

January 10, 2023 Approved Minutes

**Official Proceedings
Pontiac City Council
67th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, January 10, 2023 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Bishop Antonio Gibson, New Experience Church of Christ

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

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

Mayor Greimel was present
A quorum was announced.

Amendments to and Approval of the Agenda

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

Motion to move item #18 (Resolution to authorize City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000 and to decrease the balance sheet accounts of funds 101 and 249 by the same numbers respectively) before item #17 (Resolution to authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction by \$715,846.90 for the purpose of completing the ASI Rd project.) of the agenda. Move by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

Motion Carried

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

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

No: None

Motion Carried

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

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

Ayes: Parker, Carrington, Goodman, James and McGuinness

No: Nicholson

Abstain: Rutherford

Motion Carried

The vote was taken to approve the overall amendment.

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

No: None

Abstain: Rutherford

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

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

No: None

Abstain: Rutherford

Motion Carried

The vote was taken to approve the agenda as amended.

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

No: None

Motion Carried

Consent Agenda

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

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

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

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

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

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

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

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

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No: None

Resolution Passed

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

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

1. Robert Bass

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

2. Luke Holsworth

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

3. Carlton Jones

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

4. Antonio Gibson

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

5. Chuck Johnson

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

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

Subcommittee Reports

Announcement of Council Subcommittee Roles for 2023

Communications, Engagement & Operations

Councilmember Goodman, Chair

President Pro Tem Carrington

Alternate: Councilmember Parker

Economic Development, Housing & Planning

President McGuinness, Chair

Councilmember Nicholson

Councilmember Rutherford

Alternate: Councilmember Goodman

Facilities & Property

Councilmember Rutherford, Chair

President Pro Tem Carrington

President McGuinness

Alternate: Councilmember James

Finance & Personnel

Councilmember Nicholson, Chair

Councilmember James

Councilmember Parker

Alternate: President Pro Tem Carrington

Law & The Courts

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

Parks, Recreation & Public Works

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

Public Safety, Health & Wellness

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

Recognition of Elected Officials

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

Agenda Address

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

Agenda Items

Resolution

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

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

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

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

No: None

Resolution Carried

Ordinance

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

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The City of Pontiac ordains:

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

Section 5(c)

(c) In accordance with subsection 401(a)(9) of the Internal Revenue Code and the regulations thereunder, which are incorporated herein by reference, a Member's retirement annuity shall be distributed to him or her as follows::

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

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

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

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

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

Section 6(c)(6)

(c) Death of Member Before Distributions Begin. If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:

(i) If the member's surviving spouse is the member's sole designated beneficiary, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by December 31 of the calendar year in which:

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

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

No: None

Ordinance Adopted

Resolution

23-17

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

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

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

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

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

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote.

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City Council

23-18

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

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

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

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

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

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

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

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

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

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

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

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

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

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote.

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

WHEREAS, the City of Pontiac, Michigan acknowledges citizens whose exemplary character and whose lives have had a profound impact of elevating and inspiring the community; and,
WHEREAS, Judge Michael C. Martinez is a native of Pontiac, Michigan; and,
WHEREAS, Judge Martinez obtained a degree from the University of Michigan and graduated from Wayne State University Law School; and,
WHEREAS, Judge Martinez early in his legal career, began as an attorney in private practice and also worked as a Staff Attorney for the Legal Aid Society of New York-Criminal Defense Division; and,
WHEREAS, Judge Martinez furthered his legal career and served as a Deputy City Attorney for the City of Pontiac for seven years; and,
WHEREAS, Judge Martinez was appointed as judge to the 50th District Court in Pontiac by Governor Jennifer Granholm on March 19, 2004 and was elected in November 2004; and,
WHEREAS, Judge Martinez dedicated 18 years of service to the Michigan justice system, to the citizens of Michigan and more specifically, to the people of Pontiac; and,
WHEREAS, Judge Martinez has served as a member of various professional and civic organizations, associations and committees including the State Bar of Michigan, the American Bar Association, the Hispanic Bar Association and the Oakland County Bar Association; and,
WHEREAS, Judge Martinez remarkably throughout his tenure, remained engaged with the community and met with local residents and seniors to listen to their concerns; now,
NOW, THEREFORE, BE IT RESOLVED, that the members of the Pontiac City Council in partnership with Mayor Tim Greimel hereby recognize Judge Michael C. Martinez as an outstanding Judge whose professional, civil, and social contributions of leadership, selflessness and commitment to strengthening the community are monumental; and
FURTHER RESOLVED, the City Council, on behalf of the entire Pontiac community, extends our best wishes to Judge Martinez and his family on his next chapter and in future endeavors.

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

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote.

Community Development

23-20 **Resolution to approve a proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the Building Inspection Fund account 249-371-702-000 Salaries & Wages by \$10,000 for the purpose of increasing the Building Official Salary.** Moved by Councilperson Nicholson and second by Councilperson James.

WHEREAS, City Council appropriated funds for the Building Inspection Fund 249 to begin on July 1, 2022;
NOW THEREFORE, BE IT RESOLVED, that the City Council hereby approves the budget amendment for Fiscal Year 2022-23 increasing the budget appropriation in the following Building Inspection Fund 249 account:
249-371-702-000 Salaries & Wages by \$10,000

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

Councilpersons Rutherford and Goodman were absent during the vote.

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23-21 **Resolution to authorize City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000 and to decrease the balance sheet accounts of funds 101 and 249 by the same numbers respectively.** Moved by Councilperson Carrington and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac began the fiscal year with Wade Trim as a contractor; and
WHEREAS, the City transitioned those services in-house; and
WHEREAS, this transition took longer than was originally budgeted; and
WHEREAS, the City combined planning and building under the department of Community Development; and
WHEREAS, \$108,000 is needed to cover the additional expense; and
WHEREAS, the \$108,000 will come from the building department enterprise fund balance sheet account (fund 249); and
WHEREAS, the planning division is required to publish public notices for a variety of reasons; and
WHEREAS, we have accelerated activity in the planning department such that we anticipate an increase in the number of public notices to be posted between now and the end of the fiscal year; and
WHEREAS, \$35,000 is needed to cover the additional expense; and
WHEREAS, the \$35,000 will come from the general fund balance sheet account (fund 101); and
NOW THEREFORE, BE RESOLVED, City Council hereby authorizes the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-721-902.005 public notices by \$35,000 and 249-371-818.001 Wade Trim professional services by \$108,000 and to decrease the balance sheet accounts of funds 101 and 249 by the same numbers respectively.

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

No: None

Resolution Passed

Councilman Goodman was absent during the vote.

Department of Public Works (DPW)

23-22 **Resolution to authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction by \$715,846.90 for the purpose of completing the ASI Rd project.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac began a repair project in 2021 to repair local roads including but not limited to Grenada, Gambrelle, Grandville, Oliver, Bynum and Hazel; and
WHEREAS, the project was not completed before the end of the 21-22 FY; and
WHEREAS, it is customary to have funds “rolled over” in this situation to complete the project;
NOW THEREFORE, BE RESOLVED, City Council hereby authorizes the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 203-463-974.074 Road Construction by \$715,846.90 for the purpose of completing the ASI Rd. project.

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

No: None

Resolution Passed

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED: That our community, _City of Pontiac, hereby approves the attached NoHaz Interlocal Agreement and authorizes its signature, and

BE IT FURTHER RESOLVED: That we will not charge residents to participate in NoHaz events in 2023, and

BE IT FURTHER RESOLVED: That we hereby appoint _Allen H Cooley III, as our official representative to the NoHaz Advisory Board, to work with the Oakland County Planning and Local Business Development Division as needed to plan the NoHaz program for 2023.

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

No: None

Resolution Passed

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

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

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

No: None

Motion Carried

The vote was taken to approve the resolution as amended.

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single

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administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act.";
NOW, THEREFORE IT IS RESOLVED: This Honorable Body designates Mr. Allen H Cooley III as the single Street Administrator for the City of Pontiac in all transactions with the State Transportation Department as provided in section 13 of the Act.

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

No: None

Resolution Passed

Mayor's Office

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

WHEREAS, the contract extension will allow the City of Pontiac and Waterford Township to work collaboratively and formulate a plan to benefit the future fire services for the City of Pontiac; and
WHEREAS, the twenty-three-month contract will expire December 2024 and our intent is to complete a full analysis with the Waterford Fire Department; and
WHEREAS, the extension with Waterford Township will consist of a 4% increase each year;
NOW THEREFORE, BE RESOLVED, the City Council hereby approves and authorizes the Mayor to proceed with the two-year Waterford Township fire services contract.

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

No: None

Resolution Passed

23-25 **Resolution to authorize the approval of the bid award to Clark Hill and The Kelly Law Firm, respectively, and an executed agreement, signed by the Mayor, for the rendering of legal services.** Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, The Purchasing Division has conducted the competitive bid process for Legal Services in accordance with the City's municipal code, Division II. Purchasing, Section 2-519;
WHEREAS, the RFP review panel recommends The Kelly Law Firm; the panel believes the firm's skills and resources are equal to the task of providing legal services in a satisfactory manner in the time period specified by the City, and whose bid is determined to be in the best interest of the City;
WHEREAS, the contract term shall be for three (3) years with an option to renew for two (2) three-year periods.
NOW, THEREFORE, BE IT RESOLVED The Pontiac City Council endorses the approval of the bid award to Clark Hill, PLC and The Kelly Law Firm.

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

No: None

Resolution Passed

Youth Recreation

23-26 **Resolution to approve the creation of "Adaptive Sports Coordinator" position for youth and recreation department.** Moved by Councilperson Parker and second by Councilperson Rutherford.

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

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

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

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

No: None

Resolution Passed

Councilman Goodman was absent during the vote.

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

Closed Session

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

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

WHEREAS, the Mayor directed the City's outside legal counsel, Clark Hill PLC, to provide a legal opinion addressing legal issues in connection with the municipal licensing and regulation of recreational marijuana.

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

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

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

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

Resolution Passed

Councilman Goodman was absent during the vote.

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

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

No: None

Motion Carried

Ordinance

City of Pontiac Adult-Use Marijuana Business Ordinance

Amendments to the Proposed Ordinance

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

Sec. _____. General Permit Application Requirements.

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

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

(b) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the business is expected to create, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, and the goals and objectives to recruit, hire and promote residents of the City; and

(f) An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the facility, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, including plans for community outreach and worker training programs;

Sec. _____. Marihuana Business Permit Application Process.

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based scoring and ranking procedure developed by the Clerk consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:

(7) Description of staffing plan that includes the number of full-time and part-time positions the applicant intends to create; the proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, the applicant intends to pay employees; whether the applicant has articulated plans and strategies to recruit, hire and mentor for career advancement, a percentage of diverse residents from the City of Pontiac, including those residents who are veterans, low income and/or have a prior controlled substance record (excluding distribution of a controlled substance to a minor); and whether the applicant has articulated plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave. The applicant shall maintain and provide data to the City Clerk supporting its staffing plan which shall be considered at the time of renewal of any permit issued pursuant to this ordinance to determine compliance. The maximum number of scoring points in this category shall be ten (10) points.

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

No: None

Motion Carried

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

(j) A Designated Consumption Establishment shall:

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

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

No: None

Motion Carried

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

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

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

- (1) A violation of any provision of this Ordinance, including, but not limited to, the failure to provide the information required by this Ordinance;
- (2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee;
- (3) Failure of the permittee to obtain or maintain a State Operating License;
- (4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;
- (5) The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;
- (6) Failure of the permittee to maintain the property causing a blighted condition in violation of Ord. No. 2355, 8-9-18 and MCL 125.538 to 125.542.
- (7) Any default in the payment of any charges, taxes, or fees, to the City if not cured upon thirty (30) days following notice sent by electronic means or mail to the address of the Marihuana Business. This cure period does not apply to scoring of initial applications for Retailer, Class A Microbusiness and Designated Consumption Lounge permits;
- (8) Violation of any State law applicable to Marihuana Businesses.

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

No: None

Motion Carried

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

Sec. _____. Marihuana Business Permit Application Process.

(10) Whether the applicant has rehabilitated and/or redeveloped within 3 years before the submittal of the application under this ordinance or will rehabilitate and/or redevelop an existing building by demolishing and rebuilding or completely renovating a building that has been vacant or had been vacant

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

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

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

No: None

Motion Carried

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

Moved by Councilperson Carrington and second by Councilperson Goodman.

Sec. _____. Social Equity Retailers

(a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit five (5) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(b) Social equity applicants may apply for other available adult-use permits including retailer establishment permits, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit.

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

No: None

Motion Carried

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

Sec. _____. General Permit Application Requirements.

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

(5) The name and address of the proposed 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.

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

No: None

Motion Carried

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

Sec. _____. Definitions.

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

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

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

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

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	15
Social Equity Retailer	5
Class A Microbusiness	5
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit

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

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

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

No: None

Motion Carried

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

Sec. _____. Effective Date

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

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

No: None

Motion Carried

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

Sec. _____. Marihuana Business Permit Application Process.

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based scoring and ranking procedure developed by the Clerk consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:

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

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

No: None

Motion Carried

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

Sec. _____. Social Equity

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

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

No: None

Motion Carried

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

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

No: None

Motion Carried

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

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

No: None

Motion Carried

Resolution

City Council

23-28

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

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

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

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

Closed Session

23-29 **Resolution to proceed in closed session at 11:12p.m. to consider and discuss the purchase of real property; and to discuss the confidential legal opinion concerning settlement strategy in connection with pending litigation.** Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

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

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

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

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

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

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

Resolution Passed

Councilman Goodman left during the closed session.

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

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

Motion Carried

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

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

Ayes: Nicholson, Parker, Carrington, James and McGuinness

No: None

Motion Carried

Resolution

City Council

23-30 **Resolution to authorize the Mayor to exercise the option to purchase real property at the former McCarroll School located at 191 North Glenwood in Pontiac, Michigan subject to a negotiated purchase agreement.** Moved by Councilperson Nicholson and second by Councilperson Parker.

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

Ayes: Parker, Carrington, James, McGuinness and Nicholson

No: None

Resolution Passed

23-31 **Resolution that establishes a public hearing at the January 24, 2023 City Council Meeting.** Moved by Councilperson Carrington and second by Councilperson Nicholson.

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

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Mayor Greimel and Council President McGuinness made closing comments.

Adjournment

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

Ayes: Carrington, James, McGuinness, Nicholson and Parker

No: None

Motion Carried

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

Garland S. Doyle
City Clerk