

January 3, 2023 Approved Minutes

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

**Invocation** – Rev. Aaron Robinson, Power Company, Pontiac Michigan

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

**Moment of Silence**

**Roll Call**

**Members Present** – William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness, Brett Nicholson, William Parker, Jr. and Melanie Rutherford

Mayor Greimel was present

A quorum was announced.

**Amendments to and Approval of the Agenda**

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

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

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

No: None

**Motion Carried**

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

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

No: None

**Motion Carried**

**The vote was taken to approve the agenda as amended.**

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

No: None

**Motion Carried**

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**Consent Agenda**

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

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

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

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

No: None

**Resolution Passed**

**Recognition of Elected Officials - None**

**Agenda Address**

1. Dr. Deirdre Waterman addressed item #15

**Agenda Items**

**Ordinance**

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

**Resolutions**

City Council

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

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

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

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

No: None

**Resolution Passed**

**\*\*See Exhibit A 11<sup>th</sup> Pontiac City Council Rules and Procedures after the minutes\*\***

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

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

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

No: None

**Motion Carried**

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

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

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

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

WHEREAS City council appropriated funds for the Cable Department to begin on July 1, 2022; and,  
WHEREAS, that appropriation assumed certain variables that did not come into being; and,  
WHEREAS, that appropriation did not include enough allocation for the continued updates to Cable department: projector system, PTZ cameras, video equipment, computer supplies, operating supplies, and the Billboard System in the City Hall lobby; and,  
WHEREAS, this budget amendment decreases the fund balance by \$72,410;  
NOW THEREFORE, BE RESOLVED, that the City Council hereby approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts:

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

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

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

No: Rutherford

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

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

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

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

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

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

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

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

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

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

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

No: None

**Resolution Passed**

#### Grants

23-7                    **Resolution to approve the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-699-969-003 – PONART – Contribution to Pontiac Arts Commission in the amount of \$100,000, and increase the revenue estimate in the GL account 101-000-582-000 –PONART –Grants from Oakland County by \$100,000. Moved by Councilperson Rutherford and second by Councilperson Nicholson.**

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

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

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

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

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

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

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

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

No: None

**Resolution Passed**

Information Technology (I.T.)

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

Moved by Councilperson Goodman and second by Councilperson Rutherford.

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

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

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

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

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

No: None

**Resolution Passed**

Mayor's Office

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

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

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

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

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

No: None

**Motion Carried**

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

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

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

No: None

**Motion Carried**

**The vote was taken on the amended resolution.**

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

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

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

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

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

No: None

**Resolution Passed**

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

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

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

No: None

**Motion Carried**

Purchasing

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

WHEREAS City council approved the creation of a new position of Purchasing Assistant; and,

WHEREAS, funding needs to be appropriated for that position; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$38,475;

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

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

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

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

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

No: None

**Motion Carried**

**Suspend the Rules**

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

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

No: None

**Motion Carried**

**Public Comment**

1. Dr. Deirdre Waterman
2. Chuck Johnson

**Closed Session**

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

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

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

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

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

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

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

No: None

Abstain: Rutherford

**Resolution Passed**

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

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

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

No: None

**Motion Carried**

## **Ordinance**

### **City of Pontiac Adult-Use Marihuana Business Ordinance**

#### **Amendments to the Proposed Ordinance**

**Motion to change language establishing background checks for foreign citizens.** Moved by Councilperson Parker and second by Councilperson Carrington.

(7) A criminal history background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police criminal history report for applicants residing in Michigan. For applicants who reside in any other state, federal or foreign jurisdiction, or who have resided in any other state, federal or foreign jurisdiction within 5 years prior to the date of the application a certified state, federal or foreign jurisdiction sponsored or authorized criminal history report. The applicant is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application.

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

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

No: None

**Motion Carried**

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

(9) Whether the applicant received conditional approval for a medical marihuana provisioning center permit pursuant to City of Pontiac's Medical Marihuana Facilities Ordinance, Article XXX, Section 26.1491 et seq., is not currently in default of compliance with Article XXX, and has received site plan approval from the City's Community Development Department and has started construction of the medical marihuana provisioning center subject to receipt of a valid building permit from the City not less than 90 days prior



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

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

No: None

**Motion Carried**

**Motion establishing possible points for social equity plan inclusion at 15 points.**  
Moved by Councilperson Carrington and second by Councilperson Goodman.

(12) Whether an applicant proposes a social equity plan that promotes and encourages social equity participation and ownership in the marihuana industry by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively impact those communities, in accordance with MCL 333.27958(1)(j). The maximum number of scoring points in this category shall be fifteen (15) points.

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

No: None

**Motion Carried**

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

( ) Whether an applicant demonstrates social equity participation and greater than 50% ownership by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively impact those communities, in accordance with MCL 333.27958(1)(j). The maximum number of scoring points in this category shall be fifteen (15) points.

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

No: None

**Motion Carried**

**Motion for mobile marijuana delivery service permitted for establishments in city.**  
Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

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

No: None

**Motion Carried**

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

**Sec. \_\_\_\_\_. Licensing of Adult-Use Marihuana Businesses.**

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

**Type of Establishment**

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Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	20
Social Equity Retailer	4
Class A Microbusiness	5
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit
Excess grower	No limit

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

No: None

**Motion Carried**

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

Sec. \_\_\_\_\_. Transfer of Location Prohibited; Transfer of Ownership and Assets.

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

(b) Transfer of Ownership or Assets. Permittees may apply to the Clerk to transfer ownership or assets of a permittee's business and the permit issued under this ordinance to a different individual or entity, subject to receiving in advance written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. In order to request City approval to transfer ownership or assets and a permit to a different individual or entity, the permittee must make a written request to the Clerk, indicating the current permittee and the proposed permittee. The proposed permittee shall submit a complete application to the Clerk, and the Clerk shall grant the request so long as the proposed permittee meets all requirements outlined in this Ordinance and the Department authorizes the transfer pursuant to the MRTMA and the Rules. A sale or transfer of an ownership interest of a social equity applicant shall be at a price no less than fair market value and the buyer or transferee shall be qualified as a social equity applicant.

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

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

No: None

**Motion Carried**

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

Sec. \_\_\_\_\_. Closing of Marihuana Business.

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

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

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

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

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

**Motion Carried**

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

Moved by Councilperson Carrington and second by Councilperson Parker.

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

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

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

(2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee including any conviction of any felony or any misdemeanor involving controlled substances, theft, or dishonesty by the applicant, permittee, stakeholder, or any person holding an ownership interest in the licensee;

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

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

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

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

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

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

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

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

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

No: None

**Motion Carried**

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

Sec. \_\_\_\_\_. City Marihuana Business Permit and Annual Fee Required.

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

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

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

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

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

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

No: None

**Motion Carried**

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

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

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

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

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

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

No: None

**Motion Carried**

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

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

Sec. \_\_\_\_\_. Location Criteria.

- (a) No marihuana business is eligible to receive a permit unless at the time the application for the marihuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the City zoning ordinances as required for the specific type of marihuana commercial business for which the permit is being sought. No Adult-Use Marihuana Retailers shall be permitted outside of the Adult-Use Marihuana Business Overlay Districts, as set forth in the City zoning ordinance, as amended.

Ayes: Parker, Carrington, Goodman, McGuinness and Nicholson

No: James

**Motion Carried**

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

Sec. \_\_\_\_\_ **ODOR CONTROL.**

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

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

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

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

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

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

No: None

**Motion Carried**

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

Sec. \_\_\_\_\_. Licensing of Adult-Use Marihuana Businesses.

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

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	15
Social Equity Retailer	5
Class A Microbusiness	3

Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit
Excess grower	No limit

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

No: None

**Motion Carried**

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

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

**Sec. \_\_\_\_\_. Creation of Marihuana Business Commission; Composition; Quorum.**

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

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

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

**26-\_\_\_\_\_ Marihuana Business Commission Membership; Qualifications; Term; Vacancies; Compensation.**

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

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

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

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

**26-\_\_\_\_\_ Marihuana Business Commission Powers and Duties.**

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

**26-\_\_\_\_\_ Marihuana Business Commission Rules and Regulations; Meetings.**

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

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

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

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

**Motion Carried**

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

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

(c) Appeal of denial of an application, denial of renewal, or revocation or suspension of a permit: Any applicant or permittee aggrieved by the denial, non-renewal, suspension or revocation of a permit or adverse decision under this ordinance may appeal to the Clerk, by filing with the Clerk, within fourteen (14) days after notice of the action complained of has been mailed to the applicant or to permittee's last known address on the records of the Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall appoint a hearing officer to hear and evaluate the appeal and make a written recommendation and report to the Clerk. The Clerk shall review the report and written recommendation of the hearing officer and issue a written decision. The Clerk's written decision may be appealed to the Marihuana Business Commission by filing an appeal in writing to the Marihuana Business Commission no later than thirty (30) days after the Clerk's written decision is issued. The review on appeal of a denial, non-renewal, suspension, or revocation or adverse action shall be by the Marihuana Business Commission pursuant to this ordinance. The Marihuana Business Commission shall overturn a decision of finding of the Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding. Any decision by the Marihuana Business Commission on an appeal shall be final for purposes of judicial review. The Clerk may engage professional consultants to assist with the review and scoring of applications under this section.

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

**Motion Carried**

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

D. Reservation.

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

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

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

Ayes: McGuinness, Nicholson, Parker, Carrington and James

No: None

**Motion Carried**

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

Sec. \_\_\_\_\_. Definitions.

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

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

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

Ayes: Nicholson, Parker, Carrington, James and McGuinness

No: None

**Motion Carried**

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

Ayes: Parker, Carrington, James, McGuinness and Nicholson

No: None

**Motion Carried**

#### **Resolutions**

23-13      **Resolution to proceed in Closed Session at 11:20 p.m. to discuss the purchase of Real Property; and to discuss the Confidential Legal Opinion concerning Settlement Strategy in connection with Pending Litigation.** Moved by Councilperson Parker and second by Councilperson Nicholson.

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

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

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

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

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

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

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

No: None

Abstain: Rutherford

**Resolution Passed**

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



Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

**Motion Carried**

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

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

**Motion Carried**

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

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

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

**Resolution Passed**

#### **Communications**

City Council and Mayor's Office

#### **Mayor, Clerk and Council Closing Comments**

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

#### **Adjournment**

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

Ayes: McGuinness, Nicholson, Parker, Carrington and James

No: None

**Motion Carried**

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

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Garland S. Doyle  
City Clerk



## **The 11th Pontiac City Council Rules and Procedures**

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

### **Meeting Times**

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

### **Regular Meeting**

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

### **Special Meetings**

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

### **Posting Requirements for Regular and Special Meetings**

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

### **Minutes of Regular and Special Meetings**

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

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

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

### **Meetings to be Public**

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

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

### **Meeting Agendas**

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

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

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

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

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

### **Agenda Distribution**

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

### **Quorum**

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

### **Council Attendance at Meetings**

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

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

### **Mayor Attendance at Meetings**

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

### **Presiding Officer**

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

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

### **Disorderly Conduct**

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

## **Closed Meetings**

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

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

## **Calling Closed Meetings**

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

## **Minutes of Closed Meetings**

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

## **Parliamentary Procedure**

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

## **Conduct of Discussion**

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

## **Ordinances and Resolutions**

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

## **Voting Procedure**

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

## **Citizen Participation**

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

## **Agenda Address**

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

## **Public Comment**

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

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

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

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

### **Council Committees**

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

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

### **Standing Committees**

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

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

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

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

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

#### **Special Committees**

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

#### **Committee Reports**

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

#### **Suspension or Modification of These Rules**

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