

PONTIAC CITY COUNCIL

President Mike McGuinness, District 7
Pro Tem William A. Carrington, District 6
Melanie Rutherford, District 1
Brett Nicholson, District 2
Mikal Goodman, District 3
Kathalee James, District 4
William Parker, Jr., District 5



Garland S. Doyle, M.P.A., MiPMC, City Clerk

Phone: (248) 758-3200

119th Session of the 11th Council – Thursday, November 30, 2023, at 6:00 p.m.

Meeting Location: City Council Chambers, Pontiac City Hall, 47450 Woodward Pontiac, Michigan 48342

SPECIAL MEETING AGENDA

Call to Order

Roll Call of Councilmembers

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Agenda Address (Two Minutes Time Limit)

Agenda Items

Resolutions

1. Resolution to approve road and road facilities bond proposal for the February 27, 2024 Presidential Primary Ballot.
2. Resolution to approve Proposal 1 Ordinance No. 2424 an Ordinance to amend Ordinance No. 2406 City of Pontiac Adult-Use Business Ordinance for the February 27, 2024 Presidential Primary Ballot.
3. Resolution to approve how the ballot questions shall appear on the February 27, 2024 Presidential Primary Ballot.

Public Comment (Three Minutes Time Limit)

Adjournment

#1

RESOLUTION

RESOLUTION SUBMITTING ROAD AND FACILITIES BOND PROPOSAL

CITY OF PONTIAC

County of Oakland, State of Michigan

Minutes of a special meeting of the City Council of the City of Pontiac, County of Oakland, State of Michigan, held on November 30, 2023, at 6:00 p.m., Eastern Time.

PRESENT: Members _____

ABSENT: Members _____

The following preamble and resolution were offered by Member _____ and supported by Member _____.

WHEREAS, the City Council of the City of Pontiac, County of Oakland, State of Michigan (the "City") has determined that it is necessary to pay all or part of the costs of acquiring, constructing, furnishing and equipping street, transportation and related facility capital improvement projects within the City, consisting generally of: (a) the acquisition, construction, and improvement of a public works facility, including all mechanical, electrical, technology and security systems, site, utility, fixtures, furniture, and parking improvements and all related appurtenances and attachments thereto, and (b) the acquisition, construction, and improvement of local and major streets, including paving, repaving, reconstructing and improving streets, the necessary rights-of-way, sidewalks, proper drainage facilities and all necessary appurtenances and attachments thereto (collectively, the "Project"); and

WHEREAS, the City Council has determined that the City should borrow money in an amount not to exceed One Hundred Fourteen Million Five Hundred Thousand Dollars (\$114,500,000), and issue general obligation unlimited tax bonds of the City, in one or more series, in such amount for the purpose of paying all or part of the cost of the Project; and

WHEREAS, the City Council has determined that a proposal to issue the bonds (the "Bond Proposal") for the Project shall be submitted to the qualified electors of the City at the election to be held in the City on Tuesday, February 27, 2024 (the "Election Date"); and

WHEREAS, in order for the Bond Proposal to be submitted to the qualified electors, it is necessary for the City Council to certify the ballot wording of the Bond Proposal to the City Clerk and to the County Clerk of the County of Oakland (the "County Clerk"), as required by Act 116, Public Acts of Michigan, 1954, as amended (the "Michigan Election Law").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Approval of Bond Proposal. The Bond Proposal attached hereto as Exhibit A (the "Bond Proposal") is hereby approved and shall be submitted to a vote of the qualified electors of the City on the Election Date.

2. Certification of Bond Proposal; Submission to County Clerk. The ballot wording of the Bond Proposal is hereby certified to the City Clerk and the County Clerk for submission to the City's electors on the Election Date. The City Clerk is hereby authorized and directed to file this Resolution and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission by no later than 4:00 p.m. on Tuesday, December 5, 2023.

3. Publication of Notice; Preparation of Ballots. The City Clerk and the County Clerk are hereby directed to (a) post and publish notice of last day of registration and notice of election as required by the Michigan Election Law; and (b) have prepared and printed, as provided by the Michigan Election Law, ballots for submitting the bond proposal at the election, which ballots shall contain the proposal appearing herein, or the proposition shall be stated as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.

4. Estimated Millage. The estimated millage rate in the first year and simple average annual millage rate set forth in the Bond Proposal, which have been prepared for the City by Robert W. Baird & Company, Incorporated, are reasonable estimates of such millage rates based on current assumptions.

5. Reimbursement Declarations. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) If the ballot proposal is approved by the electors, the City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$114,500,000.
- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

6. Bond Counsel. The appointment of Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") as bond counsel to the City in connection with the issuance of the Bonds is hereby ratified and confirmed, notwithstanding the periodic representation by Miller Canfield in

unrelated matters of other parties and potential parties to the issuance of the Bonds. The fees and expenses of Miller Canfield shall be payable as a cost of issuance from proceeds of the Bonds or other available funds of the City.

7. Effective Date. This Resolution shall take effect immediately upon its adoption by the Council.

8. Rescission. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby repealed.

AYES: Members _____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

Garland Doyle
City Clerk

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the City Council of the City of Pontiac, County of Oakland, State of Michigan, at a special meeting held on November 30, 2023, and that the meeting was conducted and public notice of the meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Garland Doyle
City Clerk

EXHIBIT A

ROAD AND ROAD FACILITIES BOND PROPOSAL

Shall the City of Pontiac, County of Oakland, State of Michigan, borrow the principal sum of not to exceed One Hundred Fourteen Million Five Hundred Thousand Dollars (\$114,500,000), and issue its unlimited tax general obligation bonds in one or more series, to pay the cost of acquiring, constructing, furnishing and equipping street, transportation and related facility capital improvement projects within the City, consisting generally of: (a) the acquisition, construction, and improvement of a public works facility, including all mechanical, electrical, technology and security systems, site, utility, fixtures, furniture, and parking improvements and all related appurtenances and attachments thereto, and (b) the acquisition, construction, and improvement of local and major streets, including paving, repaving, reconstructing and improving streets, the necessary rights-of-way, sidewalks, proper drainage facilities and all necessary appurtenances and attachments thereto? The bonds will be payable from taxes the City is allowed to levy in addition to state statutory and City Charter limits.

YES

NO

If approved, the estimated millage to be levied in 2024 is 4.000 mills (\$4.00 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 4.000 mills (\$4.000 per \$1,000 of taxable value). Each series of the bonds shall be payable in not more than 30 years from its date of issuance.

41363095.4/071371.00080

TO: CITY COUNCIL
 FROM: OFFICE OF THE MAYOR
 DATE: NOVEMBER 22, 2023
 RE: ROAD AND FACILITIES BALLOT PROPOSAL RESOLUTION

The Office of the Mayor requests the City Council’s approval of the Resolution Submitting Road and Facilities Bond Proposal (the “Proposal”). If approved, the Proposal would authorize the City to issue up to \$114,500,000 of its unlimited tax general obligation bonds in multiple series. Each series of bonds would mature in no more than 30 years. It is estimated that the aggregate debt service on the bonds would require the levy of a debt millage of 4.000 mills per year. The Resolution also makes certain reimbursement declarations by the City to provide that the City may reimburse itself for project costs incurred prior to the issuance of the Bonds.

The Proposal would be placed on the February 2024 election ballot, and must be certified to the City Clerk and County Clerk no later than 4:00 pm on December 5, 2023 in order to be placed thereon.

City engineers estimate that the city could spend approximately \$15M per year in the first 3 years of a bonding initiative to improve roads, which would be the amount of work that could be coordinated so that adequate mobility could be maintained throughout the city each year. Based on these criteria, the following table illustrates a particular strategy that *could be* used in the first 3 years. The table includes each type of improvement, expected lifespan, and miles of road treated (per year and total).

15,000,000 per year over 3 years

Estimated Service Life for each Maintenance Type	Maintenance Type in Lane Miles	2024	2025	2026	Total Miles Treated After 3 Years
5-7 Years	Preemptive Repairs	64.819	12.346	6.402	83.567
10-15 Years	Rehabilitation	88.584	87.860	0.000	176.444
25-30 Years	Reconstruction	0.322	1.620	8.507	10.449
	Total	153.725	101.826	14.909	270.46

Attached hereto, please find a financial analysis prepared by the City’s registered municipal advisor, Robert W. Baird & Company, Inc.

MEMORANDUM

To: City Council of the City of Pontiac, County of Oakland, State of Michigan
 Mayor Greimel
 Deputy Mayor Stephens

Cc: Mark Ridgely, Senior Vice President, Robert W. Baird & Co. Incorporated
 James R. Srouji, Assistant Vice President, Robert W. Baird & Co. Incorporated

Date: November 22, 2023

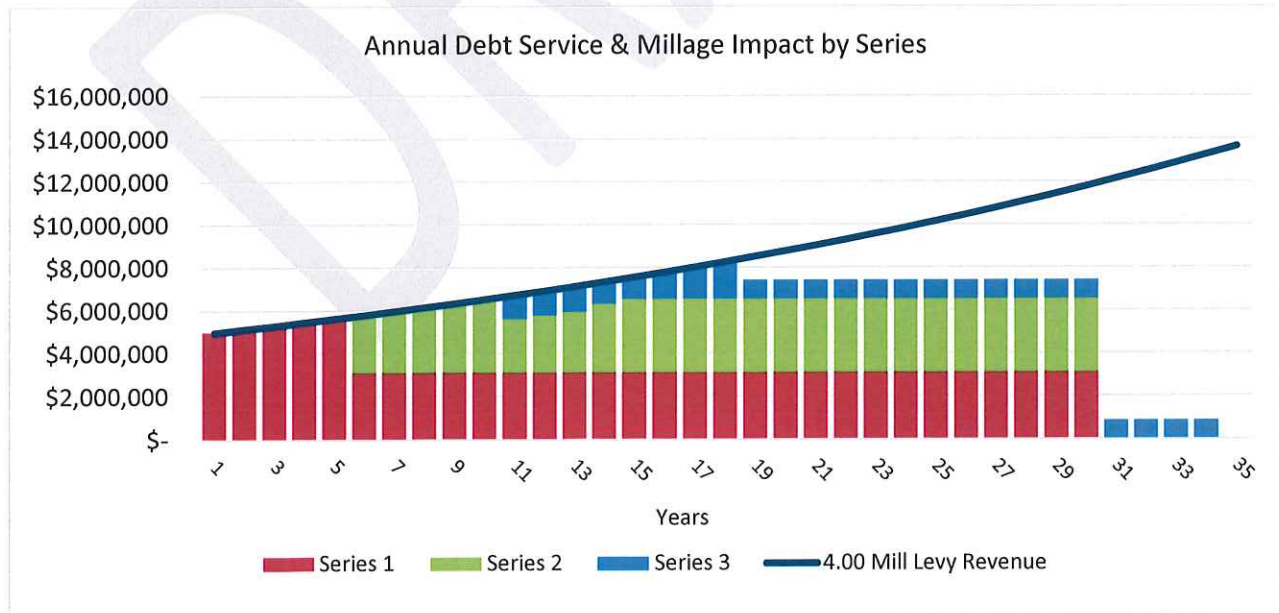
Re: City of Pontiac, County of Oakland, State of Michigan
 Road and Facilities Bond Proposal

Robert W. Baird (“Baird”) has prepared the following analysis for the City of Pontiac’s (the “City”) Road and Facilities Bond Proposal. This analysis assumes the bonds will be issued over multiple series of tax-exempt bonds in a total aggregate amount of approximately \$114.5 million. Each series of bonds will have a term length of 25-30 years, pursuant on the capital project being funded.

Series*	Issuance Amount*	Issuance Year*
Series 1	\$ 55,000,000	2024
Series 2	\$ 45,000,000	2029
Series 3	\$ 14,500,000	2034
Total Issuance	\$114,500,000	

*Preliminary, subject to change

The issuance of multiple series will ensure project costs are spent in a timely manner to avoid tax issues while maintaining adequate mobility throughout the City. Issuing the bonds in separate series also allows the total aggregative debt service to be at or within revenues generated by a not to exceed 4.00 mill debt levy. The following table provides a visual representation of the annual debt service (principal and interest payments) of each staggered series of bonds below the revenue generated by the debt millage.



(Assumptions shown on following page)

Assumptions

The following preliminary assumptions were used in constructing the above table and financial analysis:

- *Approximately \$45,000,000 of road project spending within 3 years of each bond issuance*
- *Approximately \$10,000,000 of DPW facility spending (Series 1 only)*
- *Debt millage not to exceed 4.00 mills*
- *4.0% 2024 taxable value growth and 3.0% annual taxable growth thereafter*
- *5.0% interest rate*
- *30-year amortization (Series 1 only)*
- *25-year amortization (Series 2 and 3 only)*
- *Assumes no costs of issuance*
- *Assumes no interest income*

#2

RESOLUTION

CITY OF PONTIAC
Oakland County, Michigan

RESOLUTION

No. _____

At a Special Meeting of the City Council of the City of Pontiac, Oakland County, Michigan, held at the 47450 Woodward Ave., Pontiac, MI 48342 on the 30th day of November, 2023.

PRESENT: _____

ABSENT: _____

The following Resolution to approve Proposal 1 referendum Ordinance No. 2424 was offered by Council member _____ and supported by Council member _____.

WHEREAS, on October 10, 2023 City Council passed Ordinance No. 2424 amending the City's Adult-Use Marihuana Business Ordinance, consistent with the settlement of Case No. 2023-202360-AW in the Oakland County Circuit Court, and

WHEREAS, Citizens for Equitable Cannabis submitted to the City Clerk referendum petitions and signatures protesting Ordinance No. 2424; and

WHEREAS, the City Clerk counted, examined and certified the required number of petition signatures and Ordinance No. 2424 was suspended; and

WHEREAS, on November 21, 2023 the City Council determined not to repeal Ordinance No. 2424 and that the referendum issue of whether Ordinance No. 2424 should be adopted by the City of Pontiac should be presented to the voters as Proposal 1 in the February 27, 2024 primary election.

NOW THEREFORE, BE IT HEREBY RESOLVED that the attached question marked as Proposal 1 is hereby approved by City Council to be submitted to the qualified electors in the City of Pontiac at the Presidential Primary Election in the City of Pontiac, the 27th day of February, 2024 and the City Clerk is hereby directed to give notice of the election and notice of registration thereof in the manner prescribed by law and to do all things and provide all supplies necessary to submit the Referendum Ordinance to the vote of the electors as required by law.

ADOPTED: YEAS: _____

NAYS: _____

ABSENT: _____

The foregoing Resolution was declared and adopted on the date.

CITY OF PONTIAC

By: Garland Doyle
Its: Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of City of Pontiac, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the proceedings taken by the City Council at a special meeting held on ____ day of _____, 2023.

IN WITNESS THEREOF, I have hereunto affixed my official signature this ____ day of _____, 2023.

CITY OF PONTIAC

By: Garland Doyle
Its: Clerk

PROPOSAL 1

City of Pontiac Ordinance No. 2424 an Ordinance to Amend the Adult-Use Marihuana Business Ordinance

Shall the City of Pontiac, Oakland County, Michigan adopt

Ordinance No. 2424 an Ordinance to Amend the City of Pontiac Adult-Use Marihuana Business Ordinance 2406 which allows adult-use marihuana establishments to operate in the City of Pontiac to Include:

Section 03. Definitions: to Amend definition of “Applicant” to deem an Applicant to include any person or entity who holds a direct or indirect ownership interest of 6% or more in the applicant and any person or entity who exercises control over or participates in the management of the applicant.

Section 03. Definitions: to Amend definition of “Person” to include a partnership and a limited liability partnership.

Section 03. Definitions: to Amend definition of “Social Equity-Qualified Business” to include franchisees and to require the business to document 51% or more ownership by social equity qualifying applicants and to identify the ownership percentage held by each stakeholder.

Section 03. Definitions: to Amend definition of “Stakeholder” to include all owners of a business entity, whether profit or non-profit, with a direct or indirect ownership interest greater than 6%.

Section 12(b)(2) General Permit Application Requirements: to Amend the disclosure requirements so that each applicant entity is required to disclose in the application the ownership structure of the applicant entity and the identity of every person or entity having a direct or indirect ownership interest in the applicant entity greater than 2.5% by providing the entity or individual name, the ownership percentage, email address, mailing address and if applicable, the date of birth; and for the purpose of these disclosure requirements, the term “applicant entity” shall only refer to the person or entity applying for a permit from the City, and not to the owners or managers of such entity.

Section 12(b)(6) General Permit Application Requirements: to Amend that the affirmation that the applicant and every stakeholder is at least 21 years of age shall be made by the applicant.

Section 12(b)(7) General Permit Application Requirements: to Amend that the required criminal history background report of the applicant’s criminal history include any managerial employee of the applicant and any person who exercises control over or participates in the management of the applicant.

Section 13(d) Marihuana Business Permit Application Process: to Amend by moving the phrase “and obtains a permit from the City and an operating license from the Department within 18 months after the conditional permit is granted” to the end of the sentence: The Clerk will grant a final permit if the applicant obtains final site plan approval and special land use approval within 6

months of receiving a conditional permit, enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted, and obtains a permit from the City and an operating license from the Department within 18 months after the conditional permit is granted; and to make a grammatical correction in the 13th line of the Second Reading of the Ordinance to delate an “n” and add “a” before the word “permit.”

Section 13(e) Marihuana Business Permit Application Process: to Amend the time for the Clerk to set the 21-day application window period to thirty (30) days from the effective date of this ordinance.

Section 13(f)(3) Marihuana Business Permit Application Process: to Amend the Neighborhood Communication/Education Plan of the proposed Marihuana Business to require the meetings with neighborhood organizations, residents and the public to include written notice to all property owners within 1500 feet of the marihuana business location.

Section 13(f)(8) Marihuana Business Permit Application Process: to Amend by deleting the reference to a \$1,000 amount for possible donations to a fund administered by the City for planned philanthropic initiatives and community improvement programs aimed at the City.

Section 13(f)(9) Marihuana Business Permit Application Process: to Amend the maximum number of scoring points from 20 points to 30 points for applicants who have current and final conditional approval for a medical marihuana provisioning center permit; to Amend that these scoring points do not apply to those applicants for a medical provisioning center permit who were initially one of the five highest scoring applicants in the zoning district where they applied but are no longer one of the five highest scoring applicants in the zoning district where they applied; to Amend that the medical applicant entity who has current and final conditional approval for a medical marihuana provisioning center permit shall be awarded the 30 points whether they apply for a retailer permit or a social equity retailer permit as long as the applicant entity was qualified as a Social Equity Qualified Business when it was conditionally approved for a medical marihuana provisioning center; and to Amend that applicants with current and final conditional approval for a medical marihuana provisioning center permit may apply for recreational licenses at a different location in any of the four districts allowed under Zoning Ordinance #2407, not only in the zoning district where they were awarded their conditionally approved medical license.

Section 13(f)(11) Marihuana Business Permit Application Process: to Amend by requiring that a building that an applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance meets the definition of blighted or dangerous as such term is defined in the City’s Code of Ordinances and deleting the requirement that the building be cited by the City as blighted or dangerous.

Section 13(f)(14) Marihuana Business Permit Application Process: to Amend by adding Section 13 (f)(14) to provide for a maximum number of 10 scoring points if an applicant was the highest scoring conditionally approved medical provisioning center applicant in the zoning district in which the applicant applied, including all those applicants tied for the highest score in that zoning district, whether an applicant was applying for a retailer or social equity retailer permit.

Section 13(g) Marihuana Business Permit Application Process: to Amend that the scoring and ranking of applications conducted by the Clerk shall be on the basis of assigned points from zero (0) points to one hundred and eighty five (185) points with the lowest overall total score as zero (0) points and the highest possible total score being one hundred and eighty five (185) points.

Section 13(h) Marihuana Business Permit Application Process: to Amend that the 17 conditional permits awarded to the highest scoring applicants for permits to operate retailer establishments is limited by the applicable overlay zoning districts.

Section 13(i) Marihuana Business Permit Application Process: to Amend that the 5 conditional permits awarded to the highest scoring applicants for permits to operate Class A Microbusinesses is limited by the applicable overlay zoning districts.

Section 13(l) Marihuana Business Permit Application Process: to Amend that the 6 conditional permits awarded to the highest scoring applicants for permits to operate Social Equity Retailer establishments is limited by the applicable overlay zoning districts.

Section 20(a) Transfer of Location Prohibited; Transfer of Ownership and Assets: to Amend to allow conditionally approved medical marihuana permit holders to apply for adult-use permits at a different location than the location applied for under the Medical Marihuana Facilities Ordinance, Article XXX, Section 26.1491 et seq. in any of the four zoning districts allowed under Zoning Ordinance #2407, not only in the zoning district where the applicant was awarded a conditionally approved medical marihuana permit; to Amend to allow current and final conditionally approved medical marihuana applicants for provisioning center permits who choose to apply at a different location to receive the 30 scoring points under Section 13(f)(9) of this ordinance for the location that had been conditionally approved under the Medical Marihuana Facilities Ordinance Article XXX, Section 26.1491 et seq.; and to Amend to provide that no conditionally approved medical marihuana permit holder shall receive the application scoring points in Section 13(f)(9) for more than one application apiece in a zoning district allowed under Ordinance #2407, whether the application is for a retailer permit or a social equity retailer permit.

A full copy of the proposed Ordinance No. # 2424 is available in the City Clerk's Office during normal business hours for review.

YES

NO

#3

RESOLUTION

**CITY OF PONTIAC
Oakland County, Michigan**

RESOLUTION

No. _____

At a Special Meeting of the City Council of the City of Pontiac, Oakland County, Michigan, held at the 47450 Woodward Ave., Pontiac, MI 48342 on the 30th day of November, 2023, at _____, p.m.

PRESENT: _____

ABSENT: _____

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

WHEREAS, the City Council at its November 30, 2023 special meeting has considered the following ballot questions and has referred both questions to the ballot for the February 27, 2024 Presidential Primary Election.

NOW THEREFORE, BE IT RESOLVED that the questions shall appear on the ballot in the following order. 1.) The Roads and Road Facilities Bond Proposal and 2.) Proposal 1 ordinance No. 2424 an Ordinance to Amend Ordinance No. 2406 City of Pontiac Adult-Use Marihuana Business Ordinance

ADOPTED: YEAS: _____

NAYS: _____

ABSENT: _____

The foregoing Resolution was declared and adopted on the date.

CITY OF PONTIAC

By: Garland Doyle
Its: Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of City of Pontiac, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the proceedings taken by Pontiac City Council at a special meeting held on ____ day of _____, 2023.

IN WITNESS THEREOF, I have hereunto affixed my official signature this ____ day of _____, 2023

CITY OF PONTIAC

By: Garland Doyle
Its: Clerk