

**Official Proceedings  
Pontiac City Council  
75<sup>th</sup> Session of the Tenth Council**

Call to Order

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, March 12, 2019 at 6:02 p.m. by Council President Kermit Williams.

Roll Call

Members Present: Carter, Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward.

Members Absent: None

Mayor Waterman was present.

Clerk announced a quorum.

Amendments to the Agenda

**19-76 Motion to Add Amendments to the Revised Carter/City Council Zoning Text Amendment for Medical Marihuana Facility Uses Dated February 28, 2019 as Item 5b to the Agenda.** Moved by Councilperson Woodward and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams, Woodward and Carter

No: None

**Motion Carried.**

**19-77 Motion to Add Resolution Requesting that Giarmarco, Mullins & Horton, P.C. Assign Another Attorney to Appear at City Council Meetings to the Agenda.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Williams, Carter and Miller

No: Pietila, Waterman, Woodward

**Motion Carried.**

**19-78 Motion to Postpone Agenda Item 12 until March 26, 2019- First Reading of Ordinance to Amend Subsection 118-76.01(B) (1) (“Standard Concentration Limits”) of Article III (“Sewer Use and Pretreatment”) of Chapter 118 (“Utilities”) of the Municipal Code of Pontiac**

**Michigan (“Municipal Code”).** Moved by Councilperson Woodward and seconded by Councilperson Pietila.

Ayes: Taylor-Burks, Waterman, Williams, Woodward, Carter and Miller, Pietila  
No: None  
**Motion Carried.**

**19-79 Motion to Add Resolution to Extend Moratorium on Acceptance of Applications for Medical Marihuana Facilities to April 15, 2019 to the Agenda.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Waterman, Williams, Woodward, Carter, Miller, Pietila, and Taylor-Burks  
No: None  
**Motion Carried.**

**19-80 Approval of the Amended Agenda.** Moved by Councilperson Pietila and second by Councilperson Woodward.

Ayes: Williams, Woodward, Carter, Miller, Pietila, Taylor-Burks and Waterman  
No: None  
**Motion Carried.**

**19-81 Approve Minutes of March 5, 2019.** Moved by Councilperson Woodward and second by Councilperson Pietila.

Ayes: Woodward, Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams  
No: None  
**Motion Carried.**

**19-82 Approve Minutes of March 7, 2019 Special Meeting.** Moved by Councilperson Pietila and second by Councilperson Woodward.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward  
No: None  
**Motion Carried.**

Fifteen (15) individuals addressed the body during public comment.

Presentation – Youth Recreation and Enrichment Report on Programming and Facilities  
Presentation Presenters: Jason Crute, Youth Center Manager, Robert Burch, Assistant Youth Center Manager, and Jonas Gray, Sports Manager.

19-83            **Resolution Adopting an Emergency Ordinance Over Mayor’s Veto.** Moved by Councilperson Taylor-Burks and Second by Councilperson Carter.

WHEREAS,    on March 7, 2019, the City Council of the City of Pontiac passed an emergency ordinance to approve a Zoning Text Amendment of the City’s Zoning Ordinance to include Medical Marijuana Facilities within the City of Pontiac. (This is the Revised Carter/City Council Ordinance that was a communication sent from the City Council to the Planning Commission on February 26, 2019. This ordinance and amendment was moved by Councilwoman Taylor-Burks and Seconded by Councilwoman Miller on February 5, 2019 to be referred to the Planning Commission to be considered at its Meeting on March 6, 2019 at 6:30 p.m. The motion was approved by the City Council.); and,

WHEREAS,    on March 8, 2019, the Mayor vetoed the emergency ordinance consistent with the procedure set forth in Pontiac City Charter Provision 3.112 (f); and,

WHEREAS,    Pursuant to Pontiac City Charter Provision 3.112 (f), the City Council wishes to reconsider the emergency ordinance for adoption over the Mayor’s veto. Five (5) affirmative votes are required by Pontiac City Charter Provision 3.112(f),

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council that the Council hereby adopts the Emergency Ordinance over the Mayor’s veto.

Ayes: Pietila, Taylor-Burks, Waterman, Williams, Woodward, Carter and Miller  
No: None  
**Resolution Passed.**

19-84            **Motion to Include the Following Amendments to the Revised Carter/City Council Zoning Text Amendment for Medical Marihuana Facility Uses Dated February 28, 2019.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

1. Amend Section 2.203, Table 2: All Medical Marihuana facility uses located in the Medical Marihuana Overlay Districts are a Principal Permitted use. Any Medical Marihuana facility uses located outside the three Overlay Districts require a Special Exception Permit.
2. Remove C-0 zoning district from Table 2.

3. Medical Marihuana Overlay Districts include Cesar Chavez, Walton Blvd and C-2 Downtown.
4. Medical Marihuana Provisioning Centers, Safety Compliance and Secure Transporters are permitted in the C-3 zoning district located inside the Medical Marihuana Overlay District.
5. Medical Marihuana Growers and Processors are permitted in the M-1, M-2, and IP-1 zoning district located in the Medical Marihuana Overlay District.
6. No more than five Provisioning Centers shall be established in each of the Medical Marihuana Overlay Districts including Cesar Chavez, Walton Blvd, and C-2 Downtown Overlay Districts.
7. Remove C-0 zoning district
8. No more than five Provisioning Centers shall be established in the C-1, C-3, and C-4 zoned properties combined, outside the Medical Marihuana Overlay Districts.
9. Marihuana Grower and Processor are not permitted outside the Cesar Chavez and Walton Blvd Medical Marihuana Overlay Districts.
10. Medical Marihuana Safety Compliance and Secure Transporter are permitted in the Cesar Chavez, Walton Blvd, and C-2 Downtown Medical Marihuana Overlay Districts and in the C-1, C-3, C-4, M-1 and M-2 zoned properties outside the Medical Marihuana Overlay Districts.
11. Any Medical Marihuana uses outside the Medical Marihuana Overlay Districts are subject to Planning Commission approval following Standards for Approval of Section 6.303 for Special Exception Permits and Article 2, Chapter 5 Development Standards for Specific Uses.
12. Cesar Chavez Overlay District expanded to include Kennett Road landfill and remove references to Medical Marihuana facility uses to maintain frontage along Cesar Chavez, Pershing Ave, Durant Ave, Inglewood Ave and Ojista Ave.
13. Expand the Walton Blvd Overlay District to the east and terminate at Fuller Street.
14. Remove all areas north of Collier Road from the Walton Road Overlay District.
15. Provisioning Centers, Safety Compliance, and Secure Transporters located outside the Medical Marihuana Overlay Districts shall comply with the residential buffer distance restriction of 250 feet from residential-zoned properties.

16. Buffer distance restrictions between the school, childcare center, public park, religious institution, or a residential zoned property and the contemplated Medical Marihuana facility location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, religious institution, residential dwell unit or from the playground equipment in a public park, and from the primary point of ingress to the Medical Marihuana facility along the centerline to the primary street address building entrance.
17. Planning Commission shall be the Special Exception and Site Plan Review Authority for the Medical Marihuana uses outside the Medical Marihuana Overlay Districts and the Site Plan Review Authority for Medical Marihuana uses in the Medical Marihuana Overlay Districts.
18. Standards for Special Exception approval of Medical Marihuana uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each Medical Marihuana facility on its location will:
  - Not impact surrounding residential neighborhoods.
  - Provide easy access for patients with accessible parking.
  - Be adequately served by utilities with sufficient capacity.
  - Corridors and streets have the capacity to accommodate potential increases in traffic volumes.
  - Demonstrate a safe and security environment, and uphold the public welfare of the community.
  - Do not add unintended or impromptu costs to City and municipal services.
  - Comply with Section 6.303 Standards for Approval in the Pontiac Zoning Ordinance.

Ayes: Taylor-Burks, Waterman, Williams, Woodward, Carter and Miller

No: Pietila

**Motion Carried**

19-85            **Motion to Suspend the Rules to Vote on Agenda Item 5c Resolution to Extend Moratorium on Acceptance of Applications for Medical Marihuana Facilities until April 15, 2019.**  
Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Waterman, Williams, Woodward, Carter, Miller, Pietila, and Taylor-Burks

No: None

**Motion Carried.**

**19-86 Resolution to Extend Moratorium on Acceptance of Applications for Medical Marihuana Facilities until April 15, 2019.** Moved by Councilperson Woodward and second by Councilperson Taylor-Burks.

WHEREAS, the City of Pontiac (the "City") desires to maintain its long tradition of protecting the City and the environment within its borders, and promoting compatible land uses; and

WHEREAS, the City has not completed amendments to its zoning ordinance to include Medical Marihuana Facilities within the City of Pontiac; and

WHEREAS, certain aspects of medical marihuana facilities are subject to City regulation under its zoning ordinances; and

WHEREAS, in order to allow the City an opportunity to develop appropriate regulations upon those aspects of medical marihuana facilities operations which the City is authorized to regulate, it is in the public interest to extend the moratorium on the acceptance of applications by the City for medical marihuana facilities;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That effective upon adoption of this Resolution the moratorium will continue until April 15, 2019, on the acceptance, review or action by the City Clerk or any other City employee of application for any medical marihuana facilities.
2. The moratorium is not intended to infringe upon the jurisdiction reserved to State or federal agencies, which have jurisdiction over such subjects.
3. The City shall proceed promptly to investigate and consider appropriate regulations and amendments to the City zoning ordinance.

Ayes: Williams, Woodward, Carter, Miller, Pietila, Taylor-Burks and Waterman

No: None

**Resolution Passed.**

**19-87 Motion to Suspend the Rules to Vote on Agenda Item 7 Resolution to Schedule a Public Hearing on March 26, 2019, Pursuant to PA 146 of 2000, as Amended, to Establish an Obsolete Property Rehabilitation (OPRA) District Consisting of the Following Parcel: 84-100 N. Saginaw, Pontiac, MI 48342, Tax Parcel Number: 14-29-426-012- Kevadiya Properties,**

**LLC and Agenda Item 8 Resolution to Schedule a Public Hearing on March 26, 2019, Pursuant to PA 146 of 2000, as Amended, to Approve an Obsolete Property Rehabilitation (OPRA) Application for the Following Parcel: 84-100 N. Saginaw, Pontiac, MI 48342, Tax Parcel Number: 14-29-426-012.- Kevadiya Properties, LLC.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Carter, Pietila, Taylor-Burks, Waterman, and Williams

No: Miller

Woodward was not present for the vote.

**Motion Carried.**

19-88a        **Resolution to Set Public Hearing on the Application from Kevadiya Properties LLC to create an Obsolete Property Rehabilitation District.** Moved by Councilperson Pietila and second by Councilperson Taylor Burks.

WHEREAS,     Kevadiya Properties, LLC has submitted an application for an Obsolete Property Rehabilitation District to rehabilitate 84-100 N. Saginaw into Kevadiya Inc., headquarters; and

WHEREAS,     Application has been sent to the Office of the City Clerk for certification; and

WHEREAS,     a public hearing on the establishment of the Obsolete Property Rehabilitation District is requested to be held before the Pontiac City Council at a regular City Council Meeting held on Tuesday, March 26, 2019 at 6:00 p.m. in the evening in the City Council Chambers at Pontiac City Hall, Pontiac, Michigan for the following property;

Land situated in the City of Pontiac, Oakland County, Michigan, to-wit:

Commonly known as: 84-100 N. Saginaw, Pontiac, MI 48342

Tax Parcel Number: 14-29-426-012

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council, direct the City Clerk to schedule a public hearing on March 26, 2019 in accordance with the Obsolete Property Rehabilitation Act (Public Act 146 of 2000, as amended) for the approval of an Obsolete Property Rehabilitation District.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: Miller

Woodward was not present for the vote.

**Resolution Passed.**

19-88b        **Resolution to Set Public Hearing on the Application from Kevadiya Properties, LLC for the Approval of an Obsolete Property Rehabilitation Application Certificate.** Moved by Councilperson Pietila and second by Councilperson Taylor Burks.

WHEREAS,    Kevadiya Properties, LLC has submitted an application for an Obsolete Property Rehabilitation Certificate to rehabilitate 84-100 N. Saginaw into Kevadiya Inc., headquarters; and

WHEREAS,    Application has been sent to the Office of the City Clerk for certification; and

WHEREAS,    a public hearing on the establishment of the Obsolete Property Rehabilitation District will be held before the Pontiac City Council at a regular City Council Meeting on Tuesday, March 26, 2019 at 6:00 p.m. in the evening; and

WHEREAS,    Following the public hearing for the establishment of the Obsolete Property Rehabilitation District, a public hearing will be held for the Application for the Obsolete Property Rehabilitation Certificate for the following property;

Land situated in the City of Pontiac, Oakland County, Michigan, to-wit:

Commonly known as: 84-100 N. Saginaw, Pontiac, MI 48342

Tax Parcel Number: 14-29-426-012

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council, direct the City Clerk to schedule a public hearing on March 26, 2019 in accordance with the Obsolete Property Rehabilitation Act (Public Act 146 of 2000, as amended) for the approval of the Obsolete Property Rehabilitation Application Certificate.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: Miller

Woodward was not present for the vote.

**Resolution Passed.**



**Agenda Item 9- Resolution to Reinstate the Salary for the Deputy Director of Community Development to \$73,892 as Originally Budgeted in Fiscal Year 2018-19.**

Council President Williams requested that the Administration revised the resolution to state the name of the candidate and their qualifications.

Councilwoman Waterman asked to be excused from the meeting.

**19-89 Resolution to Approve the Rollover Budget Amendments for the Fiscal Year 2018-2019 as requested by the Mayor and Department of Public Works as detailed in the attachment labeled exhibit A. Moved by Councilperson Miller and Second by Councilperson Taylor-Burks.**

WHEREAS, the City of Pontiac timely approved the 2018-2019 budget on June 8, 2018, and;

WHEREAS, the Mayor has reviewed the department of public works requests for rollover of unused appropriations in the previous fiscal year, 2017-2018, and;

WHEREAS, the Mayor is proposing to the City Council to increase the appropriations for the current year 2018-2019 for the funds and amounts described in exhibit A and below as necessary to complete the projects that the City Council had fully funded and approved in the last fiscal year but were not timely expended. Those amounts are:

- General Fund - \$23,526
  - Public Works - \$3,526
  - Recreation and Culture - \$20,000
- Local Street Fund - \$1,736,214 (net)
  - State Grant Revenue - \$121,157
  - Public Works - \$1,857,371
- Cemetery Fund - \$4,828
  - General Government - \$4,828
- Senior Center Fund - \$204,600
  - Recreation and Culture - \$204,600
- Capital Improvement Fund - \$1,537,000
  - General Government - \$1,457,000
  - Public Safety - \$80,000

WHEREAS, the increased appropriations will not cause the fund balance in any of the funds to go below the policy mandated thresholds and;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Pontiac approves the rollover budget amendments for the fiscal year 2018-2019 as requested by the Mayor and department of public works above and detailed in the attachment labeled exhibit A.

Ayes: Miller, Pietila, Taylor-Burks, Williams, Woodward and Carter

No: None

**Resolution Passed.**

**Reports**

Agenda Item 13 Monthly Check Register

The City's employee mileage reimbursement policy was discussed.

**Communication to the Mayor**

Council President Williams requested that the Mayor provide a copy of the City's employee mileage reimbursement policy at the next City Council meeting. Council President Williams wants to know when was the policy updated to allow for employees to receive mileage if they are traveling less than 50 miles one way on City business.

19-90            **Motion to Suspend the Rules to Vote on Resolution Requesting that Giarmarco, Mullins & Horton, P.C. Assign Another Attorney to Appear at City Council Meetings** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Pietila, Taylor-Burks, Williams, Woodward, Carter and Miller

No: None

**Motion Carried.**

19-91            **Resolution Requesting that Giarmarco, Mullins & Horton, P.C. Assign Another Attorney to Appear at City Council Meetings** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

WHEREAS,    Giarmarco, Mullins & Horton, P.C. provides legal representation for the City of Pontiac; and,

WHEREAS,    Anthony Chubb is an attorney with the Giarmarco, Mullins & Horton, P.C. law firm; and,

WHEREAS,    Anthony Chubb has been assigned by Giarmarco, Mullins & Horton, P.C. to the Pontiac City Council and to appear at City Council meetings as the City Attorney; and

WHEREAS, there has been a break-down of the attorney client relationship between the Pontiac City Council and attorney Anthony Chubb; and,

WHEREAS, Rule 1.16 of the Michigan Rules of Professional Conduct, Declining or Terminating Representation, more specifically Discharge, allows a client to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyers services; and,

WHEREAS, pursuant to a fee agreement, the Pontiac City Council provides monetary compensation to Giarmarco, Mullins & Horton, P.C. for providing representation and appearances at each Pontiac City Council meeting.

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby requests that Giarmarco, Mullins & Horton, P.C. assign another attorney to appear at City Council meetings.

Ayes: Taylor-Burks, Williams, Carter and Miller

No: Woodward and Pietila

**Resolution Passed.**

Council President Kermit Williams adjourned the meeting at 8:18 p.m.

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GARLAND S. DOYLE  
INTERIM CITY CLERK

**Exhibit A**

General Fund - 101

|  |                        | 2018-2019<br>Current Budget | Proposed Amendment | 2018-2019<br>Amended Budget |
|--|------------------------|-----------------------------|--------------------|-----------------------------|
| <b>Appropriations</b>  |                        |                             |                    |                             |
|  | Public Works           | 2,681,356                   | 3,526              | 2,684,882                   |
|  | Recreation and Culture | 700,610                     | 20,000             | 720,610                     |
| <b>Net Revenues/Appropriations</b>                             |                        | (23,526)                    |                    |                             |
| <b>General Fund</b>  |                        |                             |                    |                             |
| <b>NET REVENUES/APPROPRIATIONS</b>                             |                        | (3,549,995)                 | (23,526)           | (3,573,521)                 |
| Audited - Use of Assigned fund balance 18                      |                        | (3,550,000)                 |                    | (3,550,000)                 |
| <b>NET REVENUES/APPROPRIATIONS</b>                             |                        | (5)                         |                    | (23,521)                    |
| Audited - Nonspendable fund balance FY 18                      |                        | 15,278                      |                    | 15,278                      |
| Audited - Committed fund balance FY 18                         |                        | 3,200,000                   |                    | 3,200,000                   |
| Audited - Unassigned fund balance FY 18                        |                        | 10,593,924                  |                    | 10,593,924                  |
| Estimated fund balance 2019                                    |                        | 13,809,202                  | -                  | 13,785,681                  |
| <b>Unassigned fund balance as a percentage of expenditures</b> |                        | 27%                         |                    | 27%                         |
| <b>Fund Balance policy</b>                                     |                        | 15%                         |                    | 15%                         |
| <br><u>Local Streets - 203</u>                                 |                        |                             |                    |                             |
| <b>Estimated Revenues</b>                                      |                        |                             |                    |                             |
|  | State Grants           | 1,522,860                   | 121,157            | 1,644,017                   |
| <b>Appropriations</b>  |                        |                             |                    |                             |
|  | Public Works           | 2,869,536                   | 1,857,371          | 4,726,907                   |
| <b>Net Revenues/Appropriations</b>                             |                        | (1,736,214)                 |                    |                             |
| <b>NET REVENUES/APPROPRIATIONS</b>                             |                        | (1,311,058)                 | (1,736,214)        | (3,047,272)                 |
| Audited - fund balance FY 18                                   |                        | 5,933,352                   |                    | 5,933,352                   |
| Estimated fund balance 2019                                    |                        | 4,622,294                   | -                  | 2,886,080                   |
| <b>Unassigned fund balance as a percentage of expenditures</b> |                        | 161%                        |                    | 61%                         |
| <b>Fund Balance policy</b>                                     |                        | 10-20%                      |                    | 10-20%                      |

**Exhibit A**

Cemetery Fund - 209

|   |                    |         |         |         |
|---|--------------------|---------|---------|---------|
| Appropriations  | General Government | 246,996 | 4,828   | 251,824 |
| Net Revenues/Appropriations                             |                    | 3,341   | (4,828) | (1,487) |
| Audited - fund balance FY 18                            |                    | 62,948  |         | 62,948  |
| Estimated fund balance 2019                             |                    | 66,289  |         | 61,461  |
| Unassigned fund balance as a percentage of expenditures |                    | 27%     |         | 24%     |
| Fund Balance policy                                     |                    | 10%     |         | 10%     |

Senior Activities Fund - 212

|   |                        |          |           |           |
|---|------------------------|----------|-----------|-----------|
| Appropriations  | Recreation and Culture | 452,021  | 204,600   | 656,621   |
| Net Revenues/Appropriations                             |                        | (97,265) | (204,600) | (301,865) |
| Audited - fund balance FY 18                            |                        | 969,486  |           | 969,486   |
| Estimated fund balance 2019                             |                        | 872,221  |           | 667,621   |
| Unassigned fund balance as a percentage of expenditures |                        | 193%     |           | 102%      |
| Fund Balance policy                                     |                        | 10%      |           | 10%       |

Capital Improvements - 445

|   |                    |           |             |             |
|---|--------------------|-----------|-------------|-------------|
| Appropriations  | General Government | 721,333   | 1,457,000   | 2,178,333   |
|   | Public Safety      | 178,000   | 80,000      | 258,000     |
| Net Revenues/Appropriations                             |                    | (776,010) | (1,537,000) | (2,313,010) |
| Audited - fund balance FY 18                            |                    | 2,800,087 |             | 2,800,087   |
| Estimated fund balance 2019                             |                    | 2,800,087 |             | 2,800,087   |
| Unassigned fund balance as a percentage of expenditures |                    | 118%      |             | 15%         |
| Fund Balance policy                                     |                    | 15%       |             | 15%         |