33-152-006 14-33-152-007 14-33-152-008 East of Hovey Street	R-1	C-0

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*  
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmliger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*  
Laura K. Kreps, *Senior Associate* Paul Montagno, *Senior Associate*, Megan Masson-Mlinock, *Senior Associate*

The City of Pontiac Master Plan establishes future land use categories that are consistent with Lighthouse's proposed development. The Master Plan designates the west side of the proposed campus as an "Office/Hospital/Healthcare District" and the east side of the campus as a "Traditional Neighborhood Residential District." Both future land use categories encourage flexibility. They would permit offices, residences, and neighborhood institutions where proposed.

*Exhibit A: Lighthouse's own Master Plan (Not Received City Approvals)*





The applicant proposes to re-zone the majority of the area, west of Hovey Street, to C-1, Local Business/Residential Mixed Use. Indoor retail sales, a proposed use that is indicated by the "Social Supermarket," are not permitted in the C-O designation, which the subject site is currently zoned. Further, the applicant proposes to re-zone the parcels east of Hovey Street to C-O, Residential Office. This change would allow a mix of residential with non-residential uses and is therefore consistent with the preliminary site plan.

The applicant will need to apply for a Site Plan for this project, which will be contingent on the rezoning of these subject properties.

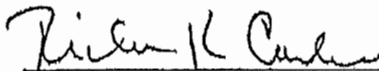
**Staff Recommendation**

Based on our analysis of the applicant's request, staff recommends approval to Planning Commission in their consideration of proposed changes to the districts zoning.

**Planning Commission Recommendation**

Planning Commission reviewed the Zoning Map Amendment in a public hearing at their Wednesday, February 1<sup>st</sup> meeting. They discussed the scope of the project, and the impact to the surrounding area, and also noted that the proposed improvements would not be very noticeable to the Woodward Avenue corridor as the front section of the development along Woodward would be unchanged. Planning Commission recommended approval of the Zoning Map Amendment to City Council 4-0

Sincerely,



CARLISLE/WORTMAN ASSOC., INC  
Richard K. Carlisle, FAICP  
Past President/Senior Principal

## **Resolution of the Pontiac City Council**



**Resolution to receive the first reading of An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103- Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.)**

WHEREAS, the City is proposing an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103- Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.)

NOW THEREFORE, BE IT RESOLVED that the first reading of an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103- Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) is hereby received and read by the Pontiac City Council at the February 16, 2023 City Council meeting.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF PONTIAC

ORDINANCE NO. \_\_\_\_\_

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CHANGE THE ZONING CLASSIFICATIONS FOR SPECIFIC PARCELS ON WOODWARD AVE.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal descriptions shall be rezoned as follows:

1. Existing C-0 Residential Office parcels to C-1 Local Business;
2. Existing R-3 Multiple Family Dwelling parcels to C-1 Local Business;
3. Existing R-1 One Family Dwelling parcels to C-0 Residential Office.

LOTS 118 AND 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC (NOW CITY OF PONTIAC), ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF PLATS, PAGE 2, OAKLAND COUNTY RECORDS, ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, THE VACATED ALLEY ADJACENT TO SAID LOTS, 1/2 OF VAC ALLEY ADJACENT TO LOTS 9 AND 10, ALL IN BLOCK 1 AND THAT PORTION OF HOVEY STREET (50 FEET WIDE) OF THE MAP OF TREGENT AND STOCKWELL'S PLAT OF PONTIAC MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 4 OF PLATS, PAGE 34, OAKLAND COUNTY RECORDS AND LOCATED IN THE NORTHWEST

1/4 OF SECTION 33, T. 3 N., R.E 10 E., CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT ON THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET (60 FEET WIDE) AND THE EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE (WIDTH VARIES); THENCE N. 87°07'52" E. 656.45 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CENTER STREET (60 FEET WIDE); THENCE S. 03°00'48" E. 155.00 FEET (RECORD AND MEASURED) TO A POINT ON THE NORTHERLY LINE OF LOT 10 IN SAID TREGENT AND STOCKWELL'S PLAT; THENCE S. 87°06'04" W. 122.49 FEET ALONG SAID NORTH LINE OF LOTS 10 AND 9 TO A POINT ON THE WESTERLY LOT LINE OF SAID LOT 9; THENCE S. 02°44'37" E. 140.07 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK PLACE (89 FEET WIDE); THENCE S. 87°04'08" W. 211.50 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID HOVEY STREET; THENCE S. 02°23'32" E. 6.61 FEET; THENCE S. 87°07'38" W. 115.00 FEET; THENCE N. 02°23'26" W. 38.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC; THENCE ALONG SAID LINE S. 87°07'31" W. 207.75 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE; THENCE N. 02°52'55" W. 264.00 FEET (MEASURED AND RECORD) ALONG SAID EASTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

**Section 2. Repealer and Severability.**

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 3. Effective Date**

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on \_\_\_\_\_, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on \_\_\_\_\_, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

**ORDINANCE DECLARED ADOPTED.**

## CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County Oakland, State of Michigan, at a regular meeting of the City Council held on \_\_\_\_\_ day of \_\_\_\_\_, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: \_\_\_\_\_

Members Absent: \_\_\_\_\_

It was moved by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_ to adopt the Ordinance.

Members voting yes: \_\_\_\_\_

Members voting no: \_\_\_\_\_

Members abstaining: \_\_\_\_\_

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

\_\_\_\_\_  
Garland Doyle, City Clerk  
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:



# Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 46156 Woodward Ave.

Parcel Number: See List Below

Office Use Only

PF Number: \_\_\_\_\_

Date: \_\_\_\_\_

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least 30 days prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	James Pappas, President - Fusco, Shaffer & Pappas, Inc.		
Address	550 East Nine Mile Rd.		
City	Ferndale		
State	Michigan		
ZIP Code	48220		
Telephone	Main: (248)-543-4100	Cell: _____	Fax: (248)-543-4141
E-Mail	jpappas@fsparch.com		

## Project and Property Information

Name of Proposed Development: Lighthouse Campus Master Plan

The subject property is located at 46156 Woodward Ave. on the N / S / E / W side of Woodward Ave. between Cottage St. and Park Place.

The property is zoned: C-0 Residential Office, R-3 Multiple-family Dwelling & R-1 One Family Dwelling

Proposed Zoning District: Existing C-0 & R-3 Multiple-family Dwelling Zoning Parcels to Re-Zone to C-1, Existing R-1 Zoning Parcels to Rezone to C-0

It is proposed that the property will be used as: Continued use of existing buildings as Office and Family Housing Opportunity Center. The Economic Opportunity Center and Social Supermarket will be Added to the Campus.

The subject property is legally described as follows (include sidewalk numbers): 14-33-151-019, 14-33-151-007, 14-33-152-001, 14-33-152-002, 14-33-152-003, 14-33-152-004, 14-33-152-005, 14-33-152-006, 14-33-152-007, 14-33-152-008, Hovey St. Right-of-way, to be vacated between Cottage St. and Park Place.

**Property Owner Information**

Name	Lighthouse		
Address	46156 Woodward Ave.		
City	Pontiac		
State	Michigan		
ZIP Code	48342		
Telephone	Main: (248) 920-6000	Cell: (248) 330-1070	Fax:
E-Mail	todd@lighthousemi.org		

Are you the ☒ Owner ☐ Agent/rep. of the owner ☐ Other \_\_\_\_\_

The proposed will be used for the following purpose (provide as much detail as possible with photographs, sketches, site plans, written documents, etc.).


Continued use of existing building as an Office and Family Housing Opportunity Center. The Economic Opportunity Center and Social Supermarket will be added.

State the reason for the Zoning Map Amendment, particularly the manner in which the City will benefit if the amendment is approved and why such change will not be detrimental to the public welfare and/or the property rights of other persons located in the vicinity of the site.

Lighthouse has owned & operated the existing offices & housing with services use & has been established for over 20 years at this location. The proposal is meant to consolidate the current campus while improving the existing housing and services. This will not significantly change use of this property and will not be detrimental to the public. See attached Campus Master Plan.

  
Signature of Owner

TODD BURK CHIEF REAL ESTATE OFFICER  
FOR SOS DBA Lighthouse MI

  
Signature of Applicant

State of Michigan  
County of Oakland

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.

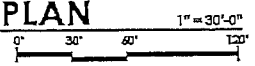
Notary Public, Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_





# CONCEPTUAL CAMPUS MASTER PLAN

NOTE: FOR CONCEPTUAL USE ONLY. MUST HAVE CURRENT SURVEY TO CONFIRM ALL TOPO, SITE DATA, AND LOT PL.



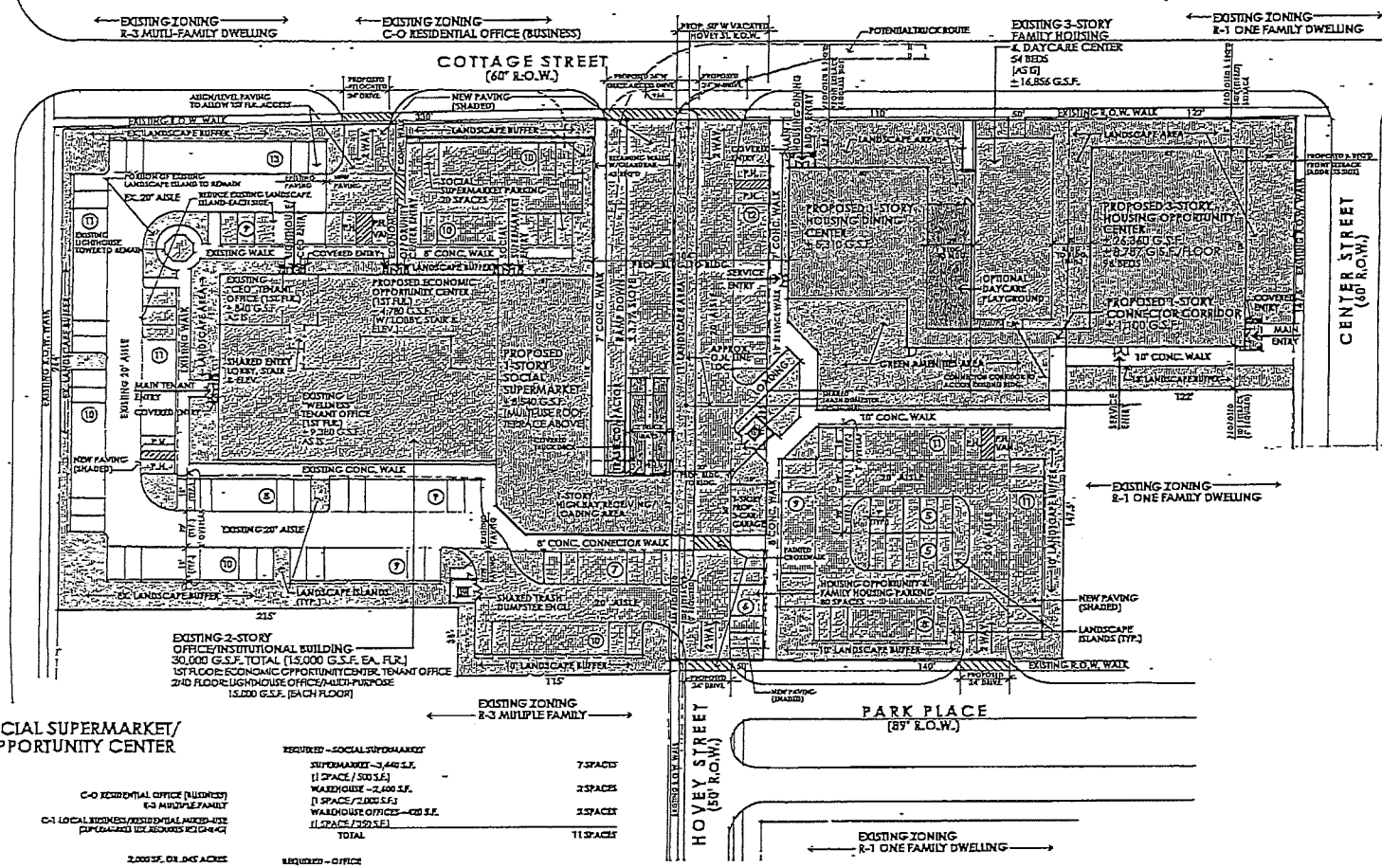
## LIGHTHOUSE CAMPUS MASTER PLAN

PONTIAC, MICHIGAN

PREPARED BY  
**PERUSO, CHAFFER & PAPPAS, INC.**  
ARCHITECTS & PLANNERS  
650 N. WYOMING AVE. S.W.  
TREMONT, ALABAMA 36280  
(205) 336-1100

CITY PRESENTATION  
OCTOBER 26, 2022  
PLANNING COMMISSION  
DECEMBER 7, 2022

SHEET 1 OF



### SITE DATA - SOCIAL SUPERMARKET/ ECONOMIC OPPORTUNITY CENTER

<b>ZONING</b>	
EXISTING	C-O RESIDENTIAL OFFICE (BUSINESS) 63 MULTIPLE FAMILY
PROPOSED	C-O LOCAL RESIDENTIAL OFFICE (BUSINESS) 63 MULTIPLE FAMILY
<b>SITE AREA</b>	
MINIMUM	2,000 SF OR 0.45 ACRES
PROPOSED (INCLUDING HOVER-VACATED E.O.W.)	±10,000 G.S.F. OR 0.23 ACRES
<b>BUILDING FOOTPRINT</b>	
EXISTING OFFICE/INSTITUTIONAL BUILDING	±10,000 G.S.F.
PROPOSED SOCIAL SUPERMARKET	±3,500 G.S.F.
<b>TOTAL</b>	±13,500 G.S.F.
<b>LOT COVERAGE</b>	
ALLOWABLE	N/A
PROVIDED	±32.15%
<b>PARKING</b>	
REQUIRED - ECONOMIC OPPORTUNITY CENTER	
SERVICE AREA - 30 CLINIC (METERS DEPART) 1 SPACE/3 RESIDENTS	10 SPACES
OFFICE - 100 SF	23 SPACES
(ADMIN/OFFICE) 10,000 SF	23 SPACES
CLINIC - 100 SF	

<b>REQUIRED - SOCIAL SUPERMARKET</b>	
SUPERMARKET - 3,500 S.F.	73 SPACES
WALKWAY - 2,000 S.F.	23 SPACES
WALKWAY - 2,000 S.F.	23 SPACES
WALKWAY - 2,000 S.F.	23 SPACES
<b>TOTAL</b>	113 SPACES
<b>REQUIRED - OFFICE</b>	
MAIN OFFICE - 7,200 S.F.	23 SPACES
MULTI-PURPOSE AREA - 7,200 S.F.	15 SPACES
OFFICE - 1,000 S.F.	23 SPACES
TENANT OFFICE - 10,000 S.F.	34 SPACES
OFFICE - 1,000 S.F.	23 SPACES
<b>TOTAL</b>	78 SPACES
<b>GRAND TOTAL REQUIRED PARKING</b>	191 SPACES
<b>PROVIDED PARKING (TOTAL)</b>	114 SPACES
<b>BUILDING AREA</b>	
FIRST FLOOR - SOCIAL SUPERMARKET (PROPOSED ADDITION)	±3,500 G.S.F.
FIRST FLOOR - ECONOMIC OPPORTUNITY CENTER (PROPOSED)	±4,700 G.S.F.
FIRST FLOOR - TENANT OFFICE (EXISTING)	±10,000 G.S.F.
SECOND FLOOR - TENANT OFFICE (EXISTING)	±10,000 G.S.F.
<b>TOTAL BUILDING AREA</b>	±28,200 G.S.F.
<b>BUILDING HEIGHT</b>	
ALLOWABLE	35 FT.
EXISTING 2-STORY OFFICE BUILDING	35 FT. (30 FT.)
PROPOSED SOCIAL SUPERMARKET HIGH BAY BUILDING	35 FT. (30 FT.)

NOTE:  
ALL HEIGHT AND DIMENSIONAL DATA NOTED AS "REQUIRED" OR "ALLOWED"  
BASED ON THE C-4 BASE ZONING STANDARDS.

### SITE DATA - HOUSING OPPORTUNITY CENTER/FAMILY HOUSING

<b>ZONING</b>	
EXISTING	R-1 ONE FAMILY DWELLING
PROPOSED	R-1 ONE FAMILY DWELLING
<b>SITE AREA</b>	
MINIMUM	10,000 SF OR 0.23 ACRES
PROPOSED	±45,115 G.S.F. OR 1.04 ACRES
<b>SITE WIDTH</b>	
MINIMUM	105 FT.
PROPOSED	282 FT.
<b>BUILDING FOOTPRINT</b>	
EXISTING FAMILY HOUSING/DAYCARE	±4,214 G.S.F.
PROPOSED HOUSING OPPORTUNITY CENTER	±15,197 G.S.F.
(INCLUDING PARKING & CONNECTOR)	
<b>TOTAL</b>	±19,411 G.S.F.
<b>LOT COVERAGE</b>	
ALLOWABLE	N/A
PROVIDED	±28.27%
<b>PARKING</b>	
REQUIRED - EXISTING FAMILY HOUSING/DAYCARE CENTER	
FAMILY HOUSING - 54 RESIDENTS	18 SPACES
DAYCARE CENTER - 40 CLIENTS	10 SPACES
<b>SUBTOTAL</b>	28 SPACES
REQUIRED - PROPOSED HOUSING OPPORTUNITY CENTER/DINING	
HOUSING OPPORTUNITY CENTER - 16 RESIDENTS	32 SPACES
(INCLUDING HOUSING OPPORTUNITY CENTER 1 3/4 RESIDENTS)	
OFFICE - 1,713 S.F.	6 SPACES
(ADMIN 1,000 S.F.)	
CLINIC - 54 S.F.	1 SPACE
(1 SPACE/300 S.F.)	
<b>SUBTOTAL</b>	37 SPACES
<b>GRAND TOTAL REQUIRED</b>	47 SPACES
PROVIDED - 100' OFF. CENTER/FAMILY HOUSING/DAYCARE	80 SPACES
PROVIDED - GARAGE	3 SPACES
<b>RED COUNT</b>	
PROPOSED HOUSING OPPORTUNITY CENTER	96 BEDS
(MEN & WOMEN & FAMILIES - 100 VARS)	
EXISTING FAMILY HOUSING CENTER	54 BEDS
<b>TOTAL BEDS</b>	150 BEDS
<b>BUILDING AREA</b>	
EXISTING FAMILY HOUSING/DAYCARE	±4,214 G.S.F.
PROPOSED HOUSING OPPORTUNITY CENTER/DINING	
FIRST FLOOR (INCLUDING & CONNECTION)	±15,197 G.S.F.
SECOND FLOOR	±4,700 G.S.F.
THIRD FLOOR	±10,000 G.S.F.
<b>TOTAL BUILDING</b>	±29,897 G.S.F.
<b>GRAND TOTAL BUILDING AREA</b>	±34,111 G.S.F.
<b>BUILDING HEIGHT</b>	
ALLOWABLE	35 FT.
EXISTING FAMILY HOUSING/DAYCARE CENTER	35 FT.
PROPOSED HOUSING OPPORTUNITY CENTER	35 FT. (3-STORY)
PROPOSED HOUSING DINING CENTER	18 FT. (1-STORY)
PROPOSED 3-CAR GARAGE	15 FT. (1-STORY)
<b>NOTE:</b>	
ALL HEIGHT AND DIMENSIONAL DATA NOTED AS "REQUIRED" OR "ALLOWED" BASED ON THE C-4 BASE ZONING STANDARDS.	

**#7**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

Finance

---

**TO:** Honorable City Council President and City Council

**FROM:** Sekar Bawa, Senior Accountant

**CC:** Mayor Tim Greimel, Khalfani Stephens, Deputy Mayor

**DATE:** February 22, 2023

**RE:** **Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023.**  
**Increase the appropriation in the following GL accounts**  
101-447-806.000 Engineering Services -\$360,000,  
**Decrease the appropriation in the following GL accounts**  
101-447-702.000 Salaries & Wages – (\$200,000),  
101-447-715.000 FICA City Contribution – (\$15,300),  
101-447-718.500 – MERS Employer Contribution – (\$10,000),  
101-447-716.000 – Medial Insurance – (\$15,000)

The DPW is operating without City Engineer and other supporting staff for many months in the current budget year. Hence, acting DPW director has been using Consultant Engineer to perform these engineering functions for DPW and other departments. As the outside Consultants are more expensive than the internal staff, savings in the pay and benefit cost is not enough to offset the cost of external consultants. This amendment addresses the funding shortfall in the Engineering Services account through the end of this fiscal year.

This Budget amendment will reduce the General fund balance by \$119,700.

This budget amendment allocates the funds in the categories as given below:

101-447-806.000 Engineering Services	\$360,000
101-447-702.000 Salaries & Wages	(\$200,000),
101-447-715.000 FICA City Contribution	(\$15,300),
101-447-718.500 – MERS Employer Contribution	(\$10,000),
101-447-716.000 – Medial Insurance	(\$15,000)

<b>Net Decrease in the General Fund Balance</b>	<b><u>\$119,700</u></b>
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*This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.*



**Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023,**

**Increase the appropriation in the following GL accounts**

101-447-806.000 Engineering Services -\$360,000,

**Decrease the appropriation in the following GL accounts**

101-447-702.000 Salaries & Wages – (\$200,000),

101-447-715.000 FICA City Contribution – (\$15,300),

101-447-718.500 – MERS Employer Contribution – (\$10,000),

101-447-716.000 – Medial Insurance – (\$15,000)

---

WHEREAS, the DPW is operating without City Engineer and other supporting staff for many months in the current budget year. Hence, acting DPW director has been using Consultant Engineer to perform these engineering functions for DPW and other departments. As the outside Consultants are more expensive than the internal staff, savings in the pay and benefit cost is not enough to offset the cost of external consultants; and,

WHEREAS, this amendment addresses the funding shortfall in the Engineering Services account through the end of this fiscal year; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$119,700;

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

This budget amendment allocates the funds in the categories as given below:

101-447-806.000 Engineering Services	\$360,000
101-447-702.000 Salaries & Wages	(\$200,000),
101-447-715.000 FICA City Contribution	(\$15,300),
101-447-718.500 – MERS Employer Contribution	(\$10,000),
101-447-716.000 – Medial Insurance	(\$15,000)

<b>Net Decrease in the General Fund Balance</b>	<b><u>\$119,700</u></b>
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**#8**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Executive Branch*

---

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

**FROM:** Tim Greimel, Mayor

**DATE:** February 28, 2023

**RE:** **DPW Department Head**

Allen Cooley, III has served as the Interim Director of the Department of Public Works since February 2022. Interim Director Cooley successfully oversaw an excellent winter service season and ensured that Pontiac roads were clear of snow in record times. Additionally, Interim Director Cooley oversaw similar service level increases over summer maintenance with park maintenance. In addition to these two specific examples, Interim Director Cooley has done a great job keeping the city's Department of Public Works running as smoothly as possible and that is why the administration has placed him forward for the permanent directorship.

WHEREAS, The City of Pontiac has been without a permanent director of DPW for over 12 months and;

WHEREAS, Mr. Allen Cooley, III has successfully filled that vacancy during this period and;

WHEREAS, Mr. Cooley has over two decades of experience in municipal DPW services and;

WHEREAS, Mr. Cooley has demonstrated that he is qualified to lead the department,

NOW, THEREFORE  
BE IT RESOLVED, The Pontiac City Council approves Mr. Allen Cooley, III to be the DPW Director for the City of Pontiac.

BE IT FURTHER  
RESOLVED, That upon this appointment, Mr. Cooley's salary will be increased 3% to \$103,721.09.

**#9**

# **RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

Finance

---

**TO:** Honorable City Council President and City Council

**FROM:** Sekar Bawa, Senior Accountant

**CC:** Mayor Tim Greimel, Khalfani Stephens, Deputy Mayor

**DATE:** February 22, 2023

**RE:** **Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023.**  
**Increase the appropriation in the following GL accounts**  
101-201-818.000 Other Professional Services -\$40,000,  
101-201-851.000 Services – Communication Telephone - \$800,  
101-206-819.000 Contractual Temp/PT Labor - \$28,800,  
101-206-851.000 Services-Communication Telephone -\$1,600  
**Decrease the appropriation in the following GL accounts**  
101-206-702.000 Salaries & Wages – (\$25,000),  
101-206-715.000 FICA City Contribution – (\$1,913),  
101-206-718.500 – MERS Employer Contribution – (\$1,250),  
101-206-721.010 – Healthcare Waiver – (\$3,037)

The positions of the Finance Director, Senior Accountant and Grant Accountant positions remain vacant for many months, hence, the Finance department is in dire need of a couple of temporary accounting staff to perform the critical accounting functions such as bank reconciliation, month end close, write adjusting journal entries etc. This amendment will pay the temporary staff for eight (8) weeks. This amendment also addresses the funding shortfall in the Telephone Services accounts.

Further, consultants CVHT CPAs are assisting the Finance staff to complete the FY 2022 audit. Budgeted appropriated in the account 101-202-818.000 Other Professional Service is not sufficient to pay for their services through February, 2023 since Forensic auditors were paid \$47,894.29 from this account which was not budgeted.

This Budget amendment will reduce the General fund balance by \$40,000.



This budget amendment allocates the funds in the categories as given below:

101-201-818.000 Other Professional Services	\$40,000
101-201-851.000 Services–Communication Telephone	\$800
101-206-851.000 Services-Communication Telephone	\$1,600
101-206-819.000 Contractual Temp/PT Labor	\$28,800
101-206-702.000 Salaries & Wages	(\$25,000)
101-206-715.000 FICA City Contribution	(\$1,913)
101-206-718.500 – MERS Employer Contribution	(\$1,250)
101-206-721.010 – Healthcare Waiver	(\$3,037)

<b>Net Decrease in the General Fund Balance</b>	<b><u>\$40,000</u></b>
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*This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.*



**Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023,**

**Increase the appropriation in the following GL accounts** 101-201-818.000 Other Professional Services -\$40,000, 101-201-851.000 Services – Communication Telephone - \$800, 101-206-819.000 Contractual Temp/PT Labor - \$28,800, 101-206-851.000 Services-Communication Telephone -\$1,600

**Decrease the appropriation in the following GL accounts** 101-206-702.000 Salaries & Wages – (\$25,000), 101-206-715.000 FICA City Contribution – (\$1,913), 101-206-718.500 – MERS Employer Contribution – (\$1,250), 101-206-721.010 – Healthcare Waiver – (\$3,037)

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WHEREAS, the positions of the Finance Director, Senior Accountant and Grant Accountant positions remain vacant for many months, hence, the Finance department is in dire need of a couple of temporary accounting staff to perform the critical accounting functions such as bank reconciliation, month end close, write adjusting journal entries etc.; and,

WHEREAS, there is a shortfall the in the funding for telephone services: and,

WHEREAS, there is a shortfall in the appropriation in the Professional Service account to pay the Consultants CVHT CPAs; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$40,000;

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

This budget amendment allocates the funds in the categories as given below:

101-201-818.000 Other Professional Services	\$40,000
101-201-851.000 Services–Communication Telephone	\$800
101-206-851.000 Services-Communication Telephone	\$1,600
101-206-819.000 Contractual Temp/PT Labor	\$28,800
101-206-702.000 Salaries & Wages	(\$25,000)
101-206-715.000 FICA City Contribution	(\$1,913)
101-206-718.500 – MERS Employer Contribution	(\$1,250)
101-206-721.010 – Healthcare Waiver	(\$3,037)

<b>Net Decrease in the General Fund Balance</b>	<b><u>\$40,000</u></b>
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**#10**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Executive Branch*

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

**FROM:** Alicia Martin, Purchasing Manager

**DATE:** February 22, 2023

**RE:** **Request for Council to Approve New Agreement with CompOne for the City's Third Party Administrator Services**

The Purchasing Manager completed the competitive bid process for Third Party Administrator Services; the bid closed on Monday, February 20, 2022 at 2 pm EST. A total of five firms requested the solicitation documents and no firms submitted a bid. The Purchasing Manager is recommending that the City establishes a new agreement with CompOne to administer services for the four (4) remaining former City personnel. The new agreement shall cover a period of three years initially with options to renew at the discretion of the mayor/City.

WHEREAS, The Purchasing Division has completed its due diligence by requesting a contract amendment in accordance with the City's municipal code, Division II. Purchasing, Section 2-519;

WHEREAS, the Purchasing Manager is requesting to establish a three-year agreement with CompOne, with options to renew at the discretion of the mayor;

NOW, THEREFORE, BE IT RESOLVED The Pontiac City Council approves the execution of a new agreement with CompOne, executed by the Mayor.

AM

**#11**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Executive Branch*

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

**FROM:** Porche Prater, City Treasurer

**DATE:** February 22, 2023

**RE:** **Increasing the income limit for 2023 to 1.25x the federal poverty guideline. Increase the limitation of 50% to 25%, 50%, or 100% giving the Board the discretion to offer any of the three options for approved hardship appeals.**

The Board of Review seeks to increase the income limit currently set at 1x the federal poverty line to 1.25x the federal poverty line to help the city's most vulnerable citizens qualify for tax relief. While there is no real way to attest to the number of residents this will help, I can advise that the city sees fewer than 15 applications annually, therefore, the property tax revenue impact will be minimal. However, this change could impact residents greatly allowing them relief from taxes due to financial hardship.

WHEREAS, City Council has reviewed the Board of Review's request in addition to the **State of Michigan's Procedural Changes for 2023 Assessment year**, discussed the potential changes, and has come to a decision to increase the income limit for the 2023 tax season from 1x to 1.25x the federal poverty guideline. In addition, City Council has discussed and agreed to give the Board the discretion to offer 25%, 50%, or 100% reduction for approved hardship appeals.

NOW, THEREFORE,  
BE IT RESOLVED The Pontiac City Council hereby agrees to increase the income limit for the 2023 tax season to 1.25x the federal poverty guideline and gives the Board the discretion to offer 25%, 50%, or 100% reduction for approved hardship appeals.

PP



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF TREASURY  
LANSING

RACHAEL EUBANKS  
STATE TREASURER

**Bulletin 19 of 2022**  
**November 15, 2022**  
**Procedural Changes for 2023**

**TO:** Assessing Officers and County Equalization Directors

**FROM:** Michigan State Tax Commission

**SUBJECT:** Procedural Changes for the 2023 Assessment Year

The purpose of this Bulletin is to provide information on statutory changes, procedural changes and reminders for the 2023 assessment year. Additional guidance may be issued later if any pending legislation is enacted by the end of the year.

### **A. Inflation Rate Used in the 2023 Capped Value Formula**

The inflation rate, expressed as a multiplier, to be used in the 2023 Capped Value Formula is 1.05.

The 2023 Capped Value Formula is as follows:

$$\text{2023 CAPPED VALUE} = (\text{2022 Taxable Value} - \text{LOSSES}) \times 1.05 + \text{ADDITIONS}$$

The formula includes 1.05 because the inflation rate multiplier of 1.079 is higher than 1.05.

### **B. Federal Poverty Guidelines Used in the Determination of Poverty Exemptions for 2023**

Local governing bodies are required to adopt guidelines that set income levels for their poverty exemption guidelines and those income levels **shall not be set lower** by a city or township than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services. This means, for example, that the income level for a household of 3 persons shall not be set lower than \$23,030 which is the amount shown on the following chart for a family of 3 persons. The income level for a family of 3 persons may be set higher than \$23,030. Following are the federal poverty guidelines for use in setting poverty exemption guidelines for 2023 assessments:

Size of Family Unit	Poverty Guidelines
1	\$13,590
2	\$18,310
3	\$23,030

Size of Family Unit	Poverty Guidelines
4	\$27,750
5	\$32,470
6	\$37,190
7	\$41,910
8	\$46,630
For each additional person	\$4,720

**Note:** MCL 211.7u states that the poverty exemption guidelines established by the governing body of the local assessing unit shall also include an asset level test. An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available. Please see STC Bulletin 3 of 2021 for more information on poverty exemptions.

**Note:** MCL 211.7u allows an affidavit (Treasury Form 4988) to be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year. This includes the owner of the property who is filing for the exemption.

### C. Poverty Exemption Important Reminders

It is important for assessors to review and understand the changes to the poverty exemption statute made by Public Act 253 of 2020 and to work with local officials and boards of review to ensure the necessary policies and guidelines are in place and are being followed. The governing body of the local unit may need to revise its policy and guidelines to make sure to comply with the law changes.

The Board of Review shall approve or deny the request for the poverty exemption. The Board of Review is required to follow the policy and guidelines adopted by the local assessing unit in granting or denying a poverty exemption. **The Board of Review is not permitted to deviate from the adopted policy and guidelines** (this is a change to the law in PA 253 of 2020).

Poverty exemption applications can be heard at the March, July, or December Board of Review. However, there can only be **one** Board of Review decision for a specific calendar year; a subsequent Board of Review cannot reconsider a decision already made that year. For example: if an application is denied at the March Board of Review, it may not be reheard by the July or December Board of Review during the same calendar year.

Starting in 2021, to request a poverty exemption, a taxpayer must file:

1. Form 5737 *Application for MCL 211.7u Poverty Exemption*
2. Form 5739 *Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty*



3. All required additional documentation (such as federal/state income tax returns)

Local units are still required to have adopted income guidelines and an asset test. These documents should be in writing and should be made available to taxpayers.

If a taxpayer qualifies for the poverty exemption, the Board of Review can grant a 100%, 50%, or 25% reduction in taxable value. There are no other percentage reductions permitted unless approval is granted to the local unit by the State Tax Commission for additional percentage reductions. The request must comply with the *State Tax Commission Policy Regarding Requests for Percentage Reductions in Taxable Value for Poverty Exemptions* and must be submitted using Form 5738.

The forms and guidance related to the poverty exemption are available on the State Tax Commission's website under the Poverty Exemption Forms & Policy Related to PA 253 of 2020 link.

## **D. Sales Studies**

Equalization study dates are as follows for 2023 equalization:

Two Year Study: April 1, two years prior through March 31, current year  
Single Year Study: October 1, preceding year through September 30, current year

For 2022 studies for 2023 equalization the dates are as follows:

Two Year Study: April 1, 2020 through March 31, 2022  
Single Year Study: October 1, 2021 through September 30, 2022

Note that the time period revisions apply to all equalization studies, that is: sales ratio studies, land value studies and economic condition factor studies for appraisals. Also note that the revised time period for two-year studies applies to all real property classifications.

## **E. Property Classification**

The State Tax Commission reminds assessors that classification is to be determined annually and is based upon the current use of the property **and not** highest and best use of the property. The Commission is aware that some assessors are still classifying property according to highest and best use and/or are not classifying property on an annual basis. The Commission asks that all assessors take the necessary steps to ensure that all real and personal property is properly classified according to MCL 211.34c.

## **F. Public Act 660 of 2018, Property Assessing Reform**

Public Act 660 of defines the requirements for substantial compliance with the General Property Tax Act, provides timelines for audits and follow-up audits, and details a

process for bringing a local unit into compliance if they remain non-compliant after a follow-up review.

Information on Property Assessing Reform is available on the State Tax Commission's website at [www.michigan.gov/statetaxcommission](http://www.michigan.gov/statetaxcommission) under the Property Assessing Reform link. Any questions concerning Property Assessing Reform should be directed to [AssessingReformQuestions@michigan.gov](mailto:AssessingReformQuestions@michigan.gov).

### **Local Unit Requirements**

The statute states the requirements that must be met by the local unit beginning in the 2022 tax year. This includes having a published policy for when the assessor's office is accessible to taxpayers; information to taxpayers on how to request inspection or production of records in the assessor's office; and online access to information regarding its assessment services, including, but not limited to, parcel information, land value studies and documentation, and economic condition factors. The full list of requirements can be found in [MCL 211.10g\(1\)](#).

State Tax Commission Guideline 2020-1 breaks down how the Commission will conduct the audit based on the requirements set by MCL 211.10g(1). Guideline 2020-1 separates the statutory requirements into deficiencies (i.e. failure to have what is required by MCL 211.10g(1)) that may result in a finding of noncompliance or that are technical. Assessors should review MCL 211.10g(1) and Guideline 2020-1 and work with local unit officials to ensure that they are able to meet the statutory requirements. [Guideline 2020-1: Audit Procedures](#) is available on the STC website.

### **Required Training: Assessors and Support Staff**

PA 660 states that local units must ensure that support staff is sufficiently trained to respond to taxpayer inquiries. PA 660 also states that local units must require that assessors maintain their certification levels. Support staff is all non-certified staff that are involved in the development of the assessment roll, including field work, and any individual that may supply information from the assessment roll to the public. Certified staff members are required to meet annual continuing education requirements.

The State Tax Commission adopted the following requirements for support staff training at the October 20, 2020 meeting:

1. **Certified Support Staff:** Support staff who are certified will be required to complete their annual continuing education requirements to satisfy this audit requirement. Proof of completion and the required Form 5730 should be attached to the Assessor's Certification of the Assessment Roll and maintained with local unit records.
2. **Uncertified Support Staff:** Beginning in 2022, uncertified support staff will be required to complete training at least once every two years on key updates to assessing to meet this audit requirement. Proof of completion and the required

Form 5730 should be attached to the Assessor's Certification of the Assessment Roll and maintained with local unit records.

### **Required Training: Board of Review members**

PA 660 states that local units **must require** that its board of review members receive board of review training and updates required and approved by the State Tax Commission. Checking to ensure that board of review members are trained is now required as part of the audit of the local unit starting in 2023.

The State Tax Commission has determined that beginning in 2022, Board of Review members will be required to complete Board of Review training at least once every two years to meet this audit requirement.

This training will be offered by the State Tax Commission, or by outside organizations with State Tax Commission approval and use of State Tax Commission approved materials. Proof of completion and the required Form 5731 should be attached to the Board of Review's Certification of the Assessment Roll and maintained with local unit records. Board of Review members will need to make sure they receive proof of completion and that it is provided to the local unit so it can be properly maintained and provided during the audit.

## **G. Tax Tribunal Small Claims Division Hearings**

Assessors should carefully read all notices, orders and other correspondence sent by the Tax Tribunal. Assessors should pay special attention to the Notice of Hearing and ensure they are available at the date and time of the scheduled hearing. It is important to appear at the hearing and to timely file with the Tax Tribunal and serve a copy to the taxpayer of all evidence and documentation you wish to be considered at the hearing.

Assessors representing their local unit in Tax Tribunal hearings need to submit evidence to support the value of the property under appeal. If the assessor is relying on the property record card as evidence of value, the property record card must be for the year(s) being appealed. The complete property record card, including all calculations should be provided; do not submit a property record card that states "calculations too long" and then fail to include the additional calculations. Also, it is important to submit the studies prepared that support the economic condition factor and land value on the record card. Assessors should also be able to explain at the Tax Tribunal hearing how the value shown on the property record card was calculated. More information regarding the Michigan Tax Tribunal, including Tribunal Rules, forms and instructions is available at [www.michigan.gov/taxtribunal](http://www.michigan.gov/taxtribunal).

Assessors are also reminded that any change in contact information, including a change in email address, must be submitted to the Tax Tribunal to ensure that all case notifications are received.

## **H. Qualified Heavy Equipment Rental Personal Property Exemption**

Public Act 46 of 2022 was signed by the Governor on March 23, 2022. The Act creates MCL 211.9p which provides an exemption for qualified heavy equipment rental personal property beginning December 31, 2022. This exemption is not mandatory and may be claimed at the option of the qualified renter. Once qualified for the QHERPP exemption under MCL 211.9p, qualifying personal property will be exempt from ad valorem taxes and instead pay the specific tax as provided by Public Act 35 of 2022 (MCL 211.1121 - 211.1133).

**Qualified heavy equipment rental personal property** (QHERPP) is defined in MCL 211.9p(8)(f) as any construction, earthmoving, or industrial equipment that is mobile and rented to customers by a qualified renter, including attachments or other ancillary equipment for that equipment. Qualified heavy equipment rental personal property does not include handheld tools or equipment solely designed for industry-specific uses in oil and gas exploration, mining, or forestry.

The exemption must be claimed annually with the assessor by February 20 (postmark is acceptable) by filing Form 5819 *Qualified Heavy Equipment Rental Personal Property Exemption Claim* and a statement approved by the State Tax Commission of all QHERPP located at and/or rented from the qualified renter business location. If the statement is not delivered to the assessor by February 20, a late application can be filed directly with the March Board of Review where the qualified renter business is located.

Assessors are statutorily required to transmit the information contained in the statement and any other required parcel information to the Department of Treasury no later than April 1 each year. The information must be submitted electronically by emailing to [Treas-QHERPP@michigan.gov](mailto:Treas-QHERPP@michigan.gov)

More information is available in Bulletin 18 of 2022.

## **I. 2023 Small Business Taxpayer Personal Property Tax Exemption Changes**

Public Act 150 of 2021 was signed by the Governor on December 23, 2021. The Act amends the Small Business Taxpayer Personal Property Tax Exemption (MCL 211.9o) to increase the combined true cash value limit for "eligible personal property" in a local unit from \$80,000 to \$180,000 beginning in 2023. The exemption is required to be claimed with the local unit (city or township where the property is located) by February 21, 2023 (postmark is acceptable) by submitting the completed Form 5076 *Small Business Property Tax Exemption Claim Under MCL 211.9o*. Late filed forms may be filed directly with the 2023 March Board of Review prior to the closure of the March Board.

### **Personal Property Valued Less Than \$80,000**

To claim an exemption for personal property valued less than \$80,000, Form 5076 must be filed with the local unit (City or Township) where the personal property is located no later than February 21, 2023 (postmark is acceptable). Late filed forms may be filed directly with the local unit March Board of Review prior to the closure of the March Board of Review. Taxpayers must contact the local unit directly to determine the March Board of Review dates.

Once the exemption is granted for personal property valued at less than \$80,000, the taxpayer will continue to receive the exemption until they no longer qualify for the exemption. Once they no longer qualify, the taxpayer is required to file a rescission form and a personal property statement no later than February 20th of the year that the property is no longer eligible. Failure to file the rescission form will result in significant penalty and interest as prescribed in MCL 211.9o.

### **Personal Property Valued Greater than or Equal to \$80,000 but Less than \$180,000**

In order to claim an exemption for personal property valued at \$80,000 or more but less than \$180,000, Form 5076 **along with** Form 632 *Personal Property Statement* must be filed **ANNUALLY** with the local unit (City or Township) where the personal property is located no later than February 21, 2023 (postmark is acceptable). Late filed forms may be filed directly with the local unit March Board of Review prior to the closure of the March Board of Review.

## **J. 2023 ESA Changes**

Public Acts 153 through 156 were signed by the Governor on December 23, 2021. These Acts amend the General Property Tax Act, the State Essential Services Act, and the Alternative State Essential Services Act. The Acts change the way that Eligible Manufacturing Personal Property (EMPP) exemptions are claimed and granted, and ESA statements are generated, beginning in 2023.

For 2023 the process of claiming the EMPP exemption remains the same as it has been. **ALL** eligible claimants wishing to receive the EMPP exemption for 2023 will be required to file the Combined Document (Form 5278) with the assessor by February 21 or with the March Board of Review prior to its adjournment. **Taxpayers that do not timely file the Combined Document (Form 5278) will be ineligible to receive the EMPP exemption in 2023.** Assessors will be required to send all information from the Combined Document (Form 5278) to the Department of Treasury via their CAMA software by April 1, as has been the requirement in the past.

Beginning in 2024, eligible claimants that received the EMPP exemption in the previous year will carry the exemption over to the next year. No Combined Document (Form 5278) or other personal property form will be necessary. Eligible Claimants wishing to claim the EMPP exemption on a parcel that did not receive the exemption in the

previous year will need to file a Combined Document by deadline to do so. Taxpayers that no longer qualify for the exemption must file a Form 5277 by the deadline and the assessor remove the exemption from the parcel(s). Assessors must forward the Form 5277 and 5278 information to the Department of Treasury via CAMA software no later than April 1.

## **K. EMPP and ESA Reminders**

In September and October, the ESA Section begins to send out Summary of Changes letters for all taxpayers that have certified their ESA Statement and paid ESA liability in full. Recognizing that manufacturers occasionally move personal property between facilities located in different jurisdictions, a copy of this letter is sent to every local unit in which a taxpayer has reported EMPP if a change on their ESA Statement has been made to *any* parcel located in *any* local unit. This is done to assist each assessor in identifying property that may have been moved in or out of their local unit. Assessors are advised that even if their local unit is not listed on the Summary of Changes letter, it may be prudent to note whether any changes made to a parcel reported in another local unit may affect a parcel located in their local unit.

At times, taxpayers attempt to add a parcel to their ESA Statement that was not previously reported to the Department of Treasury. In these cases, the ESA Section will reach out to the assessor to ask if a Combined Document (Form 5278) was filed for the parcel and, if it was, request a copy of the Form. ESA Staff will also ask for a letter confirming that the EMPP exemption was claimed properly and that the failure to transmit the information to the Department of Treasury was not the fault of the taxpayer. These letters are not used to incriminate an assessor who made a mistake, but rather to add to Treasury files to document why a parcel was added to an ESA Statement after the statement was generated on May 1st.

The ESA Section has received consent judgments entered by the Michigan Tax Tribunal for stipulated agreements between EMPP claimants and the local units in which they have personal property. It is extremely important that any stipulated agreement filed with the Michigan Tax Tribunal indicates that the personal property reported on the parcel meets the definition of "eligible manufacturing personal property," identifies which eligible manufacturing personal property qualifies for the exemption under MCL 211.9m and MCL 211.9n and directs the Department of Treasury to generate an ESA statement so that the taxpayer may pay ESA on the exempt personal property. Assessors are advised to contact the ESA Section for a list of previous dockets that contained the appropriate requirements.

More information is available in the Assessors Guide to EMPP and ESA available online at [www.michigan.gov/propertytaxexemptions](http://www.michigan.gov/propertytaxexemptions).

Further information and guidance on the Eligible Manufacturing Personal Property (EMPP) Exemption, Special Acts and the Essential Services Assessment (ESA) is available at [www.michigan.gov/ESA](http://www.michigan.gov/ESA). Additional questions should be sent via email to [ESAQuestions@michigan.gov](mailto:ESAQuestions@michigan.gov).

## **L. Omitted or Incorrectly Reported Property (MCL 211.154)**

Assessors are reminded that when submitting 154 petitions it is necessary to include complete copies of the property record cards for every year a change is being requested on the petition. For example, if a 154 petition requests a change for 2019 and 2020 the property record card for 2019 and the property record card for 2020 should be submitted. In addition, assessors must submit the calculations and documents needed to understand the reasons for the change and the amount of the requested change in the assessment and taxable values. Additionally, the 154 petition must contain an original signature. The Commission cannot accept electronic signatures or scanned signatures on petitions.

For 154 petitions involving removal of personal property, staff may request verification that the assessor inspected the personal property location or otherwise confirmed that the personal property was disposed of and was not located in the local unit on the applicable tax day. Additionally, staff may inquire as to the extent of the assessor's communication with the taxpayer to confirm that personal property was reported in the new location.

Questions can be directed to the staff at [Treas-154petitions@michigan.gov](mailto:Treas-154petitions@michigan.gov). Additional information, including Bulletin 2 of 2018 and copies of the approved forms, are available online at [www.michigan.gov/154petitions](http://www.michigan.gov/154petitions).

## **M. Authority of July and December Boards of Review**

Assessors are reminded that the July and December Boards of Review may only act on matters described in MCL 211.53b or expressly permitted by other statutes. This includes qualified errors listed in MCL 211.53b(8), and appeals related to poverty exemptions, qualified agricultural property exemptions, and qualified forest property exemptions.

In addition, other statutes, such as MCL 211.7b related to the disabled veteran's exemption, and MCL 211.7ss related to the eligible development property exemption, provide authority for the July and December Board of Review to take action.

Assessors should carefully review the Board of Review Q&A and Bulletins 13 of 2022 and 14 of 2022 to ensure their Boards of Review are acting within their statutory authorities.

Assessors should not be requesting that the July or December Boards of Review take action outside of the limited authority provided in MCL 211.53b.

### **Authority Over Principal Residence Exemptions**

Public Act 141 of 2022 was signed by the Governor on July 11, 2022. The Act amended Section 211.7cc of the General Property Tax Act, regarding the Principal Residence Exemption. PA 141 eliminated the July and December Board of Review

appeal process in MCL 211.7cc(15) and 211.53b regarding claiming a principal residence exemption for which the exemption was not on the property for the current and previous three years. **The July and December Board of Review have no authority to grant a PRE.** Assessors are asked to ensure that the July and December Boards of Review does not take action related to PRE claims.

## **N. 2023 State Tax Commission Updates Class**

At the August 23, 2022 State Tax Commission meeting, the recommendations of the Education and Certification Committee were approved.

**ALL certified assessing officers (MCAO, MAAO, MMAO) and ALL certified assessing technicians (MCAT) must take the 2023 STC Updates Class as part of their continuing education renewal requirements for the renewal cycle beginning November 1, 2022 and ending October 31, 2023.**

This class will be available both in-person at various locations across the state and online through the State Tax Commission Online Education Portal at <https://coned.mi-stc.org>. The dates and locations for the in-person classes will be posted to the State Tax Commission website.

## **O. Online Education Portal and MiSUITE (CERTS) Login**

### **STC Online Education Portal**

The State Tax Commission offers a variety of online classes, available free of charge, that provide continuing education credit. The online classes can be accessed at <https://coned.mi-stc.org>. This site is only available to Michigan certified assessors and technicians. If you have an issue with your log in credentials, especially password resets, email [State-Tax-Commission@michigan.gov](mailto:State-Tax-Commission@michigan.gov). If you require a password reset, **do not use the Forgotten Your Username or Password link on the page.** Instead, send an email to the State Tax Commission and staff will manually reset your password.

You must complete all requirements of the online course before you will receive your certificate of completion for the course. If a certificate is not emailed to you, then you likely did not complete one or more of the course requirements. The requirements that must be completed are listed at the top of each course and as you complete each one, they will be removed from the list.

Once you have received your certificate, you are responsible for uploading it into the CERTS platform to receive the continuing education credit for the course.

### **MiSUITE/CERTS**

Several updates were released in August to make MiSUITE a more user-friendly and secure platform. These updates include allowing users to request and receive an



automated password reset link, simplified password requirements, and the ability to securely register a device. Additional security measures were also implemented, including password expirations. Passwords will now expire after 90 days. If your password is expired, you will automatically be redirected to an Update Password page upon attempting to log in. Simply create a new password, confirm that password, and click "update."

You can access MiSUITE/CERTS by going to <https://sso.misuite.app>

Assessors can check continuing education hours by logging into the CERTS system and checking your profile page. Total hours remaining to be completed are listed on the profile page in CERTS as well as the completed classes that have been properly logged into the system.

Assessors are responsible for logging their own continuing education hours in CERTS. When logging credit, be sure to pick the correct course, date, location, and upload proof of attendance.

If you have any questions, concerns, or need further assistance, please email [Treas-MiSUITEHelp@michigan.gov](mailto:Treas-MiSUITEHelp@michigan.gov).

**#13**

**CLOSED  
SESSION**

**CITY OF PONTIAC**  
**Oakland County, Michigan**

**RESOLUTION TO PROCEED IN CLOSED SESSION  
TO CONSIDER AND DISCUSS THE PURCHASE OF REAL PROPERTY; AND  
TO DISCUSS THE CONFIDENTIAL LEGAL OPINION**

RESOLUTION # \_\_\_\_\_

Minutes of a regular meeting of the City Council for the City of Pontiac, held City Hall, 47450 Woodward Ave, Pontiac, MI on February 28, 2023 at 6:00 p.m., local time.

The following resolution was offered by Council member \_\_\_\_\_ and supported by Council member: \_\_\_\_\_:

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

WHEREAS, 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) 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 in connection with the purchase of real property.

YEAS: Council Members \_\_\_\_\_

NAYS: Council Members \_\_\_\_\_

ABSTAIN: Council Members \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Garland Doyle, Clerk  
City of Pontiac