

August 15, 2023 Approved Minutes

**Official Proceedings  
Pontiac City Council  
103<sup>rd</sup> Session of the Eleventh Council**

**Call to order**

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, August 15, 2023, at 6:02 p.m. by Council President Mike McGuinness.

**Invocation** – Pastor Kathy Dessureau – 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

Deputy Mayor Khalfani Stephens 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 Goodman. Discussion.

**Motion to move the Subcommittee Reports after Closed Session and add a Special Presentation for Pontiac Jr. Park Rangers to the agenda.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

**Motion Carried**

The vote was taken to approve the agenda as amended.

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

No: None

**Motion Carried**

**Special Presentation**

Pontiac Jr. Park Rangers (**Agenda Add-on**)

**Consent Agenda**

23-290 **Resolution to approve the consent agenda for August 15, 2023.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, the City Council has reviewed the consent agenda for August 15, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for August 15, 2023, including August 8, 2023, City Council Minutes.

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

No: None

**Resolution Passed**

Mayor Tim Greimel arrived at 6:08 p.m.

**Special Presentations Continued**

Woodward Dream Cruise 2023 Activities and Parking Options (Taking Place August 19, 2023)

Presentation Presenter: Angela Powell

**Recognition of Elected Officials – None**

**Agenda Address**

1. Dr. Deirdre Waterman addressed item #8
2. Darlene Clark addressed item #14
3. Gloria Miller addressed item #8

Council President Mike McGuinness closed the public hearing at 8:11 p.m.

**Agenda Items**

**Resolutions**

City Council

23-291

**Resolution Honoring the Life and Service of Roger Houck.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the Pontiac City Council would like to pay proper tribute to Roger Houck an individual of exemplary character and a consummate professional who worked assiduously to improve the quality of life for his fellow citizens in numerous capacities; and,

WHEREAS, Roger Houck, born on March 18, 1944, in Pontiac, Michigan; and,

WHEREAS, Roger Houck departed this life on June 19, 2023, which is a tragic loss for the family and for our community; and,

WHEREAS, Roger Houck served with acumen and alacrity as a member of member of the Pontiac Police department where he retired as a Captain after 25 years of service; and

WHEREAS, Roger Houck served his country proudly in the United States Air Force; and,

WHEREAS, Roger Houck enjoyed the loving companionship of his wife of 59 wonderful years; and was also deeply devoted to his family, as he always endeavored to remain true to family values of the highest order; and,

NOW, THEREFORE BE IT RESOLVED, that the Members of the Pontiac City Council and members of this great community will greatly miss Roger Houck as he leaves behind an indelible legacy of integrity and probity in public life, compassion and loyalty in private life and diligence and dedication in all his chosen endeavors; and we give our sincerest condolences to the family and friends of Roger Houck.

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

No: None

**Resolution Passed**

23-292

**Resolution Honoring the Life and Service of Stephen Ewalt.** Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, the Pontiac City Council would like to pay proper tribute to Stephen Ewalt an individual of phenomenal character whose life exemplified the highest ideals of humanity, who truly embodied faith, humility and service to others and a caring and thoughtful member of the community; and,

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WHEREAS, Stephen Ewalt, born on September 29, 1946, in Pontiac, Michigan, to David and Cornelia Ewalt; and,

WHEREAS, Stephen Ewalt was a man of great discipline and intestinal fortitude who acted as an official for sporting events to pay his way through college and graduated from Oakland University with a B.S. in Political Science; and,

WHEREAS, Stephen Ewalt was a fearless leader who proudly served in Vietnam for a year and finished his services at the Pentagon and worked in the City of Pontiac in Code Enforcement; and,

WHEREAS, Stephen Ewalt experienced immense happiness when he married the love of his life Connie in May of 2011; and,

WHEREAS, Stephen Ewalt departed this life on July 18, 2023, which is a tragic loss for his family and for our community; and,

NOW, THEREFORE BE IT RESOLVED, that the Members of the Pontiac City Council and members of this great community will greatly miss Stephen Ewalt as his life was a portrait of service, a legacy that will long endure the passage of time and will remain as a comforting memory to all those whose lives he touched; we give our sincerest condolences to the family and friends of Stephen Ewalt.

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

No: None

**Resolution Passed**

23-293 **Resolution to authorize the waiver of \$1,000 for a Transfer Penalty for Property Transfer Affidavit.** Moved by Councilperson Nicholson and second by Councilperson Goodman.

BE IT RESOLVED, The Pontiac City Council hereby waives the \$1,000 Transfer Penalty for the Property Transfer Affidavit assessed to the property 187 Pit Lane, (Parcel #64-14-33-305-177).

Ayes: James

No: Parker, Rutherford, Carrington, Goodman, McGuinness, and Nicholson

**Resolution Failed**

Purchasing

23-294 **Resolution to approve the change order for Oscar W. Larson, Co. for the removal and disposal of wastewater from the Underground Storage Tank (UST) located at 191 N. Glenwood Ave. Pontiac, Michigan. (Site for Future Youth Recreation Center)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and

WHEREAS, the Purchasing Manager is requesting to approve Oscar W. Larson's change order JCH2306016 dated 7/28/2023.

NOW, THEREFORE, RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to execute the change order with Oscar W. Larson in the amount of \$14,875 bringing the total cost to \$31,775.

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

No: None

**Resolution Passed**

23-295 **Resolution to approve the Purchasing Manager to award the bid and for the Mayor or Deputy Mayor to execute the agreement with Premier Group Associates for the Beaudette Park Ballfield Renovation for a not to exceed amount of \$41,700.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and WHEREAS, the Purchasing Manager is requesting to award the bid to an execute and agreement with Premier Group Associates; and NOW, THEREFORE, RESOLVED, The Pontiac City Council approves the Purchasing Manager to award the bid and for the Mayor or Mayor Designee to execute the agreement with the Premier Group Associates for a not to exceed amount of \$41,700.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker, and Rutherford  
No: None  
**Resolution Passed**

**Public Comment**

1. Minister Veronica Taylor
2. Pastor Kathy Dessureau
3. Dr. Deirdre Waterman
4. Billie Swazer
5. Anita Bow
6. Karen Jorgensen
7. Carlton Jones
8. Chuck Johnson
9. Darlene Clark
10. Gloria Miller

**Closed Session**

~~23-296~~ Resolution to proceed into Closed Session at 7:14 p.m. under MCL 15.268(e), to consult with legal counsel regarding trial or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and under MCL 15.268 (h) to discuss a written legal opinion regarding negotiations to modify the settlement agreement between the city of Pontiac and the City of Pontiac Retired Employees Association (CPREA) in federal case #2:12-CV-12830; and to discuss a written legal opinion regarding the marihuana referendum and initiative process. Moved by Councilperson Rutherford and second by Councilperson Carrington. Discussion.

Motion to amend Resolution to proceed into Closed Session at 7:14 p.m. under MCL 15.268(e), to consult with legal counsel regarding trial or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and under MCL 15.268 (h) to discuss a written legal opinion regarding negotiations to modify the settlement agreement between the city of Pontiac and the City of Pontiac Retired Employees Association (CPREA) in federal case #2:12-CV-12830; and to discuss a written legal opinion regarding the marihuana referendum and initiative process. Move by Councilperson Rutherford and second by Councilperson Nicholson.

~~3. Under MCL 15.268 (h) to discuss a written legal opinion regarding negotiations to modify the settlement agreement between the city of Pontiac and the City of Pontiac Retired Employees Association (CPREA) in federal case #2:12-CV-12830~~

3. Under MCL 15.268 (h) to discuss a written legal opinion prepared by the City Attorney Clark Hill LLC.

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

No: None

**Motion Carried**

Councilwoman Rutherford was absent during the vote.

23-296 **Amended Resolution to proceed into Closed Session at 7:14 p.m. under MCL 15.268(e), to consult with legal counsel regarding trial or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and under MCL 15.268(h) to discuss a written legal opinion prepared by City Attorney Clerk Hill LLC, and to discuss a written legal opinion regarding the marihuana referendum and initiative process. Moved by Councilperson Rutherford and second by Councilperson Carrington.**

Whereas, the City Council seeks to adjourn into Closed Session for the following reasons, this Resolution is hereby considered:

1. Under MCL 15.268e, to consult with legal counsel regarding trail or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and
2. Under MCL 15.268e, to consult with legal counsel regarding trail or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and
3. Under MCL 15.268 (h) to discuss a written legal opinion prepared by the City Attorney Clark Hill LLC.
4. Under MCL 15.268(h), to discuss a written legal opinion regarding the marihuana referendum and initiative process; and

Whereas, the Michigan Open Meetings Act Section 8e provides that a public body may consult with its attorney in closed session regarding trail or settlement strategy in connection with specific pending litigation, if such discussions would have a detrimental financial effect on the public body; and

Whereas, the Michigan Open Meetings Act Section 8(h) provides that a public body may meet in Closed Session to consider an attorney-client privileged legal opinion, being material exempt from discussion or disclosure by state of federal statute.

Now, Therefore, Be It Resolved, the City Council will proceed in Closed Session pursuant to Section 8(h) and 8e of the Open Meetings Act, MCL 15.268 to discuss pending litigation and to review and discuss confidential attorney-client legal opinions as described herein.

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

No: None

**Resolution Passed**

**Motion to come out of Closed Session at 9:25 p.m.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

**Motion Carried**

Councilman Goodman was absent during the vote.

**Suspend the Rules**

**Motion to suspend the Rules to add items to the agenda.** Move by Councilperson Nicholson and second by Councilperson Carrington.

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

**Motion Carried**

23-297 **Resolution to approve Settlement Agreement and Consent Judgement in Vanguard Equity Management, LLC v. City of Pontiac. (Agenda add-on)** Moved by Councilperson James and second by Councilperson Nicholson.

Be It Hereby Resolved, the Pontiac City Council approves the Settlement Agreement and Consent Judgement in Vanguard Equity Management, LLC v. City of Pontiac, Oakland County Case No. 2022-197361-CH as presented in the Closed Session, and to authorize the Mayor to sign the Settlement Agreement and Litigation Counsel to sign the Consent Judgement on the City's behalf.

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

**Resolution Passed**

23-298 **Resolution to approve Litigation Counsel to proceed regarding Mitchell v. City of Pontiac. (Agenda Add-on)** Moved by Councilperson Parker and second by Councilperson Nicholson.

Be It Hereby Resolved, the Pontiac City Council approves directing Litigation Counsel to proceed as discussed in Closed Session regarding Mitchell v. City of Pontiac, Oakland County Case No. 2022-197432-CH.

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

**Resolution Passed**

23-299 **Resolution to waive all claims to properties conveyed in Section 7 of the December 31, 2021, MOU and rescinds Section 7 of the MOU. (Agenda Add-on)** Moved by Councilperson Parker and second by Councilperson Nicholson.

Whereas, the City Council on August 8, 2023, adopted Resolution #23-273 authorizing the Mayor to enter into a Memorandum of Agreement (MOA) with Oakland County; and  
Whereas, the MOA requires the City to 1) waive any and all claims by the City to properties conveyed to the city in Section 7 of the MOU and 2) rescind Section 7 of the December 31, 2021, MOU, which involves the transfer of certain real properties (Vacant Lots – Parcel 1 and Parcel 5) to the City; and  
Whereas, the City is seeking to enter into an Escrow Agreement to resolve any outstanding amounts that may be owned to the City under the MOU.

Now, Therefore, Be It resolved, the City Council hereby waives all claims to properties conveyed in Section 7 of the December 31, 2021, MOU and rescinds Section 7 of the MOU.

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

**Resolution Passed**

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23-300            **Resolution of a final order removing Ordinances #2406 - the Adult-Use Marihuana Business Ordinance and #2407 - Zoning Ordinance from the November 7, 2023, ballot. (Agenda Add-on)** Moved by Councilperson Nicholson and second by Councilperson Parker.

Whereas, the City Council has considered the first petition of Sensible Cannabis Reform for Pontiac’s two referendums certified by the Clerk for the November 7, 2023, ballot, the first to repeal and nullify Ordinance #2406, the Adult-Use Marihuana Business Ordinance, and the second to repeal and nullify Ordinance #2407, the related amendment to the Zoning Ordinance; and,

Whereas, the City Council has considered the second August 1, 2023, petition of Sensible Cannabis Reform for Pontiac that seeks to repeal, and nullify “any previous City of Pontiac adult-use marihuana business licensing ordinance,” Adult-Use Marihuana Business Licensing Ordinance No. #2406 adopted on April 4, 2023, and the Medical Marihuana Facilities Ordinance No. #2357(B) adopted on September 12, 2018, in addition to initiating an amendment to Adult-Use Marihuana Business Licensing Ordinance No. #2406; and,

Whereas, the City Council has considered the Clerk’s rejection of the second August 1, 2023, petition of Sensible Cannabis Reform for Pontiac and the likelihood of litigation arising out of the rejection in the absence of a settlement of issues with Sensible Cannabis Reform for Pontiac; and,

Whereas, the City Council has determined that the issues raised by Sensible Cannabis Reform for Pontiac may be settled by certain amendments to ordinance #2406 and Ordinance #2407 subject to mutual releases of claims related to Ordinance #2406 and Ordinance #2407 and to Sensible Cannabis Reform for Pontiac obtaining a final court order removing from the ballot the two referendums certified by the Clerk for the November 7, 2023, ballot, the first to repeal and nullify Ordinance #2406, the Adult-Use Marihuana Business Ordinance and the second to repeal and nullify Ordinance #2407, the related amendment to the Zoning Ordinance; and,

Whereas, nothing in this Resolution or any later Settlement Agreement shall prohibit or preclude the City from exercising its legislative discretion in amending Ordinance #2406 and Ordinance #2407.

Now Therefore, Be It Herby Resolved, that the attached proposed non-binding amendments to Ordinance #2406 and Ordinance #2407 marked as Exhibit A are hereby approved by the City Council subject to entry of a final order removing from the November 7, 2023, ballot the two referendums certified by the Clerk for the November 7, 2023, ballot, the first to repeal and nullify Ordinance #2406, the Adult-Use Marihuana Business Ordinance, and the second to repeal and nullify Ordinance #2407, the related amendment to the Zoning Ordinance all of which is subject to the City Council exercising its unfettered legislative discretion to consider and enact amendments to Ordinance #2406 and Ordinance #2407.

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

No: Goodman

Abstain: Rutherford

**Resolution Passed**

**\*\*See Resolution 23-300 Exhibit A attached as Exhibit 1 after the minutes\*\***

#### **Subcommittee Reports**

1. Communications, Engagement & Operations
2. Economic Development, Housing & Planning
3. Facilities & Property
4. Finance & Personnel
5. Law & The Courts
6. Parks, Recreation & Public Works
7. Public Safety, Health & Wellness

#### **Communications**

City Council and Mayor’s Office

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**Mayor, Clerk and Council Closing Comments**

Councilman William Parker Jr., Councilwoman Kathalee James, Councilman Mikal Goodman, Councilman Brett Nicholson, Councilwoman Melanie Rutherford, and Council President Mike McGuinness made closing comments.

**Adjournment**

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

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

No: None

**Motion Carried**

Council President Mike McGuinness adjourn the meeting at 10:03 p.m.

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Garland S. Doyle  
City Clerk



**EXHIBIT A**

Proposed Amendments to Ordinance #2406:

- (1) Awarding the currently conditionally approved medical provisioning center license holders under the Medical Marihuana Facilities Ordinance No. #2357(B) located in the zoning districts approved in Ordinance #2407 a total of 30 points, instead of the 20 points designated in Ordinance #2406. The 30 points would not be conditioned upon the issuance of a building permit or the commencement of work at the conditionally approved medical holder's proposed site. This does not apply to those applicants for a medical provisioning center permit who initially finished in the top 5 in their zoning district but are no longer in the top 5. The medical applicant entity can be awarded these 30 points whether they apply for a retailer permit or a social equity retailer permit as long as the entity that was conditionally approved for a medical provisioning center permit qualified as a social equity applicant when they received conditional approval under the Medical Marihuana Facilities Ordinance No. #2357(B).
- (2) The top scoring conditionally approved medical license holder in each district (including those tied for the top score) will receive an additional 10 points toward the recreational permit scoring but only if they are applying for a retailer permit. If they apply for a social equity retailer permit they would not receive the 10 points.
- (3) Allowing conditionally approved medical license holders to apply for recreational licenses at a different location in any of the four districts allowed under Ordinance #2407, not only in the district where they were awarded their conditionally approved medical license. Those applicants who choose to apply at a different location would receive the 30 scoring points for the location that had been conditionally approved under the Medical Marihuana Facilities Ordinance No. #2357(B).
- (4) Establishing a criminal record disclosure threshold for only those owners of an applicant with an ownership interest of at least 6%. Those owners must provide as part of the application an IChat or its equivalent.

Proposed Amendments to Ordinance #2407:

- (1) Amend the ordinance to prohibit the color green on all marihuana establishments: retailers, social equity retailers, designated consumption establishments, Class A microbusinesses, grow facilities and processing facilities.