

PONTIAC CITY COUNCIL STUDY SESSION

October 26, 2017 Noon 212th Session of the 9th Council

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

Call to order

Roll Call

Authorization to excuse councilmembers

Amendments to and Approve the Agenda

Approval of the minutes

1. October 26, 2017

Special Presentation

2. Gary Burnstein Community Health Clinic

Closed Session

3. Resolution to go into Closed Session

Public Comment

Agenda Items

- 4. Consider authorizing the Mayor to reinstate the City's Planning function and that the following full-time positions be created and funded at the following annual salary ranges: Planning Manager (\$80,000 to \$85,000), Planner (\$63,000 to \$68,000), and Customer Service Representative (\$28,280 to 33,280).
- 5. Approval requested for the amendment of the Tax Increment Finance Authority (TIFA) district boundaries (legal descriptions).
- 6. Resolution for the 2017 Snow Removal, Hauling and Salting Services.
- 7. Resolution for approval of the 2018 ATPA Grant Contract with Oakland County.
- 8. Resolution for approval of Home Demolition Batch 8 & 10.
- 9. Resolution for approval of Home Demolition Batch 9 &11.
- 10. Resolution for approval of Asbestos Abatement for Batch 8,9,10 and 11.
- 11. Resolution to offer early retirement of the General Employees Retirement System
- 12. Introduction of an ordinance to provide an early retirement benefit to certain formal employees of the City who are members of the General Employee's Retirement System to be placed in the newspaper for consideration on Thursday, November 2, 2017.

Adjournment

Official Proceedings Pontiac City Council 211th Session of the Ninth Council

A Formal Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, October 19, 2017 at 6:00 P.M. by President Patrice Waterman.

Call to Order at 6:00 P.M.

Roll Call

Members Present: Carter, Holland, Pietila, Taylor-Burks, Waterman, Williams and Woodward. Members Absent: None.

Clerk announced a quorum.

17-320 Approval of the agenda with the removal of item #4 (presentation from Mark Reiss) and defer item #6 (mayor reinstating city planning functions with three positions.) Moved by Councilperson Williams and supported by Councilperson Holland.

Ayes: Carter, Holland, Pietila, Taylor-Burks, Williams, Woodward and Carter.

No: None

Motion Carried.

17-321 **Journal of October 12, 2017.** Moved by Councilperson Woodward and supported by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Williams, Woodward, Carter and Holland.

No: None Abstain: Pietila Motion Carried.

17-322 Resolution to go into Closed Session. Moved by Councilperson Woodward and supported by Councilperson Pietila.

Whereas, Section 8 (e), MCL 15.268, permits a public body "[to] consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on the litigation or settlement position of the public body": and, Whereas, the Pontiac City Council believes that an open meeting would have a detrimental financial effect on the litigating or settlement position of the City:

Therefore, Be It Resolved that the Pontiac City Council recesses into closed session for the purpose of consulting with its attorney regarding pending litigation in the case of Ottawa Towers vs. The City of Pontiac.

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

No: None

Resolution Passed.

Special Presentation – Deputy Francisco for Angel Night Festival

Deputy Mayor or Departmental Head Reports -- Mayor Waterman and Deputy Mayor Jane Bais- DiSessa

Recognition of Elected Officials – Brenda Carter President of Pontiac School Board

17-323 Resolution request for approval of DPW subcommittee to implement walk of fame and address honorary street naming. Moved by Councilperson Taylor-Burks and supported by Councilperson Williams.

Wherefore, there are a multitude of Pontiac residents that desire to celebrate and ultimately commemorate the lives of individuals they hold in highest regard; and,

Wherefore, the Department of Public Works subcommittee met on Tuesday, August 22, 2017, and discussed the creation of a "Walk of Fame", as well as a program to review and recommend honorary street names; and,

Whereas, it is the recommendation of the Department of Public Works to create a committee to implement a "Walk of Fame" and a committee to address honorary street names; and,

Wherefore, each committee will consist of five Pontiac residents, in which two members would have staggering terms, one (1) one-year term, one (1) two-year term, and the remaining three members would have three-year terms;

Wherefore, the committee for the "Walk of Fame" will be responsible for program implementation, creating a fee structure, site locations, and any other relevant issues; and,

Wherefore, all residents interested in this committee should complete a board/commission application and return it to the City Clerk's Office; and,

Wherefore, the committee to address the honorary street name changes shall devise a criteria and guidelines, determine the appropriate fee, and evaluate and recommend candidates to the Council; and, Now, Therefore Be It Resolved, that the Department of Public Works subcommittee hereby request the Council to create a committee for the creation of a "Walk of Fame" and a committee to address honorary street name change request.

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

Attorney John Clark was excused at 8:08 p.m.

There were 22 individuals who addressed the body during public comment.

Pro-Tem Mary Pietila left meeting at 9:35 p.m.

Honorable Mayor Deirdre Waterman Reported

Councilwoman Doris Taylor-Burks, Councilman Randy Carter, Councilman Woodward, Councilman Holland, Councilman Kermit Williams and President Patrice Waterman made closing comments. Deputy City Clerk Sheila Grandison had no closing comments.

Mayor Waterman left meeting at 9:49 p.m.

President Patrice Waterman adjourned the meeting at 10:12 p.m.

SHEILA R. GRANDISON DEPUTY CITY CLERK

COMMUNITY DEVELOPMENT SUBCOMMITTEE NOTES October 17, 2017

In attendance:

Council members: Chairman Don Woodward, Dr. Doris Taylor-Burks and Pro Tem Mary Pietila

Mayor: Deirdre Waterman

Deputy Mayor: Jane Bais-DiSessa Wade Trim Director: Jeff Bowdell

Community Development Director: Rachel J. Loughrin Deputy Community Development Director: Garland Doyle

United Shore: Representatives

Mark Reis

Start time: 9:30 a.m.

I. Kenneth Road Landfill

Mark Reis has been in business for 39 years and has been trying to purchase the Kenneth Road Landfill for a couple of years.

There was a host agreement that expired in November 2013 between the City and Kenneth Road LLC.

The Deputy Mayor and the Community Development Director will meet with Mr. Reis to discuss further.

II. United Shore

United Shore is requesting that parcels be removed from the TIFA and moved to a Brownfield.

The company is investing 69 million in the old HP building to house the headquarters.

A Brownfield will offset the cost in the amount of 2.3 million and will spread the increased taxable value over 15 years.

One parcel is still owned by GM, but will be acquired and purchased by United Shore.

III. Zoning Board of Appeals

There was a discussion regarding allowing new purchasers of property which has been deemed "condemned" by the Board, be allowed to request a hearing to ask that the decision be reversed and the property taken off the condemned list.

The Board needs to have a criteria in assessing whether the decision should be reversed and provide the subcommittee a copy in writing.

There are costs incurred with Special meetings, so the subcommittee will consider the issue of assessing a fee for hearing requests.

The next meeting for the Board is November 15, 2017 and is regularly scheduled meeting, so no costs will be assessed.

IV. Recommendation to Reinstate Planning Function

There was a request by the Council to send the issue to both the Finance subcommittee and Community Development.

Wade Trim's contract expires December 31, 2017.

The Executive is requesting that the Council approve a request to hire a Planning Manager, Planner and Customer Service Representative. The request will be placed on Council's October 19th Agenda.

Adjourned: 10:30 a.m.



Everyone benefits from a healthy community

Healthcare solutions in our community

Presentation for Pontiac City Council
October 26, 2017

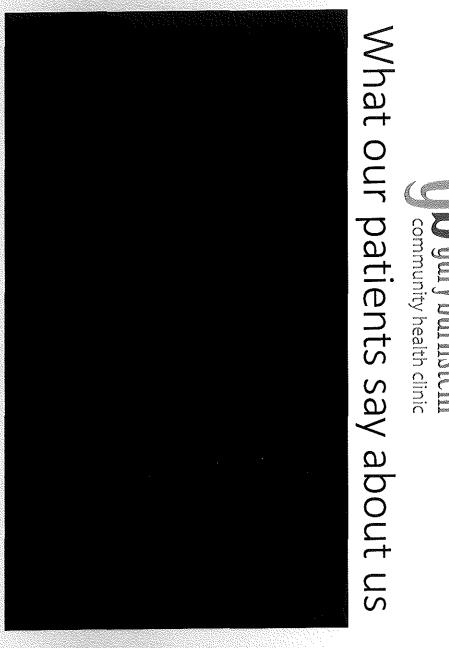


- Michigan's largest free clinic
- Provides care to more than 2,000 patients each year
- Established in 2004, expanding steadily since acquiring new facility in 2015
- Privately funded





community health clinic



Jary burnstein community health clinic

Actions -



Grama Kay

View Profile

Thanks for everything you do! You've made what seemed impossible POSSIBLE! Dental work is so very important. Thanks to you I'm not sitting at home depressed being afraid to be seen in public, I have a reason to smile because of you!



Thank you so much! We are truly glad to be able to help, and are finited that you want to go out in the world again— you have a lot to offer! May you have many reasons to smile and show off your wonderful new teeth.

Sent by Ashley Samson O'Connor (2)



Cindy Smith

View Profile

Actions ▼

from me again later this year. Hint read Deuteronomy 26:12. God is help. I was a single woman then, did for me was more than I could have asked for. So glad to see

back in the mid-2000's this clinic saved my life. You will be hearing

01:28

good. Thank you so much for your Cynthia Smith, and what this clinic that you are still open. I was afraid you might not be. This makes me so happy. Other places made me feel ashamed for being in need. but not here. I have never forgotten that. I so wanted to do this sooner, but, I just discovered the above verse. So, not sure which month, but, expect to be included for one month's share. No need to respond, just tell others abt the above verse. I wish someone had done so sooner.



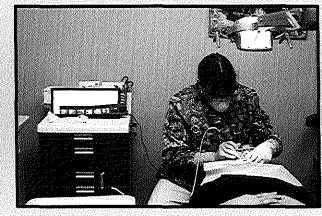


Patients at GBCHC

- Uninsured Michigan resident
- 18-65 years old
- Income of 250% federal poverty (or less)







Medical Specialties

- General medicine
- Pulmonology
- Cardiology
- Gynecology
- Ophthalmology
- Neurology
- Rheumatology
- Dermatology
- ENT
- Podiatry
- Urology
- Infectious disease
- Chiropractic
- Physical therapy



What we offer: 14 medical specialties, dental, and pharmacy

(again, always free)

Services

- Basic labs
- Prescriptions
- Healthcare advocacy

Dental Care

- Hygiene
- Procedures
- Dentures
- Screenings



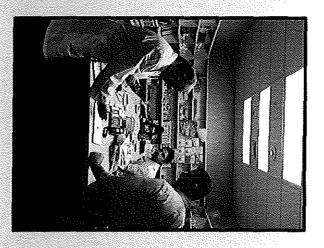


How do we do it?

- 150 volunteers
- 5 staff
- vision
- commitment to making our community healthier









D Jany During lein community health clinic



Be a part of the solution

- Immeasurable impact
- Flexible scheduling
- Unique professional development experience
- Interprofessional collaboration opportunities

Visit www.gbchc.org to volunteer



Justin Brox
Executive Director
jbrox@gbchc.org

Ashley Samson
Community Outreach and Development Director asamson@gbchc.org

City of Pontiac

Pontiac City Council

Whereas, Section 8 (e), MCL 15.268, permits a public body "[to] consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on the litigation or settlement position of the public body": and,

Whereas, the Pontiac City Council believes that an open meeting would have a detrimental financial effect on the litigating or settlement position of the City:

Therefore, Be It Resolved that the Pontiac City Council recesses into closed session for the purpose of consulting with its attorney regarding pending litigation in the case of Ottawa Towers vs. The City of Pontiac.



CITY OF PONTIAC OFFICIAL MEMORANDUM

TO:

Honorable Mayor, Council President and City Council Members

FROM:

Jane Bais-DiSessa, Deputy Mayor

DATE:

October 18, 2016

SUBJECT:

Recommendation to Reinstate Planning Function.

Cc:

Nevrus Nazarko, Finance Director, Rachel Loughrin, Economic Development,

Charles Smith, Wade Trim, and Sherikia Hawkins, City Clerk

Background:

Upon the arrival of the Emergency Manager, the City's Code Enforcement, Building and Planning services were suspended and later outsourced to Wade Trim Incorporated, with a start date of March 1. 2011.

As you are aware, this contract was extended for an additional six months and is now scheduled to expire on December 31, 2017. Currently, Wade Trim provides the City with a Planner twenty-four hours a week. This service is insufficient and until a final decision is made on their latest proposal for planning services, the City's Planning division has been placed in an indeterminate state.

Before renewing this contract, Mayor Waterman directed Administration, together with the City's Finance Director, Nevrus Nazarko, to examine the feasibility and fiscal impact of insourcing the Planning and Code Enforcement functions. Early this past week, Mr. Nazarko presented his findings and recommendation to the City Council Finance Sub-Committee for review and consideration. For more details, a copy of his report dated October 2, 2017, is attached.

Although the Finance Sub-Committee requested further review of the Code Enforcement function, favorable consideration was given to reinstate the City's Planning function

Recommendation:

Based on his financial analysis, Mr. Nazarko recommended that: "Given the fact that we have a balanced budget for the 17-18 fiscal year and the insourcing will not require additional funds to be appropriated, I believe that the process to insource the planning and code enforcement functions makes financial sense and it is fully supported with the current budget allocation."

Mr. Nazarko went on to explain that while his analysis may not cover all costs associated with the insourcing of these services, "...the history of these services for the last 5 years, and the new realities such as increased development, etc., support the concept of bringing them back."

Recommendation to Reinstate Planning Function October 10, 2017 Page 2 of 2.

While it is estimated that implementation of the Planning function may take approximate 4 to 6 months, it is our belief that with some assistance from Wade Trim and the possibility of hiring their current staff, this time may be shorten.

As such, to ensure a smooth transition and address potential service delays, it is respectfully requested that the City Council authorize the Executive Office to reinstate the Planning function and initiate the following actions:

- develop job descriptions for the following full-time positions: Planning Manager, Planner, and Customer Service Representative (Note: copies are also attached)
- create these new positions via City Council resolution; and
- post and recruit staff, and establish office space for the new personnel,

Attached for your consideration is the proposed resolution;

JBD

Attachments

City of Pontiac Resolution

Whereas, the contract for Planning services from Wade Trim is scheduled to expire on December 31, 2017; and

Whereas, based on the financial study conducted by the City's Finance Director dated October 2, 2017 finds and supports the feasibility of reinstating the City's Planning function; and

Whereas, the Executive Staff concurs with the Finance Director's recommendation and believes that the Planning function for the City of Pontiac is an essential service to achieve sustainable development; and

Whereas, the insourcing of the Planning function will not require additional funds to be appropriated, and it is fully supported with the current budget allocation; and

Whereas, the reinstatement of the Planning function will help to guide the present and future growth of the City of Pontiac by striking a careful balance between residential, commercial, recreational, and institutional needs; and

Whereas, the reinstatement of the Planning function will ensure that the City's Ordinances are current and maintained as they relate to zoning, building codes, environmental regulations and other important legal issues; and

Whereas, the reinstatement of the Planning function will have a positive impact on the City's budget through the development of key infrastructure development.

Now therefore, the Mayor is hereby authorized to reinstate the City's Planning function and that the following full-time positions be created and funded at the following annual salary ranges: Planning Manager (\$80,000 to \$85,000), Planner (\$63,000 to \$68,000), and Customer Service Representative (\$28,280 to 33,280).



CITY OF PONTIAC

Planning Manager

FLSA: Executive exemption

Summary: An incumbent in this position will be responsible for planning, organizing, managing and accessing the current ant strategic planning activities of the planning division. The Planning Manager will perform technical planning work involving the administration, negotiation, research, analysis and interpretation of planning, zoning, subdivision, design review, general plan and use of development issues.

Supervision

Supervision Received: Works independently under the broad general supervision of the Deputy Mayor and the Mayor or designee.

Supervision Given: The Planning Manager will supervise professional and para-professional staff; and may also supervise contract, temporary or seasonal staff.

Job Environment

- The environment in City Hall is one of a typical business office environment, with electro-mechanical computer- and telecommunications-related equipment; exposure to noise from shredders, printers, copiers, telephones, and other computer-related equipment.
- Operates PC-based computer system and other office equipment.
- Has access to public information files in the computer systems.
- Errors could result in the damage to or loss of information resulting in legal consequences to the City.
- When representing the City at events outside of the office or conducting monitoring visits, the environment
 may include indoor or outdoor venues, which are subject to environmental conditions beyond the control of
 management. Noise levels may be elevated at some events.

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment of the position:

- Coordinate and supervise submissions for site plan review, including both public and private use of land as
 required for approval by the planning commission.
- Assemble data and present detailed plans and schedules, including cost estimates, for land and other property acquisitions in connection with Federal community development programs.
- Coordinate and supervise the planning, application, organization, and implementation of development programs involving land and property acquisitions, disposition, and relocation of businesses and citizens, budgeting, and monitoring and evaluating functions.
- Prepare and present options, alternatives, and recommendations for various planning, land use, zoning issues and problems.
- Prepare resolutions and ordinances pertaining to planning activities.

- · Administer environmental assessments and clearances.
- Supervise and coordinate plans to revise and update the City's master plan.
- Promote public interest in Federal community development planning activities.
- Develop and manage divisional budget
- Identify and analyze planning and community grants and programs.
- Prepare administrative reports, technical studies, resolutions, correspondence, and records.
- · Represent the division at meetings as assigned.
- Develops divisional policies, program guidelines, and procedures as appropriate.
- Provide highly responsible support to Planning and Community Development Director.
- Other duties related as assigned by the Mayor, Deputy Mayor or designee.

Typical Assignments

Administration

- Develop, implement and enforce divisional policies.
- Assign, coordinate and supervise work of departmental / divisional staff.
- Manage office processes and training
- Develop and implement strategies for planning community development and related programs.

Communication

- Prepare and provide recommendations to Mayor and City Council for City planning activities.
- · Serve as liaison between the City and regional planning agencies.
- Effectively communicate and resolve problems with members of the public, stakeholders, other City departments, City management and elected officials.

Research

- Track advancement of ordinances through the legislative process. This may entail monitoring of committee hearings, securing committee testimony, and records preparation.
- Coordinate planning studies and provide technical and professional assistance
- Research sources of possible federal and state funding affecting local goals and objectives,

Public Relations

- · Provide assistance in resolving problems encountered by established businesses and prospects.
- · Participate in local and regional committees and boards addressing business issues and concerns.
- Represent the office at legislative and community events.
- Develop articles, newsletters, press releases, and speeches.
- Establish and maintain effective working relationship with the general public, local, state and federal officials, related agencies and other City employees.

Recommended Minimal Qualifications

Education, Training, and Experience: Bachelor's degree in urban planning or related field; and at least five (5) years' experience in municipal or urban planning or consulting; and at least three (3) years supervisory experience; American Institute of Certified Planners (AICP) accreditation desired.

An employee in this classification must possess upon hire and maintain a valid Michigan Operators license.

Knowledge, Ability, and Skill:

Knowledge:

 Thorough knowledge of federal, state, and local laws, ordinances, and regulations governing the development and administration of the Community Development Block Grant (CDBG) and related programs.

October 2017 Planning Manager, Page 2 of 3

- Knowledge of management methods and techniques to analyze programs, policies and operational needs.
- Considerable knowledge of management principles and practices including budget preparation, public relations and report writing.
- Thorough knowledge of and working skill in using the principles and practices of capital improvement programming and budgeting.
- Familiarity with the organizational structure and operations of the City.
- Broad knowledge of complex systems and procedures.
- Knowledge of training and supervisory techniques.
- Knowledge of employee policies and procedures.

Ability:

- Ability to oversee and manage the operations, services and activities of the economic development program.
- · Ability to understand, speak, and write in the English language.
- Ability to read and interpret documents and write routine reports and correspondence.
- · Ability to speak effectively before a group of persons.
- · Ability to initiate and defend actions before Mayor and City Council.
- Ability to perform multiple tasks accurately and efficiently under time constraints.
- Ability to design technically complex visual aids such as maps, tables and charts.
- Ability to work both independently and cooperatively.
- Ability to exercise professional judgment and maintain confidentiality when necessary.
- Ability to apply the overall mission of a department to make executive support decisions.
- Ability to review several diverse reference sources and select and synthesize data for reports and other forms
 of correspondence.
- · Ability to apply instructions and guidelines in the disposition of problems.
- Ability to follow complex instructions.
- Ability to direct, review, and evaluate the work of other employees, as required.
- Ability to make decisions and take necessary actions.
- · Ability to maintain composure during stressful situations.
- Ability to efficiently handle multiple tasks requiring a high degree of attention to detail.
- Ability to deal with problems involving a few concrete variables in standardized situations.

Skills:

- Computer skills that encompass effective use of word processing, presentation, spreadsheet, email, and Internet browser software.
- Considerable skill in organizing and supervising the work of subordinate employees.

Physical Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Minimal physical effort required to perform work under typical office conditions. While performing the duties of this job, the employee is regularly required to sit and stand; must regularly lift and or move items up to ten pounds, frequently lift items up to 25 pounds; be able to clearly hear constituents when speaking in person or on the telephone. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

This job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.



CITY OF PONTIAC

Planner

FLSA: Executive exemption

Summary: An incumbent in this position will be responsible for Managing and implementing planning projects related to land use, site and architectural design

Supervision

Supervision Received: Works under supervision of the Planning Manager.

Supervision Given: None.

Job Environment

- The environment in City Hall is one of a typical business office environment, with electro-mechanical computer- and telecommunications-related equipment; exposure to noise from shredders, printers, copiers, telephones, and other computer-related equipment.
- · Operates PC-based computer system and other office equipment.
- Has access to public information files in the computer systems.
- Errors could result in the damage to or loss of information resulting in legal consequences to the City.
- When representing the City at events outside of the office or conducting monitoring visits, the environment
 may include indoor or outdoor venues, which are subject to environmental conditions beyond the control of
 management. Noise levels may be elevated at some events.

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment of the position:

- Prepare and present options, alternatives, and recommendations for various planning, land use, zoning issues and problems.
- Ensure availability of infrastructure, and compliance with relevant federal, state and local guidelines.
- Recommend amendments to the zoning ordinance when appropriate.
- Oversee special projects and studies
- Identify and analyze planning and community grants and programs.
- Prepare administrative reports, technical studies, resolutions, correspondence, and records.
- Represent the division at meetings as assigned.
- May be required to assume duties and/or responsibilities of the Planning Manager in the event of his or her absence.
- Other duties related as assigned by the Planning Manager.

Typical Assignments

Administration

- ٠
- Act as project manager for review of development applications
- Provide technical assistance to developers, staff and the public.
- · Manage and create documents
- Prepare reports as needed.

Communication

Serve as liaison between the City and other agencies and departments.

Research

- Coordinate planning studies and provide technical and professional assistance
- · Research sources of possible federal and state funding affecting local goals and objectives.

Public Relations

- Provide assistance in resolving problems encountered by established businesses and prospects.
- Participate in local and regional committees and boards addressing business issues and concerns.
- Represent the office at legislative and community events.

Recommended Minimal Qualifications

Education, Training, and Experience: Bachelor's degree in urban planning or related field; and at least three (3) years' experience in municipal or urban planning or consulting; A working knowledge of ArcGis desired.

An employee in this classification must possess upon hire and maintain a valid Michigan Operators license.

Knowledge, Ability, and Skill:

Knowledge:

- Thorough knowledge of federal, state, and local laws, ordinances, and regulations governing the development and administration of the Community Development Block Grant (CDBG) and related programs.
- Working knowledge of management principles and practices including budget preparation, public relations and report writing.
- · Familiarity with the organizational structure and operations of the City.
- Broad knowledge of complex systems and procedures.
- .
- Knowledge of employee policies and procedures.

Ability:

- Ability to understand, speak, and write in the English language.
- Ability to read and interpret documents and write routine reports and correspondence.
- Ability to speak effectively before a group of persons.
- · Ability to initiate and defend actions before Mayor and City Council.
- Ability to perform multiple tasks accurately and efficiently under time constraints.
- Ability to design technically complex visual aids such as maps, tables and charts.
- Ability to work both independently and cooperatively.
- Ability to exercise professional judgment and maintain confidentiality when necessary.
- Ability to apply the overall mission of a department to make executive support decisions.
- Ability to review several diverse reference sources and select and synthesize data for reports and other forms
 of correspondence.

- Ability to apply instructions and guidelines in the disposition of problems.
- Ability to follow complex instructions.
- Ability to direct, review, and evaluate the work of other employees, as required.
- · Ability to make decisions and take necessary actions.
- · Ability to maintain composure during stressful situations.
- Ability to efficiently handle multiple tasks requiring a high degree of attention to detail.
- Ability to deal with problems involving a few concrete variables in standardized situations.

Skills:

- Computer skills that encompass effective use of word processing, presentation, spreadsheet, email, and Internet browser software.
- Considerable skill in organizing and supervising the work of subordinate employees.

Physical Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Minimal physical effort required to perform work under typical office conditions. While performing the duties of this job, the employee is regularly required to sit and stand; must regularly lift and or move items up to ten pounds, frequently lift items up to 25 pounds; be able to clearly hear constituents when speaking in person or on the telephone. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

This job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

October 2017 Planner, Page 3 of 3



CITY OF PONTIAC

Customer Service Representative

FLSA: Non-exempt.

Summary: An incumbent in this position is responsible for assisting the assigned department(s) with various projects as designated.

Supervision

Supervision Received: Works under the supervision of the assigned department Director.

Supervision Given: No supervisory responsibilities.

Job Environment

- The environment in City Hall is one of a typical business office environment, with electro-mechanical computer- and telecommunications-related equipment; exposure to noise from shredders, printers, copiers, telephones, and other computer-related equipment.
- Operates PC-based computer system and other office equipment.
- Errors could result in the damage to or loss of information or money resulting in financial or legal consequences to the City.
- The noise level is usually medium.

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment of the position:

- Processes customer payments.
- Answers customer inquiries.
- · Prepares and maintains a variety of statistical, bookkeeping, or relatively complex reports.
- Gathers information, records and summarizes data, and inform supervisor of any unusual findings.
- Assists in the preparation of special records and reports.
- Organizes, files, and records information.
- Receives and screens incoming calls and visitors, determining which priority matters are, and alerting the Director accordingly.
- Composes letters and memoranda in response to incoming mail or calls.
- Researches, compiles, assimilates, and prepares documents.
- Reads and screens incoming correspondence and reports, making preliminary assessment of the importance
 of materials, and organizes documents, handling some matters personally, and forwarding appropriate
 materials to other personnel.
- Prepares agendas and collects materials for meetings and conferences.

Typical Assignments

Administration

Organizes, files, and records documents / items as assigned.

Communication

·Facilitates constituent inquiries and casework.

Recommended Minimal Qualifications

Education, Training, and Experience: High school diploma; four years of clerical support experience where use of a personal computer to prepare correspondence, reports, charts, etc., or to enter/retrieve/update information as an essential part of the work; two years' experience working with general public.

Knowledge, Ability, and Skill:

Knowledge:

- · Familiarity with legislative, administrative, and judicial systems.
- Familiarity with the organizational structure and operations of the City.
- Some knowledge of employee policies and procedures.
- Basic knowledge of standard accounting practices.

Ability:

- · Ability to understand, speak, and write in the English language.
- Ability to read and interpret documents and write routine reports and correspondence.
- Ability to speak effectively before a group of persons.
- Ability to deal with customers who may become verbally combative in a telephone or personal situation.
- · Ability to perform multiple tasks accurately and efficiently under time constraints.
- Ability to work both independently and cooperatively.
- Ability to exercise professional judgment and maintain confidentiality when necessary.
- Ability to apply the overall mission of a department to make executive support decisions.
- Ability to review several diverse reference sources and select and synthesize data for reports and other forms
 of correspondence.
- Ability to apply instructions and guidelines in the disposition of problems.
- Ability to follow complex instructions.
- · Ability to type to meet standards in giving out information and referring callers.
- Ability to use diplomacy, discretion, and judgment in giving out information and referring callers.
- Ability to make decisions and take necessary actions.
- Ability to maintain composure during stressful situations.
- Ability to efficiently handle multiple tasks requiring a high degree of attention to detail.
- Ability to type 25 words per minute.

Skills:

 Computer skills that encompass effective use of word processing, spreadsheet, email, and Internet browser software.

Physical Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Minimal physical effort required to perform work under typical office conditions. While performing the duties of this job, the employee is regularly required to sit and stand; must regularly lift and or move items up to ten pounds, frequently lift items up to 25 pounds, and occasionally lift or move items up to 50 pounds; be able to clearly hear constituents when speaking in person or on the telephone. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

This job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

DATE:

October 2, 2017

TO:

Mayor Deirdre Waterman,

FROM:

Nevrus P. Nazarko, CPA, Finance Director

Cc:

Jane Bais-DiSessa, Deputy Mayor

SUBJECT:

Planning & code enforcement insourcing fiscal analysis

Mayor Waterman,

Per your direction, finance department has been looking at the fiscal impact and feasibility of insourcing the Planning Department and Code enforcement functions away from Wade Trim back under the City of Pontiac administration.

Background:

City of Pontiac, until the arrival of emergency manager, had suspended the code enforcement and later on outsourced to Wade Trim, both planning and code enforcement functions.

Here is a quick summary of planning function and its respective personnel expenditures for the fiscal year ending 06/30/2005: I could not find the corresponding data for code enforcement as it may have been blended in with the building department.

	Wages	FICA	Fringes	Total Cost
Planning	255,202.07	20,413.59	118,998.69	394,614.35

Current situation:

Currently, planning services and code enforcement are handled by Wade Trim, on contractual basis. The contract extension that expires on December 31, 2017 provides that Wade Trim employs a planner for 24 hours a week at an annual cost of \$114,000.

Code enforcement services that started back in 2015, provide for 5 code enforcement officers at an annual cost of \$375,000. These are the charges based on the contract that expired on June 30, 2017. However, Wade Trim has requested that a contract extension for the above services will cost as follows:

- 1- Planning at \$310,000 per year, providing a full time planner and an assistant planner.
- 2- Code Enforcement at \$423,000 per year providing 5 code enforcement officers at 35.7 hours per week on average.

Estimated cost of insourcing these services:

To bring these services back in house, I have run the numbers for both departments. The estimated costs are based on the following assumptions:

1- Planning Department: 1 full time planning director, 1 full time assistant planner, and 1 full time administrative assistant.

- 2- Code Enforcement: 1 full time code enforcement, officer serving as supervisor as well, 4 full time Code enforcement officers, plus 3 pick-up trucks to be used for the code enforcement activities.
- 3- Supplies, computer equipment, and utilities are not included in this calculation, as they are already included in the building fund budget.

Here is a short summary of these calculations:

Planning Department staffing:

<u>Position</u>	<u>Salary</u>	Total Benefits		Total Per Position	
Senior Planner	\$ 85,000.00	\$	32,293.04	\$	117,293.04
Junior Planner FT	\$ 68,000.00	\$	29,586.64	\$	97,586.64
Customer Service Rep. FT	\$ 33,280.00	\$	24,059.22	\$	57,339.22
Totals	\$186,280.00	\$	85,938.90	\$	272,218.90

Code Enforcement staffing:

<u>Position</u>	<u>Salary</u>	Total Benefits		Total Per Position	
Code Enforcement supervisor	\$ 65,000.00	\$	32,811.06	\$	97,811.06
Code Enforcement Officer	\$ 40,000.00	\$	24,381.06	\$	64,381.06
Code Enforcement Officer	\$ 40,000.00	\$	24,381.06	\$	64,381.06
Code Enforcement Officer	\$ 40,000.00	\$	27,181.06	\$	67,181.06
Code Enforcement Officer	\$ 37,000.00	\$	26,505.46	\$	63,505.46
Totals	\$222,000.00	* \$	135,259.70	\$	357,259.70

Trucks:

		Trucks		Total	Fuel and	Damage	Grand Total
3 Pickup Trucks needed for inspectors	Title	needed	Cost	Vehicle Cost	Maint	Insurance	Cost
(To be replaced every 7 years)	Pick Up	3.00	29,000.00	87,000.00	6,500.00	7,500.00	101,000.00
				87,000.00	6,500.00	7,500.00	101,000.00

Fiscal Impact:

A quick look at the above costs shows that the planning personnel will cost the City less than the proposed contract.

The cost of code enforcement, including personnel and equipment, will be \$458,260, which is \$35,000 higher in the first year than the proposed Wade Trim proposed contract. However, when we factor in the fact that the purchase of trucks is a start-up cost, the annual cost to the City is actually slightly lower compared to Wade Trim.

Additional cost factors that can't be easy determinable will pay a factor into the decision of insourcing the services aforementioned here: Such costs are:

- 1- Additional insurance deductible costs for the liability and property.
- 2- Amortization of cars and other equipment and the need to replace within 5-7 years with new equipment.
- 3- Increased workload on the existing managerial structure and administration.
- 4- Ability to hire and retain qualified employees.

On the other hand, the increased efficiency and quality of work to be provided by the above services, can bring in additional revenues that not only will offset the costs, but can support other city related services.

Recommendation:

Given the fact that we have a balanced budget for the 17-18 fiscal year and the insourcing will not require additional funds to be appropriated, I believe that the process to insource the planning and code enforcement functions makes financial sense and it is fully supported with the current budget allocation.

If you (The Mayor) decide that this is the best course of action for the City and the City Council agrees with your recommendation, the following steps are in order:

- 1- Creating the positions via council resolution and establishing the pay ranges.
- 2- Posting and recruiting activity.
- 3- Setting up the office space for the new personnel.
- 4- Setting up the infrastructure to support the above insourcing

The time required for these steps can be 4 to 6 months, however, with the assistance of Wade Trim and looking into the possibility of utilizing some of their current staffing, the actual implementation time can be much shorter.

The above analysis and recommendation, although solid, may have not cover all the costs and considerations involved in the insourcing of these services. However, the history of these services for the last 5 years, and the new realities such as increased development etc., support the concept of bringing them back.

Please let me know if you have any questions or need additional information.

Memorandum

To: Honorable Mayor, Council President and City Council Members

From: Garland S. Doyle, M.P.A., CNP, Deputy Director, Community Development Department

Thru: Jane Bais-DiSessa, Deputy Mayor

Date: October 23, 2017

Re: Amendment of Tax Increment Finance Authority (TIFA) district boundaries (legal

descriptions)

Cc: Rachel Loughrin, Economic Development Director

Nevrus Nazarko, Finance Director

The City of Pontiac received a request from United Shore on behalf of Pontiac Center Investments, LLC to establish a brownfield on parcels 14-34-351-006 commonly known as 655 South Boulevard E, 14-34-351-007 commonly known as 671 South Boulevard E, 14-34-340-041 commonly known as 707 South Boulevard E and 14-34-380-043 (vacant land). United Shore is investing \$69 million in the extensive renovation of the former Hewlett Packard office building and surrounding property for reuse as its corporate headquarters. They are relocating their headquarters and 2,150 employees from Troy to the South Boulevard site. Because of their expansion, United Shore estimates their workforce will increase by an additional 600 new full-time employees.

The project was presented to the City Council Community Development Sub Committee on October 17, 2017. The committee recommended forwarding the project to the City Council. On October 19, 2017, the project was presented to both the TIFA and Brownfield Boards. The TIFA Board voted to recommend the removal of the parcels from TIFA District 2 so they can qualify for a brownfield. The Brownfield Board expressed some concerns about job opportunities for residents and voted to recommend that the City Council establish some safeguards in the plan. If approved by your honorable body, we will forward the brownfield request to the Oakland County Brownfield Redevelopment Authority who will administer the plan.

Because the parcels are part of an existing TIFA district, the parcels have to be removed from the district or the development plan must be amended.

The process to remove a parcel from a TIFA district is the same as creating a TIFA district, and governed by MCL 125.1803. First, the City Council must pass a resolution of intent to amend the boundaries and in that resolution set a date for a public hearing with notice published twice in the newspaper of general circulation not less than 20 days and not more than 40 days before the date

of the hearing. In addition, notice must be mailed to the property taxpayer of record in the affected area, and the notice of the hearing must be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the amendment is approved. The notice shall state the date, time, and place of the hearing, and shall describe the boundaries of the proposed district. At the hearing, a citizen, taxpayer, or the property owner of the City has the right to be heard in regard to this matter. After the hearing, if the City Council intends to proceed with the amendment, the City Council shall adopt, by majority vote of its members a resolution designation the boundaries as amended. Such resolution is subject to the veto process established by the city charter. Upon final approval, the resolution is to be filed with the secretary of state and published at least once in a resolution of general circulation.

I have attached a map of the subject parcels and a copy of the United Shore Redevelopment Brownfield Plan.

The developer is working on a tight schedule, so Council action is request as follows:

- 1. At the Council meeting on November 2, 2017, adopt the attached resolution setting the date and time of the required public hearing, for December 7, 2017.
- 2. The City Clerk is to publish the notice of public hearing to appear on November 6 and November 7, 2017 in the Oakland Press.
- 3. The City Council holds the public hearing as part of the meeting on Thursday, December 7, 2017.
- 4. The City Council votes on the resolution amending the district boundaries on Thursday, December 7, 2017 after the hearing or on December 14, 2017 at its formal session.

If Council concurs, please pass the following resolution:

Whereas, the City of Pontiac has received a request to establish a brownfield district within the existing TIFA district; and,

Whereas, in order for the brownfield district to be established, the parcel must either be removed from the TIFA district or the district must be removed from the TIFA development plan: and,

Whereas, because the current parcel's taxable value is significantly below the base value of the parcel, removal from the TIFA district is most desirable; and,

Therefore, be it resolved that the Pontiac City Council shall hold a public hearing during its regular scheduled City Council meeting at 6:00 P.M. on Thursday, December 7, 2017 in Pontiac City Hall, City Council Chambers, 47450 Woodward Ave., for the purpose of receiving public comment on the proposal to remove from the boundaries of the Tax Increment Finance Authority parcels 14-34-351-006, 14-34-351-007, 14-34-380-041 and 14-34-380-043...

Parcel ID: 14-34-351-006

T3N, R10E, SEC 34 SOUTH PARK PART OF LOT 12, ALSO ALL OF LOTS 13 TO 104 INCL, ALSO PART OF LOTS 105, 106 & 107, ALSO PART OF LOTS 111 & 112, ALSO ALL OF LOTS 113 TO 186 INCL, ALSO PART OF LOT 187, ALSO ALL OF LOTS 188 TO 320 INCL, ALSO LOTS 322 TO 339 INCL, ALSO LOTS 343 TO 361 INCL, ALSO ALL OF VAC STREETS, ALLEYS & WALKS WITHIN PARCEL DESC AS BEG AT PT DIST N 01-12-09 E 59.72 FT & S 87-18-59 E 60.17 FT FROM SW SEC COR, TH N 01-11-21 E 1326.13 FT, TH S 87-18-59 E 286.26 FT, TH N 50-29-10 E 18.16 FT, TH S 87-18-59 E 146.54 FT, TH N 02-41-01 E 119.03 FT, TH ALG CURVE TO LEFT, RAD 2062.24 FT, CHORD BEARS S 74-45-57 E 102.66 FT, DIST OF 102.66FT, TH ALG CURVE TO LEFT, RAD 1171.82 FT, CHORD BEARS S 78-50-37 E 108.42 FT, DIST OF 108.46 FT, TH ALG CURVE TO LEFT, RAD 2147.32 FT, CHORD BEARS N 89-35-19 E 665.63 FT, DIST OF 668.32 FT, TH ALG CURVE TO LEFT, RAD 810.21 FT, CHORD BEARS N 78-51-20 E 51.37 FT, DIST OF 51.38 FT, TH N 77-02-20 E 235.59 FT, TH S 00-31-33 W 1026.50 FT, TH S 15-34-30 W 74.17 FT, TH ALG CURVE TO RIGHT, RAD 268.02 FT, CHORD BEARS S 34-39-14 W 176.51 FT, DIST OF 179.87 FT, TH ALG CURVE TO LEFT, RAD 330 FT, CHORD BEARS S 28-10-09 W 284.80 FT, DIST OF 294.47 FT, TH S 02-36-20 W 25.48 FT, TH N 87-18-59 W 1366.65 FT TO BEG 1-30-07 FR 005 & 354-008

Parcel ID: 14-34-351-007

T3N, R10E, SEC 34 SOUTH PARK LOTS 1 TO 8 INCL, ALSO PART OF LOT 9, ALSO PART OF LOTS 106 TO 109 INCL, ALSO ALL OF LOT 110, ALSO PART OF LOT 111, ALSO PART OF VAC IRVIN AVE, ALSO PART OF VAC ALLEY ALL DESC AS BEG AT PT DIST S 87-20-08 E 374.76 FT & S 87-20-35 E 1304.26 FT & N 00-31-33 E 59 FT FROM SW SEC COR, TH N 87-18-59 W 191.53 FT, TH N 02-36-20 E 25.56 FT, TH ALG CURVE TO RIGHT, RAD 270 FT, CHORD BEARS N 28-10-09 E 233.02 FT, DIST OF 240.93 FT, TH ALG CURVE TO LEFT, RAD 330 FT, CHORD BEARS N 43-06-22 E 121.71 FT, DIST OF 122.42 FT, TH S 00-31-33 W 328.80 FT TO BEG 1-30-07 FR 005

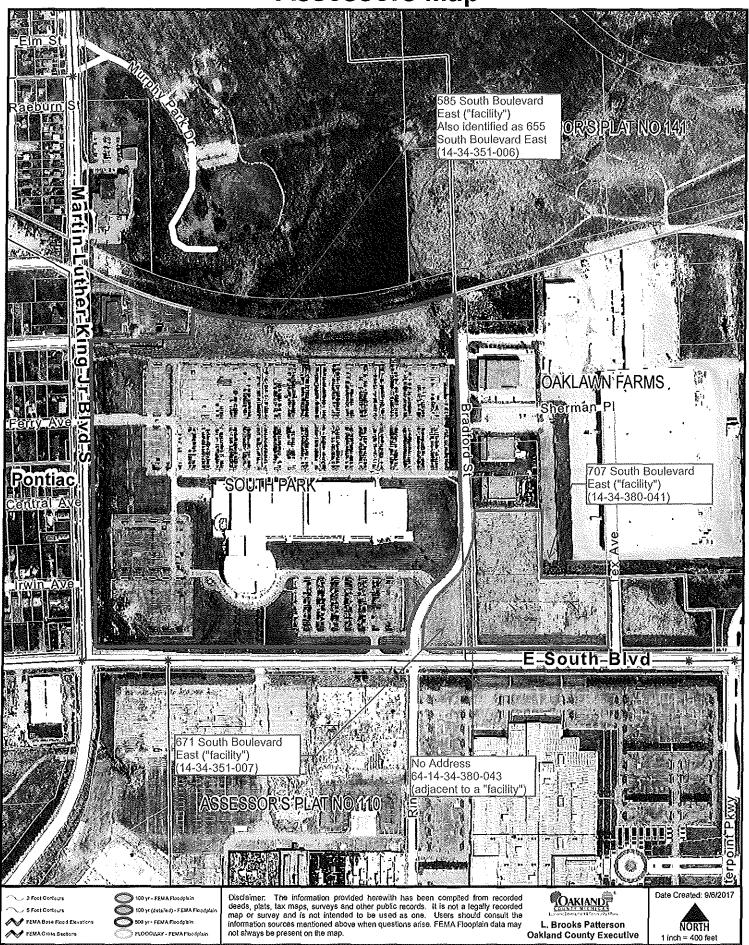
Parcel ID: 14-34-380-041

T2N, R10E, SEC 3 & T3N, R10E, SEC 34 OAKLAND COUNTY CONDOMINIUM PLAN NO 1004 CENTERPOINT BUSINESS CAMPUS UNIT 18 L 16667 P 011 10-28-96 FR 380-040

Parcel ID: 14-34-380-043

T3N, R10E, SEC 34 OAKLAWN FARMS SUB PART OF VAC BRADFORD AVE DESC AS BEG AT PT DIST S 87-21-04 E 1678.86 FT & N 00-31-33 E 59.28 FT FROM SW SEC COR, TH N 00-31-33 E 328.80 FT, TH ALG CURVE TO LEFT, RAD 330 FT, CHORD BEARS N 16-30-08 E 181.66 FT, DIST OF 184.03 FT, TH S 00-31-33 W 504.53 FT, TH N 88-13-17 W 50.01 FT TO BEG 9-24-07 FR RD

Assessors Map



OAKLAND COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY

BROWNFIELD PLAN

FOR THE UNITED SHORE REDEVELOPMENT LOCATED AT 585-701 EAST SOUTH BOULEVARD PONTIAC, MICHIGAN

September 25, 2017 Revised 9/28/17

Approved by BRA:
Approved by Board of Commissioners:

Prepared on Behalf of:

Pontiac Center Investments, LLC 1414 East Maple Road Troy, Michigan 48083 Contact Person: Mr. Kevin Kmet Telephone: (800) 981-8898 ext. 4357 Email: kkmet@unitedshore.com

Prepared By:

PM Environmental, Inc. 4080 West Eleven Mile Road Berkley, Michigan 48072 Contact Person: Elizabeth Masserang Telephone: (248) 414-1441 Email: masserang@pmenv.com



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Legal Description Appendix A

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Appendix D

TABLES

Table 1: Estimated Costs of Eligible Activities

Table 2: Tax Increment Capture Table

PROJECT SUMMARY

Project Name:

Proposed United Shore Redevelopment

Project Location:

The property consists of 4 parcels located in Pontiac, Oakland County, Michigan, 48341 in Township three north (T.3N),

Range 10 east (R.10E), Section 23.

Type of Eligible

Property:

The property is determined to be a "Facility" or adjacent and

contiguous to a "Facility"

Eligible Activities:

Baseline Environmental Site Assessment Activities, Due Care Activities, Demolition, Asbestos Activities, Infrastructure Improvements, Site Preparation, and Preparation of a

Brownfield Plan and Act 381 Work Plan

Developer Reimbursable

Costs:

\$2.377.145 (includes eligible activities and 15% contingency)

Years to Complete

Developer

Reimbursement:

An estimated 11 years from date of Brownfield Plan approval

Estimated Capital

Investment:

Approximately \$69 million (including Acquisition, Hard and

Soft Costs)

Project Overview:

The project entails the extensive renovation of the former Hewlett Packard office building and surrounding property for reuse as the future corporate headquarters of United Shore, a Michiganbased financial services company. The planned renovation entails extensive interior renovation to the first and second floors of the approximately 600,000 square foot building and various site improvements including parking lot expansion, generator installation and the construction of an outdoor recreation area/amphitheater. The existing corporate campus will be expanded to support 2,150 retained and re-located jobs and the creation of approximately 600 new full-time equivalent jobs in Pontiac. Additionally, the rehabilitation will result in the creation of an estimated 200 construction jobs.

I. INTRODUCTION AND PURPOSE

In order to promote the revitalization of environmentally distressed, historic, functionally obsolete and blighted areas within the boundaries of Oakland County ("the County"), the County has established the Oakland County Brownfield Redevelopment Authority ("OCBRA") the "Authority" pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, as amended ("Act 381").

The purpose of this Brownfield Plan (the "Plan") is to promote the redevelopment of and investment in the eligible "Brownfield" Property within the County and to facilitate financing of eligible activities at the Property. Inclusion of Property within any Plan in the County will facilitate financing of eligible activities at eligible properties, and will provide tax incentives to eligible taxpayers willing to invest in the revitalization of eligible sites, commonly referred to as "Brownfields." By facilitating redevelopment of the Property, this Plan is intended to promote economic growth for the benefit of the residents of the County and all taxing units located within and benefited by the Authority.

This Plan is intended to apply to the eligible property identified in this Plan and to identify and authorize the eligible activities to be funded. If significant changes are made to the proposed redevelopment and proposed use, the Brownfield Redevelopment Authority and the County Commission as the Governing Body, in accordance with the Act, may amend this Plan.

This Plan is intended to be a living document, which may be modified or amended in accordance with and as necessary to achieve the purposes of Act 381. The applicable sections of Act 381 are noted throughout the Plan for reference purposes.

This Brownfield Plan contains information required by Section 13(2) of Act 381, as amended

II. GENERAL PROVISIONS

A. Description of the Eligible Property (Section 13 (2)(h)) and Project

The Eligible Property consists of four (4) legal parcels totaling approximately 57.8 acres, referred to within this plan as the "Property." All parcels are located within Pontiac, Oakland County, Michigan as outlined below.

Parcel ID Number	Address	City	Approx. Acreage	Eligibility	Current Zoning	
64-14-34-351-006	585 SOUTH BLVD E (listed on tax roll as 655 SOUTH BLVD E)	UTH BLVD E on tax roll as Pontiac 50.49 "Facility		"Facility"	M-1	
64-14-34-351-007	671 SOUTH BLVD E	Pontiac	0.943	"Facility"	M-1	
64-14-34-380-043	4-14-34-380-043 No Address Pol		0.396	Adjacent and contiguous to a "Facility"	M-1	
64-14-34-380-041	707 SOUTH BLVD E	Pontiac	5.971	"Facility"	M-1	

Pontiac Center Investment, LLC, or any related entity, or such other developer as approved by the Authority, are collectively the project developer ("Developer").

Brownfield Plan for the proposed United Shore Development Located at 585-707 South Boulevard East, Pontiac, Michigan PM Project No. 01-8234-1-0001; September15, 2017

Pontiac Center Investment, LLC is the ownership entity of the parcels identified as 585 South Boulevard East, 707 South Boulevard East, and parcel ID 64-14-34-380-043. Pontiac Center Investment, LLC has the parcel identified as 671 South Boulevard East under contract and intends to take ownership in the near future.

Founded in 1986 in Michigan by Jeff Ishbia, the Developer is one of the nation's leading mortgage lending firms and fastest growing financial services companies. With a commitment to technology, elite client service, and a rewarding work environment, Jeff's son and current United Shore CEO Mat Ishbia has built the company into the top-ranked firm in the United States by volume in the wholesale mortgage-lending business. Under Mat's leadership, the Developer has seen its employee count grow from 400 to 2,200 over the past seven years. This growth has spurred the need for a new corporate headquarters and campus that can accommodate future growth and create a more dynamic and collaborative work environment. The proposed project and renovations will allow all of the Developer's employees to work under one roof and on one campus. The campus will offer a wide assortment of perks to augment the sense of culture and work-life balance that the Developer prides itself on.

The Property consists of commercial land in an area characterized by commercial, industrial and residential uses. The property zoning is anticipated to remain the same.

Standard and other historical sources document that the parcel located at 585 South Boulevard East (listed as 655 South Boulevard East under the tax rolls) was developed in 1940 with multiple residential dwellings and streets (Irwin Street, Central Street, Ferry Street, Greendale Avenue and Plainfield Avenue). By 1980, the residential dwellings and streets had been demolished and removed and the site was developed with parking lots and multiple commercial/industrial buildings associated with Fleet Carrier Corp, a transport company. At that time, sources indicate that another transport company, Commercial Carriers, occupied buildings on the southeast portion of the parcel. By 2000, the buildings associated with the transport companies had been demolished and the Property was redeveloped with the existing office building and parking lots. The parcels located at 671 and 707 South Boulevard East currently contains an asphalt-paved parking lot and contains localized grass and gravel covered areas. These parcels have historically been utilized for parking and/or vacant land since at least 1963.

The proposed project entails the renovation and rehabilitation of the existing commercial office building for use as the Developer's corporate headquarters and corporate campus. The approximately 600,000 square foot building's interior will be significantly renovated for utilization as a modern corporate headquarters. The Developer also proposes extensive site improvements. Site improvements are anticipated to include the renovation and addition of surface parking lots, new generator installations and the new construction of an outdoor recreation center and amphitheater. Exterior renovation activities on the exterior of 585 South Boulevard E are anticipated to commence in Fall 2017. Interior demolition and renovations are anticipated for early 2018, and redevelopment of the parcels identified as 671-707 South Boulevard East is slated for Spring 2018.

The Developer will invest an estimated \$69 million in the development and create approximately 200 construction jobs during development activities. On a long-term basis, an anticipated 600 full-time equivalent (FTE) permanent jobs are estimated to be added to the firm based on the expansion. This job creation is in addition to the 2,150 retained and re-located jobs to the City.

Preliminary site plans and renderings are included in Appendix C.

B. Basis of Eligibility (Section 13 (2)(h) and Section 2(o))

The Property is considered "Eligible Property" as defined by Act 381, Section 2 because: (a) the Property was previously utilized or is currently utilized for a commercial and/or industrial purpose; (b) the project is located in the City of Pontiac, a qualified local governmental unit under Act 381 and, (c) the parcels comprising the Property have each been determined to be a "facility" and/or adjacent and contiguous to a "facility."

The subject property parcels identified as 585, 671, and 707 South Boulevard East meet the definition of a "facility" as defined under Part 201, based on concentrations of contaminants identified in soil and groundwater identified during previous site investigations.

According to Section 20101(1)(s) of Part 201 a "facility" means any area, place, or property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located.

Additionally, the parcel identified as 64-14-34-380-043 qualifies as Eligible Property as it is adjacent to a "facility."

585 South Boulevard East

A review of historical Phase I and Phase II Environmental Site Assessment (ESA) reports consisting of various subsurface investigations indicates the presence of fill across the parcel located at 585 South Boulevard East that contains residual levels of metals, polycyclic aromatic hydrocarbons (PAHs), and petroleum hydrocarbons. Additionally, benzo(a)pyrene was detected in surface soils, exceeding the most restrictive Michigan Department of Environmental Quality (MDEQ) Part 201 Residential Cleanup Criteria and/or applicable Risk Based Screening Levels (RBSLs).

671 and 707 South Boulevard East

In September 2017, NTH Consultants, Ltd. completed a Phase II ESA for the parcels located at 671 and 707 South Boulevard to evaluate recognized environmental conditions (RECs) identified at the Property pursuant to a Phase I ESA completed earlier the same year. As part of the Phase II ESA, a subsurface investigation was conducted, advancing soil borings and temporary monitoring to facilitate the collection of subsurface soil and groundwater analytical data. Soil and groundwater analytical results identified concentrations of selenium, chromium, and lead above Part 201 Residential and Nonresidential Drinking Water Protection/Drinking Water (DWP/DW), Groundwater Surface Water Interface Protection/Groundwater Surface Water Interface (GSIP/GSI), and Direct Contact (DC) cleanup criteria.

Parcel Identified as 64-14-34-380-043

Additionally, the parcel identified as 64-14-34-380-043 qualifies as Eligible Property as it is adjacent to a "facility."

Additional documentation and description of the locality of the identified contaminants and the property's "facility" status is provided in Appendix D.

C. Summary of Eligible Activities and Description of Costs (Sec. 13 (2)(a-b))

Tax Increment Financing revenues will be used to reimburse the costs of "eligible activities" (as defined by Section 2 of Act 381) as permitted under the Brownfield Redevelopment Financing Act that include: Baseline Environmental Site Assessments, Due Care Activities, Demolition, Asbestos Activities, Infrastructure Improvements, Site Preparation Activities, and preparation of a Brownfield Plan and Act 381 Work Plan. A complete itemization of these activities and associated expenses is included in Table 1.

The following eligible activities and budgeted costs are intended as part of the development of the property and are to be financed solely by the Developer. All activities are intended to be "Eligible Activities" under the Brownfield Redevelopment Financing Act. The Authority is not responsible for any cost of eligible activities listed below and will incur no debt for these activities.

- 1. Baseline Environmental Site Assessment Activities include Phase I Environmental Site Assessments (ESAs), Phase II ESAs, and BEAs as required as part of the pre-purchase due diligence conducted on the Property at a total cost of \$30,000.
- 2. Due Care Activities includes contaminated soil transport and disposal associated with development activities at a total estimated cost of \$380,000.
- 3. Demolition Activities includes the deconstruction/select demolition of building elements for reuse, disposal of non-reusable/non-recyclable building elements, on-site reuse of demolition debris, removal of abandoned utilities, parking lots, curbs and gutters, and sidewalks, fill/compaction/rough grading to balance the site where the improvements are located, and fees related to demolition engineering and design at an estimated cost of \$800,509.
- Asbestos Activities includes an asbestos survey, asbestos containing materials (ACM) abatement, oversight, air monitoring and associated reporting at an estimated cost of \$65,000.
- 5. Infrastructure Improvements include an urban storm water management system, sanitary sewer mains, landscaping within the public right of way and professional fees directly related to infrastructure improvements at an estimated cost of \$392,073.
- 6. Site Preparation includes temporary construction access/roads, temporary traffic control, temporary erosion control, temporary site control (fencing, gates, signage, and/or lighting), grading, staking, clearing and grubbing, excavation of unstable materials, the relocation of active utilities (electric, gas, water, sewer), and soft costs related to eligible activities, at an estimated cost of \$386,022.
- 7. Preparation and implementation the Brownfield Plan and Act 381 Work Plan including associated management activities (e.g. meetings with BRA, review by City Attorney etc.) at a cost of approximately \$20,000.
- 8. A 15% contingency of \$303,541 is established to address unanticipated environmental and/or other conditions that may be discovered through the implementation of site activities. This excludes the cost of Baseline Environmental Assessment Activities and preparation of the Brownfield Plan and Act 381 Work Plan.

Brownfield Plan for the proposed United Shore Development Located at 585-707 South Boulevard East, Pontiac, Michigan PM Project No. 01-8234-1-0001; September15, 2017

The total estimated cost of Eligible Activities subject to reimbursement from tax increment revenues in Pontiac is \$2,073,604 with a potential \$303,541 contingency resulting in a total reimbursement to the Developer in a not-to-exceed amount of \$2,377,145, unless the Plan is amended and approved by the City, the OCBRA, and Oakland County Board of Commissioners.

This plan also allots capture for local administrative fees of \$5,000 annually as outlined in Table 2.

The OCBRA has established a Local Brownfield Revolving Fund (LBRF). Capture for the LBRF is included in this plan following developer reimbursement, currently estimated at \$736,241. The funds deposited into the LBRF as part of this Plan will be used in accordance with the requirements of Act 381, as amended.

D. Estimate of Captured Taxable Value and Tax Increment Revenues (Sec. 13 (2)(c))

Incremental taxes on real property included in the redevelopment project will be captured under this Plan to reimburse eligible activity expenses. The base taxable value of the Property shall be determined by the use of the 2017 tax year tax values. The base taxable value for the Property is \$5,871,800.

Tax increment revenue capture is proposed to begin when tax increment is generated by redevelopment of the Property, which is expected to begin in 2019 or when full redevelopment is completed whichever occurs first. The estimated taxable value of the completed development is \$9,974,130. An annual increase in taxable value of 1% has been used for calculation of future tax increments in this Plan. Table 2 details the estimate of captured tax increment revenues for each year of the Plan from the eligible property.

Prior to reimbursement of tax increment revenue to the Developer, payment of OCBRA Administrative fees will occur first.

E. <u>Method of Brownfield Plan Financing and Description of Advances by the Municipality (Sec. 13 (2)(d))</u>

Eligible activities will be financed by the Developer. The Developer will be reimbursed for eligible costs as described in Section C and outlined in Table 1. Costs for Eligible Activities funded by the Developer will be repaid under the Michigan Brownfield Redevelopment Financing Program (Michigan Public Act 381, as amended) with incremental taxes generated by future development of the Property. The estimated amount of tax increment revenue capture that will be used to reimburse the Developer and OCBRA is \$3,113,786. This includes Brownfield Plan preparation, OCBRA Administrative fees and LBRF deposits.

No advances will be made by the OCBRA for this project. All reimbursements authorized under this Plan shall be governed by the Reimbursement Agreement.

F. Maximum Amount of Note or Bonded Indebtedness (Sec. 13 (2)(e))

No note or bonded indebtedness will be incurred by any local unit of government for this project.

G. Duration of Brownfield Plan (Sec. 13 (2)(f))

In no event shall the duration of the Plan, exceed 35 years following the date of the resolution approving the Plan, nor shall the duration of the tax capture exceed the lesser of the period authorized under subsection (4) and (5) of Section 13 of Act 381 or 30 years. Further, in no event shall the beginning date of the capture of tax increment revenues be later than five years after the date of the resolution approving the Plan. The Property will become part of this Plan on the date this Plan is approved by the Oakland County Board of Commissioners.

H. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions (Sec. 13 (2)(g))

Taxes will continue to be generated to taxing jurisdictions on local captured millages at the base taxable value of \$5,871,800 throughout the duration of this Plan totaling approximately \$4,836,885 over 15 years, or \$322,459 annually.

Non-capturable millages; including debt millages, the zoo authority and art institute, will see an immediate increase in tax revenue following redevelopment and will provide tax revenue of approximately \$111,440 throughout the duration of this Plan.

A summary of the impact to taxing jurisdictions for the life of the Plan is summarized below, which assumes taxes are captured throughout the duration of the Plan as estimated in Table 2.

Millage	Rate	Taxes Generated by Property (Incl. base value)	Taxes Preserved for Taxing Units
County Operating	4.0400	\$648,632	\$355,831
OIS Allocated	0.1966	\$31,565	\$17,316
OIS Voted	3.1113	\$499,527	\$274,034
OCC Voted	1.5555	\$249,739	\$137,004
City Operating	11.2737	\$1,810,021	\$992,954
Cap Imp	1.4091	\$226,235	\$124,109
Sanitation	2.8183	\$452,485	\$248,227
Library	1.0000	\$160,553	\$88,077
Senior Services	0.5000	\$80,276	\$44,039
County Pk & Rec	0.2368	\$38,230	\$21,068
HCMA	0.2140	\$34,411	\$18,901
Sinking Fund	2.8700	\$460,786	\$252,781
OCPTA	0.9863	\$159,040	\$87,557
Subtotal	30.2116	\$4,851,500	\$2,661,898
School Operating	18.0000	\$2,889,945	\$1,585,386
SET	6.0000	\$963,315	\$528,462
Subtotal	24.0000	\$3,853,261	\$2,113,848
Total Capturable	54.2116	\$8,704,760	\$4,775,746
MESSA Judgment	0.4000	\$64,221	\$64,221
Zoo Authority (County)	0.0980	\$15,734	\$15,734
Art Institute (County)	0.1961	\$31,484	\$31,484

Brownfield Plan for the proposed United Shore Development Located at 585-707 South Boulevard East, Pontiac, Michigan PM Project No. 01-8234-1-0001; September15, 2017

Total Non-Capturable	0.6941	\$111,440	\$111,440
Total	54.9057	\$8,816,200	\$4,887,186

For a complete breakdown of the captured millages and developer reimbursement please see Table 2.

I. <u>Legal Description</u>, <u>Property Map</u>, <u>Statement of Qualifying Characteristics and Personal Property (Sec. 13 (2)(h))</u>

The legal description of the Property included in this Plan is attached in Appendix A.

Property location maps are included in Appendix B.

Documentation of characteristics that qualify the property as eligible property is provided in Appendix D.

J. Displacement/Relocation of Individuals on Eligible Property (Sec. 13 (2)(i-l))

No displacement of residents or families is expected as part of this project.

K. Local Brownfield Revolving Fund ("LBRF") (Sec. 13 (2)(m))

The OCBRA has established a (LBRF. Capture for the LBRF is included in this plan for up to five (5) years, following developer reimbursement, currently estimated at \$736,241. The funds deposited into the LBRF as part of this Plan will be used in accordance with the requirements of Act 381, as amended.

L. Other Material that the Authority or Governing Body Considers Pertinent (Sec. 13 (2)(n))

The OCBRA and the County Commission as the Governing Body, in accordance with the Act, may amend this Plan in order to fund additional eligible activities associated with the Project described herein.

At this time, the developer is seeking reimbursement from the Michigan Economic Development Corporation (MEDC)/Michigan Strategic Fund (MSF) and may seek Michigan Department of Environmental Quality (MDEQ) support for the use of school millages in the future.

The tax increment financing table provided in Table 2 include the assumption of MEDC/MSF and MDEQ approval.

APPENDICIES

Appendix A Legal Descriptions

Parcel ID: 64-14-34-351-006

T3N. R10E, SEC 34 SOUTH PARK PART OF LOT 12, ALSO ALL OF LOTS 13 TO 104 INCL, ALSO PART OF LOTS 105, 106 & 107, ALSO PART OF LOTS 111 & 112, ALSO ALL OF LOTS 113 TO 186 INCL, ALSO PART OF LOT 187, ALSO ALL OF LOTS 188 TO 320 INCL, ALSO LOTS 322 TO 339 INCL, ALSO LOTS 343 TO 361 INCL, ALSO ALL OF VAC STREETS, ALLEYS & WALKS WITHIN PARCEL DESC AS BEG AT PT DIST N 01-12-09 E 59.72 FT & S 87-18-59 E 60.17 FT FROM SW SEC COR, TH N 01-11-21 E 1326.13 FT, TH S 87-18-59 E 286.26 FT, TH N 50-29-10 E 18.16 FT, TH S 87-18-59 E 146.54 FT, TH N 02-41-01 E 119.03 FT, TH ALG CURVE TO LEFT, RAD 2062.24 FT, CHORD BEARS S 74-45-57 E 102.66 FT, DIST OF 102.66 FT, TH ALG CURVE TO LEFT, RAD 1171.82 FT, CHORD BEARS S 78-50-37 E 108.42 FT, DIST OF 108.46 FT, TH ALG CURVE TO LEFT, RAD 2147.32 FT, CHORD BEARS N 89-35-19 E 665.63 FT, DIST OF 668.32 FT, TH ALG CURVE TO LEFT, RAD 810.21 FT, CHORD BEARS N 78-51-20 E 51.37 FT, DIST OF 51.38 FT, TH N 77-02-20 E 235,59 FT, TH S 00-31-33 W 1026.50 FT. TH S 15-34-30 W 74.17 FT, TH ALG CURVE TO RIGHT, RAD 268.02 FT, CHORD BEARS S 34-39-14 W 176.51 FT, DIST OF 179.87 FT, TH ALG CURVE TO LEFT, RAD 330 FT, CHORD BEARS S 28-10-09 W 284.80 FT, DIST OF 294.47 FT, TH S 02-36-20 W 25.48 FT, TH N 87-18-59 W 1366.65 FT TO BEG 1-30-07 FR 005 & 354-008

Parcel ID: 64-14-34-351-007

T3N, R10E, SEC 34 SOUTH PARK LOTS 1 TO 8 INCL, ALSO PART OF LOT 9, ALSO PART OF LOTS 106 TO 109 INCL, ALSO ALL OF LOT 110, ALSO PART OF LOT 111, ALSO PART OF VAC IRVIN AVE, ALSO PART OF VAC ALLEY ALL DESC AS BEG AT PT DIST S 87-20-08 E 374.76 FT & S 87-20-35 E 1304.26 FT & N 00-31-33 E 59 FT FROM SW SEC COR, TH N 87-18-59 W 191.53 FT, TH N 02-36-20 E 25.56 FT, TH ALG CURVE TO RIGHT, RAD 270 FT, CHORD BEARS N 28-10-09 E 233.02 FT, DIST OF 240.93 FT, TH ALG CURVE TO LEFT, RAD 330 FT, CHORD BEARS N 43-06-22 E 121.71 FT, DIST OF 122.42 FT, TH S 00-31-33 W 328.80 FT TO BEG 1-30-07 FR 005

Parcel ID: 64-14-34-380-041

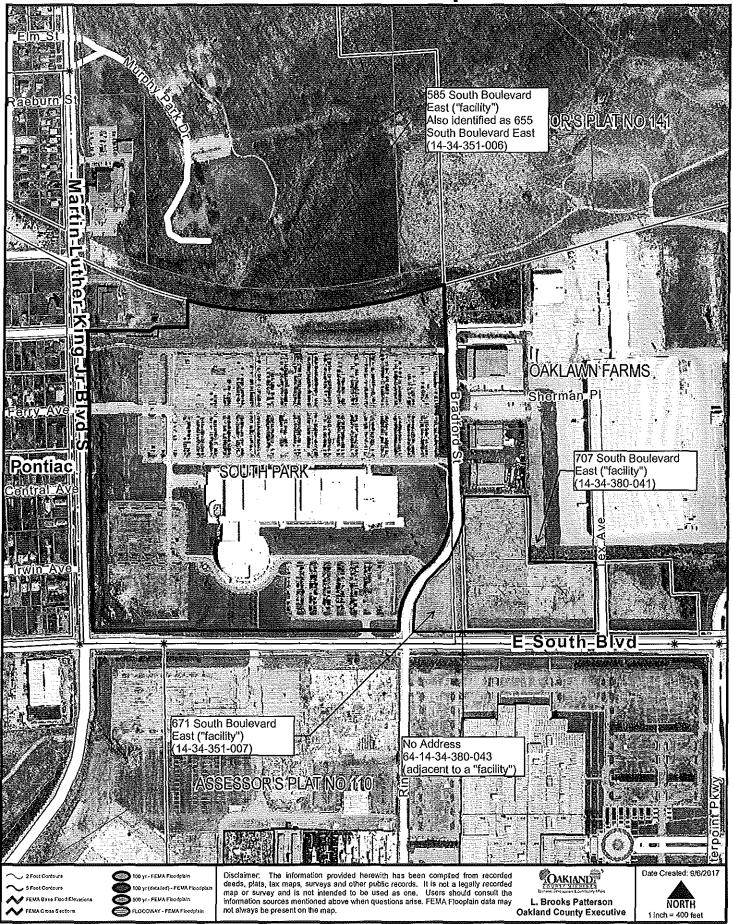
T2N, R10E, SEC 3 & T3N, R10E, SEC 34 OAKLAND COUNTY CONDOMINIUM PLAN NO 1004 CENTERPOINT BUSINESS CAMPUS UNIT 18 L 16667 P 011 10-28-96 FR 380-040

Parcel ID: 64-14-34-380-043

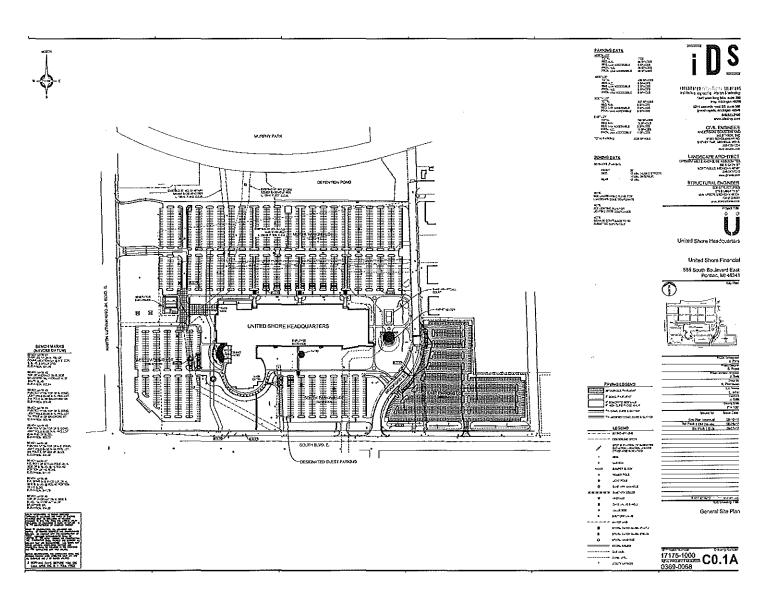
T3N, R10E, SEC 34 OAKLAWN FARMS SUB PART OF VAC BRADFORD AVE DESC AS BEG AT PT DIST S 87-21-04 E 1678.86 FT & N 00-31-33 E 59.28 FT FROM SW SEC COR, TH N 00-31-33 E 328.80 FT, TH ALG CURVE TO LEFT, RAD 330 FT, CHORD BEARS N 16-30-08 E 181.66 FT, DIST OF 184.03 FT, TH S 00-31-33 W 504.53 FT, TH N 88-13-17 W 50.01 FT TO BEG 9-24-07 FR RD

Appendix B Property Location Boundary

Assessors Map



Appendix C Preliminary Site Plans and Renderings



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Appendix D Documentation of Eligibility



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ~ REMEDIATION AND REDEVELOPMENT DIVISION, PO BOX 30426, LANSING, MICHIGAN 48909-7926, Phone 517-373-9837, Fax 517-373-2637

FOR DEQ USE ONLY BEA SUBMITTAL #

Baseline Environmental Assessment Submittal Form

This form is for submittal of a Baseline Environmental Assessment (BEA), as defined by Part 201, Environmental Remediation and Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, for the purpose of establishing an exemption to liability pursuant to Section 20126(1)(c) and Section 21323a(1)(b) for a new owner or operator of property that is a facility as defined by Section 20101(1)(s) or Property as defined by Section 21303(d). The BEA report must be conducted either prior to or within 45 days after becoming the owner on operator, whichever is earliest. This form and the BEA report must be submitted prior to or within 6 months of becoming the owner or operator whichever is earliest. A separate BEA is required for each legal entity that is or will be a new owner or operator of the property. To maintain the exemption to liability, the owner and operator must also disclose the BEA to any subsequent purchaser or transferee before conveying interest in the property pursuant to Section 20126(1)(c) and Section 21323a(1)(b). An owner or operator of a facility or Property also has due care obligations under Section 20107a and Section 21304c with respect to any existing contamination to prevent unacceptable exposure; prevent exacerbation; take reasonable precautions; provide reasonable cooperation, assistance, and access to authorized persons taking response activities at the property; comply with land use restrictions associated with response activities; and not impede the effectiveness of response activities implemented at the property. Documentation of due care evaluations and Property.

Name of legal entity that does or will own or operate the property: Submitter: Pontiac Center Investment, LLC Address: 251 E. Merrill Street, Suite 212 City: Birmingham State: MI Zip: 48009 Contact person (Name & Title): Mr. Jeffrey Ishbia, Member Telephone: (248) 647-8590 E-Mail: jai@iglawfirm.com Section B: Property Information Street Address of Property: 585 South Boulevard East City: Pontiac State: MI Zip: 48341 Property Tax ID (Include all applicable IDs): 64-14-34-351-006 Address according to tax records, if different than above (include all applicable addresses): City: 655 South Boulevard East State: Pontiac Zip: 48341 State: Pontiac Zip: 48341 State: Pontiac Zip: 48341 County: Oakland City/Village/Township: Pontiac Town: 03 North, Range: 10 East, Section: 34 Quarter: SW Quarter-Quarter: SW Clity: 655 South Boulevard East State: Pontiac Zip: 48341 Status of submitter relative to the property (check all that apply): Former Current Prospective Owner	Section A: Legal Entity Information	
Submilter: Pontiac Center Investment, LLC Address: 251 E. Merrill Street, Suite 212 City: Birmingham State: MI Zip: 48009 Contact person (Name & Title): Mr. Jeffrey Ishbia, Member City: Royal Oak State: MI Zip: 48073 Telephone: (248) 647-8590 E-Mail: jai@iglawfirm.com Section; B: Property Information Street Address of Property: 585 South Boulevard East City: Pontiac State: MI Zip: 48341 Property Tax ID (include all applicable IDs): 64-14-34-351-006 Address according to tax records, if different than above (include all applicable addresses): City: 655 South Boulevard East State: Pontiac Zip: 48341 Status of submitter relative to the property (check all that apply): Former Current Prospective Owner Decardor Section: C: Source of contamination at the property (check all that are known to apply): Footing ate/main entrance Other Collection method: Survey GPS Interpolation Section Section C: Source of contamination at the property (check all that are known to apply): Property - Leaking Underground Storage Tank regulated pursuant to Part 213 Part 211/213 Facility ID, if known:	Name of legal entity that does or will own or operate the	
Address: 251 E. Merrill Street, Suite 212 City: Birmingham State: MI Zip: 48009 Contact person (Name & Title): Mr. Jeffrey Ishbia, Member Telephone: (248) 647-8590 E-Mail: jai@iglawfirm.com Section B: Property:Information Street Address of Property: 585 South Boulevard East City: Pontiac State: MI Zip: 48341 Property Tax ID (include all applicable IDs): 64-14-34-351-006 Address according to tax records, if different than above (include all applicable addresses): City: 655 South Boulevard East State: Pontiac Zip: 48341 State: Pontiac Zip: 48341 Status of submitter relative to the property (check all that apply): Former Current Prospective Owner	property:	Name & Title:
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Telephone: (248) 647-8590		Address: 523 West Sunnybrook Drive
Telephone: (248) 647-8590	Contact person (Name & Title). Will before a find, we much	
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	Oil or gas production and development regulated pursuant to Part	615 or 625
Licensed landfill regulated pursuant to Part 115		
Licensed hazerdous waste treatment, storage, or disposal facility regulated pursuant to Part 111		
Section D: Applicable Dates (provide date for all that are relevant): MM/DD/YYYY		
Date All Appropriate Inquiry (AAI) Report or Phase I Environmental Assessment Report completed: June 8, 2017		
Date Baseline Environmental Assessment Report conducted: June 8, 2017		
Date submitter first became the owner:		
Date submitter first became the operator (if prior to ownership):		
Anticipated date of becoming the owner for prospective owners: June 16, 2017		
Anticipated date of becoming the operator for prospective operators: June 16, 2017		
f former owner or operator of this property, prior dates of being the owner or operator:	If former owner or operator of this property, prior dates of being the	e owner or operator:

Section E: Check the appropriate response to each of the following questions: 1. Is the property at which the BEA was conducted a "facility" as defined by Section 20101(1)(s) or a	YES	NO.		
Property as defined by Section 21303(d)?		_		
2. Was the All Appropriate Inquiry (AAI) completed in accordance with Section 20101(1)(f) and or 21302(1)(b)?				
3. Was the BEA, including the sampling, conducted either prior to or within 45 days of the date of becor the owner, operator, or of foreclosure, whichever is earliest?	ming 🖂			
4. Is this BEA being submitted to the department within 6 months of the submitter first becoming the ow or operator, or foreclosing?	/ner 🖂			
5. Does the BEA provide sufficient rationale to demonstrate that the data is reliable and relevant to define conditions at the property at the time of purchase, occupancy, or foreclosure, even if the BEA relies of studies of data prepared by others or conducted for other purposes?				
6. Does this BEA contain the legal description of the property addressed by the BEA?	. 🛛			
7. Does this BEA contain the environmental analytical results, a scaled map showing the sample locations, and the basis for the determination that the property is a facility as defined by Section 20101(1)(s) or the basis for the determination that the property is a Property as defined by Section 21303(d)?				
Section F: Environmental Consultant Signature:		Service Control		
I certify to the best of my knowledge and belief, that this BEA and all related materials are true, accurate,				
certify that the property is a facility as defined by Section 20101(1)(s) or a Property as defined by Section provided the sampling and analyses that support that determination. I certify that any exceptions to, or defined by Section 2010(1)(s) or a Property as defined by Section 2010(1)(s).	: 21303(a) a eletions fror	nd nave n_the_All		
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Appropriate Inquiry Rule are described in Section 1 of the BEA report. Signature: Luftu E. Kufmuru Date: 6-76-77 Printed Name: Stephen E. Kulpanowski Company: Environmental Consulting Solutions, LLC Mailing Address: 523 West Sunnybrook Drive City: Royal Oak State: MI Zip: 48073 Telephone: (248) 875-7542 E-Mail: kulpanowskis@aol.com Section G: Legal Entity Signature: With my signature below, I certify that to the best of my knowledge and belief, this BEA and all related me accurate, and complete. Signature: Date: 6-74-7				
Appropriate Inquiry Rule are described in Section 1 of the BEA report. Signature:				
Appropriate Inquiry Rule are described in Section 1 of the BEA report. Signature:				

Submit the BEA report and this form to the MDEQ District Office for the county in which the property is located. An office map is located at www.michigan.gov/degrrd.

CONTENTS OF BEA REPORT

1. Introduction and Discussion:

- a. Owner/operator information (name, address, etc.).
- b. Intended use of property (i.e., residential, institutional, industrial, gas station, commercial, etc.).
- c. Executive summary of All Appropriate Inquiry (AAI) if available or a short summary of the findings and opinions of the AAI and the conditions indicative of releases or threatened releases of hazardous substances; or recognized environmental conditions identified in a Phase I Environmental Assessment.
- d. Any exceptions to, or deletions from, the All Appropriate Inquiry Rule 40 CFR 312 or ASTM E1527-13.
- e. Discussion of data gaps identified in the AAI or Phase I and how they affect this BEA.
- f. Discussion of the sampling completed, including the purpose and methods. If the data was not collected by the submitter or environmental professional, the demonstration that the data is reliable and relevant to define the conditions at the property.
- g. The general location(s) of the known contamination on the property including the environmental media affected.
- h. The basis for the conclusion that the property is a facility (Part 201) and/or a Property (Part 213).

2. Property Information

- a. Legal description of property.
- b. Survey map(s) (not aerial photos) accurately depicting the property boundaries, property tax ID(s), and, if applicable, parcel boundaries. If a legal description simply references a lot or plat, include a copy of the subdivision plat showing this property. A legal boundary survey by a licensed surveyor is required if the property covered by the BEA is greater or less than the legal property description(s). A legal survey is highly recommended when the property description is complex, has recently changed, multiple parcels are included in one BEA, or other situations where the exact property the BEA covers may be an issue when relying on the BEA for liability protection in the future.
- c. Scaled site map(s) (not aerial photos) with site structures, sample locations and depths, and detected contaminant concentrations.
- d. Scaled area map showing property in relation to surrounding area (such as topographic or aerial maps).
- e. Property location: Street/City/State/Zip.
- f. Spatial data required on form: County; City/Village/Township that is the governmental unit with jurisdiction; Town, Range, Section, Quarter and Quarter-Quarter Section; latitude and longitude coordinates including the information on how those were obtained.

3. Facility or Property Status

- a. Table listing the hazardous substances, CAS Number, concentrations, sample location(s) and depths, and media affected, that are known to exceed residential criteria at the property.
- b. Laboratory analytical data sheets and chain-of-custody documents.

4. Identification of the author of the BEA

- a. Name, qualifications as an environmental professional, company, contact information, etc.
- 5. All Appropriate Inquiry Report or ASTM Phase I Environmental Site Assessment
 - a. The report must consider hazardous substances as defined by Section 20101(1)(y) and/or regulated substances as defined by Section 21303(g).
- 6. References (other than those already included in the AAI or Phase I Environmental Assessment).

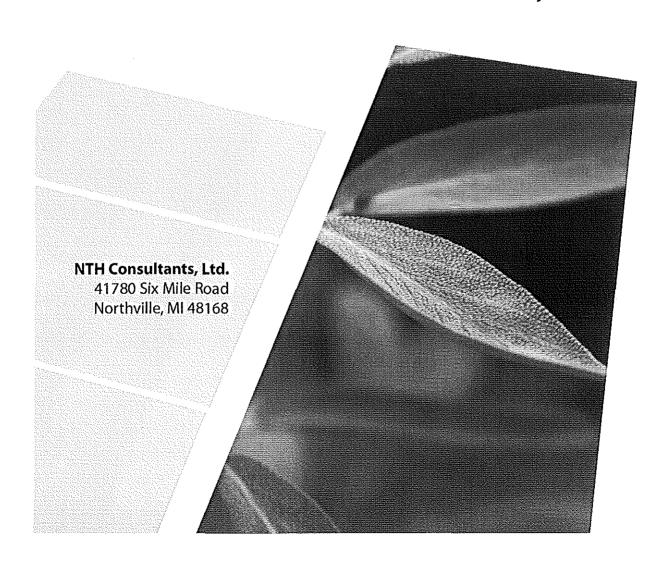
Please note that for submittal to the MDEQ, it is not necessary to re-copy entire MDEQ files that already exist in the district offices unless it is part of the AAI or Phase I document. Copying of pertinent information and a reference to the location of the complete information in the MDEQ file is acceptable. Example: include data tables in the BEA and provide the file name, report, and date of the supporting analytical report if it is known to be in the MDEQ file.

Report

Phase II Environmental Site Assessment Parcel 1, Parcel 5 and Parcel 9 Pontiac, Michigan

Pontiac Center Investments, LLC c/o Ishbia & Gagleard, P.C. 251 Merrill Street, 2nd Floor, Birmingham, Michigan 48009

> September 6, 2017 NTH Project No. 62-170279-03





41780 Six Mile Road Northville, MI 48168 Phone: 248-553-6300 Fax: 248-324-5179

Pontiac Center Investments, LLC c/o Mr. Jeffrey A. Ishbia Ishbia & Gagleard, P.C. 251 Merrill Street, 2nd Floor Birmingham, Michigan 48009

September 6, 2017 NTH Project No. 62-170279-03

RE: Report on Phase II Environmental Site Assessment Parcel 1, Parcel 5 and Parcel 9 Pontiac, Michigan

Dear Mr. Ishbia:

NTH Consultants, Ltd. (NTH) is pleased to submit this report on Phase II Environmental Site Assessment for the above referenced parcels. This study was performed in accordance with the scope of services outlined in our accepted proposal (NTH Proposal No. 62-170279-PHII) dated August 16, 2017.

We appreciate the opportunity to assist you with this project. Should you have any questions or require additional information, please call us at 248-622-2740.

Sincerely,

NTH Consultants, Ltd.

Chf J. Anlin M

Cliff J. Andrews Project Manager

CJA/BCM/mam

Attachments

Bhushan C. Modi Vice President



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	BORING LOCATION PLAN – PARCEL 5
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1.0 EXECUTIVE SUMMARY

This report presents the results of a Phase II Environmental Site Assessment (ESA) for Parcels 1, 5 and 9 (collectively referred to as a property in this report) in Pontiac, Michigan.

The property is comprised of the following parcels:

Parcel Identifier	Current Features		
Parcel 1	The parcel is located at 671 and 707 South Boulevard in Pontiac, Michigan and is		
]	approximately 8 acres in size. The parcel is an asphalt-paved parking lot with		
	localized grass and gravel-covered areas. The parcel also includes portions of vacated		
	Bradford and Tex Avenues.		
Parcel 5	The parcel is located at 531 Bradford Street in Pontiac, Michigan and is approximately		
	0.5 acres in size. The parcel contains a residential dwelling with attached garage and		
	detached garage that are surrounded by densely vegetated and gravel-covered areas.		
Parcel 9	The parcel is located at 525 Martin Luther King Jr. Boulevard in Pontiac, Michigan		
	and is approximately 2 acres in size. The parcel contains a single-story church		
	building, asphalt-paved parking lot, and landscaped and unimproved areas.		

The Phase II ESA was conducted to evaluate the recognized environmental conditions identified at the property during the recent Phase I ESAs. The Phase II study comprised of drilling soil borings, and collection and analysis of soil and groundwater samples. The results of analysis identified heavy metals in soil and groundwater samples above Michigan Department of Environmental Quality (MDEQ) – Part 201 generic residential cleanup criteria (GRCC). Thus, based upon these results, the property is a "facility" as defined by 1994 P.A. 451, Part 201, as amended.

This Executive Summary should not be reviewed separately from the remainder of the report. The Executive Summary provides an overview and is not a substitute for a thorough review of the entire report.



2.0 INTRODUCTION

NTH Consultants, Ltd. (NTH) was retained by Pontiac Center Investments, LLC (PCI) to perform a Phase II Environmental Site Assessment (ESA) for Parcels 1, 5 and 9 parcels located in Pontiac, Michigan. These parcels are collectively referred to as a property in this report. The parcels comprising the property are discussed below.

Parcel 1

The parcel is located at 671 and 707 South Boulevard in Pontiac, Michigan and is approximately 8 acres in size. The parcel is an asphalt-paved parking lot and contains localized grass and gravel covered areas, and vacated Bradford and Tex Avenues. NTH conducted a Phase I ESA at the parcel, and the results of that study were presented to PCI in a report (NTH Project No. 62-170279-00) dated August 17, 2017. The Phase I ESA revealed following evidence of recognized environmental condition (REC):

 Presence of subsurface contamination at the adjacent sites with likelihood of migration of contamination via shallow groundwater on to the parcel.

Parcel 5

The parcel is located at 531 Bradford Street in Pontiac, Michigan and is approximately 0.5 acres in size. The parcel contains a residential dwelling with attached garage and a detached garage that area surrounded by densely vegetated and gravel-covered areas. NTH conducted a Phase I ESA at the parcel, and the results of that study were presented to PCI in a report (NTH Project No. 62-170279-01) dated August 18, 2017. The Phase I ESA revealed following evidence of RECs:

Evidence of poor housekeeping and haphazard storage practices was observed at the
parcel. Numerous abandoned vehicles, equipment, refuse items, leaking chemical
containers, etc. were noted throughput the parcel and within the two garages.



Historical aerial photographs depict evidence of surface disturbance or land scarring
indicative of earthwork type activity. No precise details on this surface feature were
readily available. Partially buried tires and refuse items were observed in the general
area of the above discussed surface disturbance at the parcel.

Parcel 9

The parcel is located at 525 Martin Luther King Jr. Boulevard in Pontiac, Michigan and is approximately 2 acres in size. The parcel contains a single-story church building, asphalt-paved parking lot, and landscaped and unimproved areas. NTH conducted a Phase I ESA at the parcel, and the results of that study were presented to PCI in a report (NTH Project No. 62-170279-02) dated August 21, 2017. The Phase I ESA revealed following evidence of REC:

The parcel was occupied by series of apartment-type structures. It is unknown if the former structures had basements. If basements were present, then the environmental nature and origin of the backfill soil used during demolition activity are unknown.

The objective of this Phase II ESA was to evaluate the above-identified RECs to the extent possible and where access was feasible.



3.0 SCOPE OF SERVICES

The Phase II ESA comprised of the following tasks:

- Soil borings were drilled to evaluate the Phase I ESA-identified RECs, and to facilitate the collection of soil and groundwater samples for analyses.
- Soil samples were screened in the field for the presence of total volatile organic compounds (VOCs) using a portable photoionization detector (PID).
- Representative soil and water samples were submitted to NTH's subcontracted laboratory for chemical analyses.
- Information gathered during the Phase II ESA was evaluated and this report was prepared.

4.0 FIELD INVESTIGATION

Fifteen geoprobe borings were drilled at the property on August 24, 2017 by Fibertec Environmental Services (FES) under the observation of Kalan Briggs and Hunter Riley of NTH. Specifically, six borings were drilled at Parcel 1, designated P1-1 through P1-6, four borings were drilled at Parcel 5, designated as P5-1 through P5-4, and five borings were drilled at Parcel 9, designated as P9-1, P9-2, P9-2A, P9-3 and P9-3A. The borings were drilled to depths of up to 16 feet. The borings were located at the approximate locations depicted on Boring Location Plans, Figures 1A, 1B and 1C in Appendix A.

The geoprobe drilling technique involves mechanically driving or pushing a two-inch outside diameter stainless steel sampling tool, with a disposable clear acetate liner, to a desired sampling depth. This technique does not generate soil cuttings because the geoprobe rods push soils away from the rods as the tool string advances through the hole. The geoprobe



equipment/tools were steam-cleaned prior to use and between each successive boring location to minimize the possibility of cross-contamination. Upon completion of drilling activities and after collecting samples, the boreholes were backfilled with excavated soil and hydrated bentonite chips. Borings drilled within paved areas were topped with concrete patch.

Soil samples retrieved from the borings were screened in the field with RAE Systems MiniRaeTM PID. The PID is capable of detecting total VOCs, which include many petroleum-related substances, to a detection level of one part per million (ppm). The field PID measurements on the soil samples are shown on the boring logs in Appendix A. As indicated, VOC readings ranged from less than the detection limit of the PID to about 6.8 ppm.

5.0 SUBSURFACE DATA

Subsurface conditions observed in each boring are presented on the Log of Geoprobe Borings, Figures 2A, 2B and 2C in Appendix B. The stratification shown on the boring logs represents the approximate boundary between soil types; the actual transition may be more gradual. In addition, the soil layers are described based on field classification of observed soil samples. As such, the soil layer descriptions should be considered generalized. The subsurface conditions observed at the boring locations are presented below.

Parcel 1

Up to 14 feet of sandy and clayey fill soil mixed with pieces of brick, coal, concrete, slag and wood. The fill soil is underlain by native clayey soil. Groundwater was encountered in borings P1-1 and P1-5 at depths of about 2 and 11.5 feet, respectively.

Parcel 5

Up to 10 feet of sandy and clayey fill soil mixed with pieces of asphalt, concrete and wood. The fill soil is underlain by native clayey soil. Groundwater was encountered in boring P5-2 at a depth of about 8 feet.



Parcel 9

Up to 7 feet of sandy and clayey fill soil mixed with pieces of coal and concrete. The fill soil is underlain by native clayey soil. Groundwater was encountered in boring P9-1 at a depth of about 6 feet.

6.0 ANALYTICAL TESTING

Soil samples for analysis were selected based on the results of the field screening including visual and olfactory observations, and PID measurements. Groundwater samples were collected directly from the boreholes by installing a temporary well assembly. Due to insufficient amounts of water encountered at P1-1 and P5-2, water samples could not be collected. However, groundwater samples were collected from borings P1-5 and P9-1. Because of the high turbidity and suspended solids content in the water, a portion of the water samples for metal analyses were filtered in the field using disposable 0.45-micron filters prior to sample preservation. New well supplies and filters were used at each sample location to prevent cross contamination.

The soil and groundwater samples were placed in laboratory-supplied containers and stored in coolers packed with ice. The samples were released to FES' laboratory in accordance with NTH's chain-of-custody procedures.

The samples were analyzed for VOCs, polynuclear aromatics (PNAs), and the Michigan 10 metals (arsenic, barium, cadmium, chromium, copper, lead, mercury, selenium, silver and zinc). The soil samples for VOC testing were prepared in the field using Michigan-modified methanol preservation (EPA Method 5035). Laboratory data for the soil and water samples are included in Appendix D.



7.0 EVALUATION OF ANALYTICAL DATA

The soil and water analytical data were compared to the MDEQ-established generic residential cleanup criteria (GRCC) dated December 30, 2013, pursuant to 1994 P.A. 451, Part 201, as amended.

7.1 SOIL ANALYTICAL DATA

The soil analytical results were compared to the Part 201 residential direct contact (DC) criteria, drinking water protection (DWP) criteria, groundwater/surface water interface protection (GSIP) criteria, soil volatilization to indoor air criteria (SVIIC), infinite source soil volatilization to ambient air criteria (VSIC), particulate soil inhalation criteria (PSIC), soil saturation concentration screening levels (SSCSL).

The results of the metals analyses were also compared to the statewide default background (SWDB) concentrations as established by MDEQ (only if the concentration of the metal is above the SWDB, it is compared to the GRCC). The sample information and soil analytical data are summarized in the tables included in Appendix C.

Volatile Organic Compounds (VOCs)

VOCs in the soil samples were either not detected above laboratory method detection limits (MDLs) or where detected, the reported levels were below Part 201 GRCC.

Polynuclear Aromatics (PNAs)

The PNAs in the soil samples were either not detected above laboratory MDLs or where detected, the reported levels were below Part 201 GRCC.



Heavy Metals

The following heavy metals were detected in the soil samples above statewide default backgrounds and Part 201 GRCC:

Metal	Sample Focation	Part 201 GRCC Exceeded
Arsenic	S-1 of P1-2, S-2 of P5-1, S-1 of P5-4, S-1 of P9-2A and S-1 of P9-3A	DWP and GSIP
	S-2 of P1-3, S-1 of P1-5, and S-1 of P5-2	DWP, GSIP and DC
Chromium	S-2 of P5-1 and S-1 of P5-2	GSIP

7.2 GROUNDWATER ANALYTICAL DATA

Water samples were collected for analysis from borings P1-5 and P9-1. The results of water analysis were compared to the Part 201 generic residential drinking water (DW) criteria, groundwater/surface water interface (GSI) criteria, groundwater contact criteria (GCC), and groundwater volatilization to indoor air (GVIIC) criteria. The sample information and water analytical data are summarized in the tables in Appendix C.

Volatile Organic Compounds (VOCs)

VOCs in the groundwater samples were not detected above laboratory MDLs.

Polynuclear Aromatics (PNAs)

PNAs in the groundwater samples were not detected above laboratory MDLs.

Heavy Metals

Metals in the groundwater samples were either not detected above laboratory MDLs or where detected, the reported levels were below Part 201 GRCC, except for the following:

Metal	Sample Location	Part 201 GREC Exceeded
Selenium	P1-5	GSI
Lead	P9-1	DW_



8.0 CONCLUSIONS

NTH's Phase II ESA at the property comprised of drilling of 15 geoprobe soil borings, and collection and analysis of soil and groundwater samples to evaluate the RECs identified during the Phase I ESAs.

The following analyzed parameters were identified above Part 201 GRCC in the analyzed samples:

Contaminant	CAS Nos.	Sample Location	Media	Part 201 GRCC Exceeded
Arsenic	7440-38-2	S-1 of P1-2, S-2 of P5-1, S-1 of P5- 4, S-1 of P9-2A and S-1 of P9-3A	e-:i	DWP and GSIP
Arseinc	7440-36-2	S-2 of P1-3, S-1 of P1-5, and S-1 of P5-2	Soil	DWP, GSIP and DC
Chromium	7440-47-3	S-2 of P5-1 and S-1 of P5-2	Soil	GSIP
Lead	7439-92-1	W-1 of P9-1	Water	DW
Selenium	7782-49-2	W-1 of P1-5	Water	GSI

Based on the above analytical data, all three parcels or the property is a "facility" as defined by 1994 P.A. 451, Part 201, as amended. According to Section 20101(1)(s) of Part 201 of NREPA (1994 P.A. 451, as amended), facility means any area, place, or property where a hazardous substance in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use has been released, deposited, disposed of, or otherwise comes to be located.

PCI intends to purchase the property. Thus, as a new owner, PCI is eligible to submit a Baseline Environmental Assessment (BEA) report to MDEQ, provided this report is prepared within 45 days of acquiring the property. The BEA provides certain statutory protection to the new (non-liable) owners and operators of the *facility* against existing subsurface contamination.



Under Part 201, Section 7a(1), a person or entity who owns or operates property and has knowledge that it is a "facility" must do the following:

- 1. Prevent exacerbation of the existing contamination.
- Prevent unacceptable human exposure and mitigate fire and explosion hazards to allow for the intended use of the facility in a manner that protects the public health and safety.
- Take reasonable precautions against the reasonably foreseeable acts or omissions of a third party.
- 4. Provide reasonable cooperation, assistance, and access to the persons that are authorized to conduct response activities at the property.
- 5. Comply with any land use or resource use restrictions established or relied on in connection with the response activities.
- 6. Not impede the effectiveness or integrity of any land use or resource use restriction.

Thus, a due care plan or guidelines meeting above objectives is recommended for the property once the future development plans are formalized.



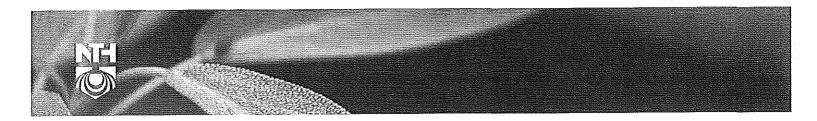
9.0 LIMITATIONS

The evaluations and conclusions presented in this report have been made to assist PCI in making a reasonable assessment of risk with respect to subsurface contamination at the property from the RECs identified during NTH's Phase I ESA. Considering the limited scope of the present investigation, data collection and testing, our findings should not be construed as absolute certainties, but rather as probabilities based on our professional judgment. NTH Consultants, Ltd. cannot offer any form of warranty or guarantee with respect to the type and extent of hazardous substances on the property, other than those identified and discussed in this report.

This report is for the use and benefit of, and may be relied upon by Pontiac Center Investments, LLC, and any of their respective affiliates, successors and assigns, in connection with a commercial real estate transaction involving the subject property, and in accordance with the terms and conditions in place between NTH and PCI for this project. This report presents NTH's opinion of the property as of the report's publication date, based on the results of this study and on the information provided during the course of the study. The results of this study may not be relied upon by parties other than those identified above without the prior knowledge and written consent of NTH. For the avoidance of doubt, the parties' respective assigns is intended to include any lending institutions or lenders in connection with a secured financing of the subject property, and their respective successors and assigns. Any authorized third party agrees by accepting this report that any use or reliance on this report shall be limited by the exceptions and limitations in this report, and with the acknowledgment that actual site conditions may change with time, and that hidden conditions may exist at the property that were not discovered within the authorized scope of the assessment.



Any use by or distribution of this report to any unauthorized third parties, without the express written consent of NTH is at the sole risk and expense of such third party. In the absence of a written agreement with NTH granting such rights, no third parties shall have rights of recourse or recovery whatsoever under any course of action against NTH or its officers, employees, vendors, affiliates successors or assigns. Any such unauthorized user shall be responsible to protect, indemnify and hold NTH and its respective officers, employees, vendors, affiliates, successors and assigns harmless from any and all claims, damages, losses, liabilities, expenses including attorneys' fees and costs attributable to such use. Unauthorized use of this report shall constitute acceptance of and commitment to these responsibilities, which shall be irrevocable and shall apply regardless of the cause of action or legal theory pled or asserted.

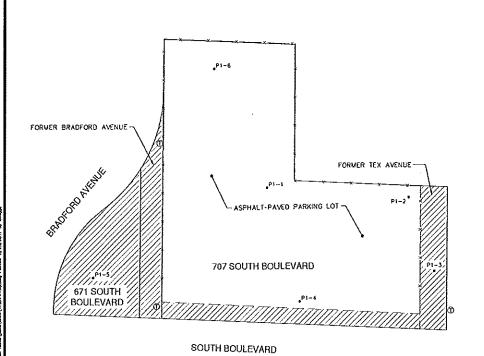


APPENDIX A

BORING LOCATION PLAN - PARCEL 1

BORING LOCATION PLAN - PARCEL 5

BORING LOCATION PLAN - PARCEL 9





LEGEND

PROPERTY BOUNDARY

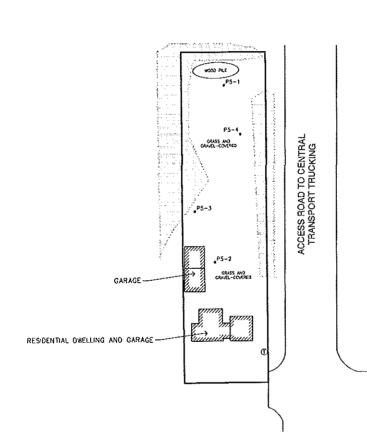
FENCE
TRANSFORMER

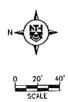
1////// GRASS-COVERED

*P1-3 BORING LOCATION

NOTE: LOCATIONS AND DIMENSIONS ARE APPROXIMATE. NOT A LEGAL SURVEY.

NTH Consultants, Ltd.	Infrastructure Engineering and Environmental Services
SEC. 170279-03 170279-81P 000000 m P401 M KMB 8/28/2017	Decado 81 (1982) 190° (1982) 1
BORING LOCATION PLAN	PARCEL T PROPERTY 671 AND 707 SOUTH BOULEVARD PONTIAG, MICHIGAN





<u>LEGEND</u>

PROPERTY BOUNDARY

TRANSFORMER

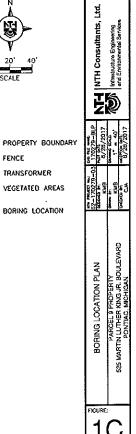
DENSE VEGETATION

PS-3 BORING LOCATION

NOTE: LOCATIONS AND DIMENSIONS ARE APPROXIMATE. NOT A LEGAL SURVEY.



M-64



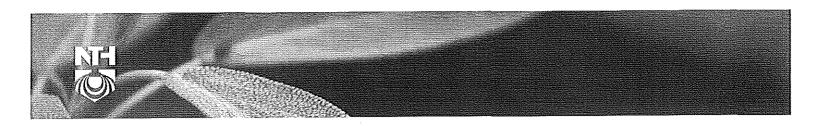
NOTE: LOCATIONS AND DIMENSIONS ARE APPROXIMATE. NOT A LEGAL SURVEY.

<u>LEGEND</u>

①

P9-2A

FENCE



APPENDIX C

SUMMARY OF CHEMICAL ANALYSIS PARCEL 1
SUMMARY OF CHEMICAL ANALYSIS PARCEL 5
SUMMARY OF CHEMICAL ANALYSIS PARCEL 9

Table 1: SUMMARY OF SOIL ANALYSES Parcel 1 NTH Project No. 62-170279-03

-	Michigan 10 Metals												Ph	≀As		
Sample Designation	Sample Depth (ft)	Collect Date	Apachlo	Barlum	Cadmium	Chromlum, Total	Copper	peoŋ	Sejonium	Zinc	Benzo(a)anthracene	Benzo(a)pyrane	Benzo(b)fluorenthone	Fluoranthene	Phenandrene	Pyrane
		L	7440-33-2	7440-39-3	7440-43-9	7440-47-3	7440-50-8	7439-92-1	7782-49-2	7440-68-6	58-55-3	50-32-8	205-99-2	208-14-0	85-01-8	129-00-0
P1-1 S-2	(2'-3')	8/24/2017	3,300	13,000	75	8,280	5,600	4,400	<200	17,000	<330	<330	<330	<330	<330	<330
P1-2 S-1	(0.5' - 1.5')	8/24/2017	6,300	25,000	190	8,093	9,700	10,000	<200	28,000	<330	<330	<330	<330	<330	<330
P1-3 S-2	(5.5 - 7.5)	8/24/2017	11,000	48,800	160	17,000	14,000	7,960	310	38,000	<330	<330	<330	<330	<330	<330
P1-4 S-1	(0.5 + 2.5)	8/24/2017	5,100	41,000	260	13,000	15,000	20,000	240	43,000	<330	<330	<330	<330	<330	<330
P1-5 \$-1	(1.5 · 3.5)	8/24/2017	7,700	47,000	270	11,000	34,000	29,000	280	52,600	<330	<330	<330	<330	<330	<330
P1-6 S-1	0.25' - 1.5'	8/24/2017	4,200	11,000	160	5,960	8,209	4,500	<200	27,000	550	330	430	950	850	589
		SWDB	5,800	75,000	1,200	18,000	32,000	21,000	410	47,000	NA NA	NA .	NÁ	NA .	NA	NA.
		DWP	4,600	1,3E+08	8,000	30,000	5.8E+06	7.0E+05	4,000	2-4E+06	NLL	NLL	NLL	7.3E+05	56,000	4.8E+05
		GSIP	4,600	4.4E+05 (G		3,300		2.5E+05(G,X)	400	1.70E+05		NEL	MLL	5,500	2,100	ID.
PART 2		SVEC	NLV NLV	NLV NLV	NLV NLV	NLV NLV	NLV NLV	NLV NLV	NEV NEV	NLV NLV	NLV NLV	MLV NLV	10 10	1.0E+09 7.4E+08	2.8E+08 1.6E+05	1.0E+09 6.5E+08
RESIDENTIA		VSIC 5M	NLV	NLY	NLV	NLV	NEV	NLV NLV	NEV	NEV	NLV	NLV	10	7.4E+08	1.6E+05	6.6E+08
CLEANUP CF	RITERIA	VSIC 2M	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	iD	7,4E+08	1.6E+05	6.5E+08
1		PSIC	7.2E+05	3.3E+08	1.7E+08	28E+05	1.3E+08	1.GE+Q3	1.3E+08	ID	ID	1.5E+08	ID	9.3E+09	6.7E+06	8.7E+09
1		DC SSCSI	7,600 NA	3.7E+07 NA	5.5E+05 NA	2.5E+08 NA	20E+07	4.0E+05 NA	2.6E+06 NA	1.7E+08 NA	20,000 NA	2,000 NA	20,000 NA	4.6E+07 NA	1.6E+06 NA	29E+07 NA

- NOTES:

 (1) PART 201 CRITEPIA EFFECTIVE OATE: DECEMBER 30, 2013

 SAMPLES COLLECTED BY NTH CONSULTANTS PERSONNEL AND AVALYZED BY FRERTEC ENVIRONMENTAL SERVICES OF HOLT, MICHIGAN

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 170 DE PROTOCULATE SOL INVALATION CONCENTRATION SCREENING LEVELS

 170 DE PROTOCULATE SOL INVALATION TOWER HARBORES SANDOR OF THE RECEIVING SURFACE MATER THESE GRIVALIFISHAME

- (G)-AQUATIC TOXICTY IS PROPORTIONAL TOWATER HARDNESS AND/OR pH OF THE RECEIVING SURFACE WATER, THESE GSI VALUES HAVE BEEN CALCULATED BASED ON DEFAULT WATER HARDNESS OF 159 PPM AS REASONABLE ESTIMATE FOR NOST SUBFACE WATER SODES IN MUCHICAN X. X.T. A. COLOR TOWARD WATER SOURCE FOR SOUTHER THAT VALE AND THESE WATER SOUTHER WATER SOUTHER WATER SOURCE FOR SOUTHER WATER SOUTHER WA [17]

Table 2: SUMMARY OF WATER ANALYSES Parcel 1 NTH Project No. 62-170279-03

c		Michigan 10 Metals
Sample Designation	Collect Date	Enjugge 8
P1-5 W-1 (11.5')	8/24/2017	5.3
PART 201 RESIDENTIAL GROUNDWATER CLEANUP CRITERIA	DW GSI GVIIC WS FESL	50 5.0 NLV NA ID

- PART 201 CRITERIA EFFECTIVE DATE: DECEMBER 30, 2013

- PART 201 CRITICAL SEFECTIVE DATE: DECEMBER 30, 2013

 SAMPLES COLLECTED BY NTH CONSULTANTS PERSONNEL AND ANALYZED BY FIBERTEC ENMRONMENTAL SERVICES OF HOLT, MICHIGAN.
 ALL VALUES PRESENTED AS JULI. -MICROGRAMS PERLITIER (= PARTS PER BILLION).
 ND NOT DETECTED AT OR ABOVE LABORATORY REPORTED METHOD DETECTION LIMIT (SEE LABORATORY DATA REPORT FOR PARAMETER/SAMPLE SPECIFIC DETECTION LIMITS).
 ID INADEQUATE DATA TO DEVELOP CRITERION
 NLL CHEMICAL IS NOT LIKELY TO LEACH UNDER MOST SOIL CONDITIONS.
 NLV CHEMICAL IS NOT LIKELY TO VOLATILIZE UNDER MOST CONDITIONS.
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 OW CONCENTRATION IN GROUNDYATER HYDE TOCKEDED, IS CONSIDERED SAME FOR EXPOSURE.
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 (A). THE GSI CRITERION LISTED MAY NOT BE PROTECTIVE FOR SURFACE WATER THAT IS USED AS A DRINKING WATER SOURCE, FOR SOIL THAT MAY LEACH AND RESULT IN A IN CLOSE GROUNDWATER DISCHARGE TO THE
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- THE TABLE. REPORTED CONCENTRATION EXCEEDS ONE OR MORE APPLICABLE PART 201 CRITERIA

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Table 1: SUMMARY OF SOIL ANALYSES Parcel 5 NTH Project No. 62-170279-03

_						Michig	an 10 Met	als				VC	cs	PI	As
Sample Designation	Sample Depth (ff)	Collect Date	Arbonic	Barlum	Cadmium	Chromium, Total	Copper	rosq	Mercury, Total	Setentum	Zinc	1,2,3-Trimothylbonzone	1,24-Trimetry ibenzene	2-Methylnaphthalone	Phananthrene
<u> </u>			7440-38-2	7440-39-3	7440-43-9	7440-47-3	7440-50-8	7439-92-1	7439-97-6	7782-49-2	7440-58-5	526-73-8	95-63-6	91-57-6	85-01-8
P5-1 S-2	(5' - T)	8/24/2017	6,800	72,000	730	20,000	17,000	100,000	64	310	120,000	<100	<100	<330	<330
P5-2 S-1	(0' - 1.5')	8/24/2017	8,600	55,000	290	20,000	24,000	19,000	53	390	76,000	100	140	770	480
P5-2 S-2	(7 - 8)	8/24/2017	5,300	32,000	130	12,000	13,000	5,200	<50	<200	31,000	<100	<100	<330	<330
P5-4 S-1	(3' - 5')	8/24/2017	6,700	49,000	130	16,000	16,000	9,400	<50	210	42,000	<100	<100	<330	<330
		SWDB	5,800	75,000	1,200	18,000	32,000	21,000	130	410	47,000	NA	NA	NA.	NA
		DWP	4,600	1.3E+06	6,000	30,000	5.8E+06	7.0E+05	1,700	4,000	2.4E+06	NA NA	2,100	57,000	56,000
		GSIP	4,600	4.4E+5(G)		3,300	73,000(G)	2.5E+6(G,X)	50	400	1.7E+5(G)		570	4,200	2,100
PART 2	01	SVIIC	NLY	NLV	NLV	NLV	NEV	NLV	48,000	NEV	NEV	NA	4.3E+06	27E+06	2.8E+06
RESIDENT	LSOIL	VSIC VSIC 5M	NLV NLV	NLV NLV	NLV NLV	NLV NLV	NLV NLV	NLV NLV	52,000 52,000	NLV NLV	NEV NEV	NA NA	2.1E+07 5.0E+08	1.5E+06 1.5E+06	1.6E+05 1.6E+06
CLEANUP OF	RITERIA	VSIC 2M	NLV	NLV	NLV	NIV	NEV	NLV	52,000	NLV	NLV	NA	5.0E+03	1.5E+06	1.6E+06
		PSIC	7.2E+05	3.3E+08	1.7E+06	2.6E+05	1.3E+08	1.0E+08	2.0E+07	1.3E+03	iD	NA.	8.2E+10	6.7E+08	6.7E+06
			7,600	3.7E+07	5.5E+05	2.5E±06	20E+07	4.0E+05	1.6E+05	2.6E+06	1.7E+08	NA	3.2E+07	8.1E+06	1.6E+06
		SSCSL	NA .	NA NA	NA	NA	NA	NA	NA -	NA	NA .	NA NA	1.1E+06	NA.	NA .

- (6)-ADJUATIC TOXIOTY IS PROPORTIONAL TO WATER HARDNESS AND/OR JH OF THE RECEIVING SURFACE WATER, THESE GSTVALUES HAVE BEEN CALCULATED BASED ON DEFAULT WATER HARDNESS OF 150 PPM AS REASONABLE ESTIMATE FOR MOST SURFACE WATER RODES IN MOHOLIGH.

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- INTAKE IN INLAND SURFACE WATERS, THE GENERIC GSLORITERION WOULD BE THE RESIDENTIAL DWP LISTED IN THE TABLE.

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Table 1: SUMMARY OF SOIL ANALYSES Parcel 9 NTH Project No. 62-170279-03

е	Michigan 10 Metals									SVOCs / PNAs									
Sample Designation	Sample Depth (ft)	Collect Date	Areenic	Barium	Cadmium	Chromlum, Total	Copper	peo-1	Selenium	Zinc	Benzo(a)anthfacene	Benzo(a)pyrene	Berzo(b)fluoranthene	Borzo(g,r,l)porylone	Benzo(k)fluoranthene	Chrysena	Fluoranthono	Indeno(1,2,3-cd)pyrene	Pyrene
	<u></u>		7440-38-2	7440-39-3	7440-43-9	7440-47-3	7440-50-8		7782-49-2	7440-66-6		50-32-8	205-99-2		207-08-9	218-01-9			129-00-0
P9-1 S-2		8/24/2017	2,200	39,000	67	15,000	9,400	8,000	230	30,000	<330	<330	<330	<330	<330	<330	<330	<330	<330
P9-2A S-1		8/24/2017		50,000	230	15,000	17,000	28,000	330	54,000	<330	<330	<330	<330	<330	<330	530	<330	580
P9-3A S-1	(0.5 - 2)		6,800	32,000	180	11,000	12,600	22,000	250	38,000	580	900	1,400	1,400	480	530	860	1,100	790
		SWDB	5,800	75,000	1,200	18,000	32,000	21,000	410	47,000	NA.	NA.	NA .	NA.	NA.	NA	NA .	NA 	NA NA
		DWP	4,600	1.3E+06	6,000	30,000	5.8E+06	7.0E+05	4,000	2.4E+06	NLL NLL	NLL	NLL	NLL NEL	NEL NEL	NET	7.3E+05	NLL NLL	4.8E+05
DADT O		GSIP SVIIC	4,600 NLV	NLV	3,000(G,X) NLV	3,300 NLV	NLV	2.5E+06(G,X)	400 NLV	1.7E+05(G) NLV	NEV .	NLV NLV	ID	NLV .	NLV .	ID .	5,500 1.0E+09	NLV	1.0E+09
PART 2 RESIDENTIA		VS(C	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLV	NLY	io	NLV	NLV	iο	7.4E+08	ΝŁV	6.5E+09
CLEANUP CF		VSIC 5M	MV	NLV	NLV	MV	NLV	NLV	NLV	NEV	NLV	NLV	10	NLV	NLV	ID	7.4E+08	NŁV	6.5E+09
CLEANUP CE	ALC:UK	VSIC 2M	NLV	NLV	NLY	NLV	NLV	NLV	NLV	MLV	NLV	NLV	ID	NLV	NLV	ID.	7.4E+03	NEV	6.5E+08
		PSIC	7.2E+06	3,3E+08	1.7E+06	2.6E+05	1.3E+08	1.0E+08	1.3E+08	ID 17E xoo	10	1.5E+06	ID ~	8.0E+08 2.5E+06	ID 20E+06	ID	9.3E+09	10 20,000	6.7E+09 2.9E+07
		DG SSCSL	7,600 NA	3.7E+07 NA	5,5E+05 NA	25E+06 NA	2.0E+07 NA	4.0E+05 NA	26E+06 NA	1.7E+08 NA	20,000 NA	2,000 NA	20,000 NA	NA NA	NA NA	2.0E+06 NA	4.6E±07 NA	20,000 NA	NA NA

HOTES:

- PART 20 CRITERIA EFFECTIVE DATE: DECEMBER 30, 2013

 SAMPLES COLLECTED BY NITH CONSULTANTS PERSONNEL AND ANALYZED BY FIBERTEC ENVIRONMENTAL SERVICES OF HOLT, MCHIGAN

 ALL VALUES PRESENTED AS µCKG. MCROCRAWS FER KLOGRAM (> PARTS PER BLUCK)

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 SVIC. SOL VOLATILIZATION TO INDOOR AR RAFALIATION CRITERIA

 SVIC. SOL VOLATILIZATION TO INDOOR AR RAFALIATION CRITERIA

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 VIS.CM. FINITE VISIC FOR SMETER SOURCE THOCKNESS

 PSIC. PARTICULATE SOL INALATION CRITERIA

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- GO-ADUATIO TOXOCITY IS PROPORTIONAL TO WATER HARDNESS AND/OR PHOF THE RECEIVING SURFACE WATER, THESE GST VALUES HAVE BEEN CALCULATED BASED ON DEFAULT WATER HARDNESS OF 150 PPM AS REASONABLE ESTIMATE FOR NOST SURFACE WATER BODES IN MICHIGAN.

 X-THE GST CRITERION LISTED MAY NOT BE PROTECTIVE FOR SURFACE WATER THAT IS USED AS A DRINKING WATER SOURCE FOR SOLITHAT MAY LEACH AND RESULT IN A IN CLOSE GROUNDWATER DISCHARGE TO THE GREAT LAKES MAD THER FORNEOTHING WATERS OR DISCHARGE IN CLOSE PROXIMITY TO A WATER SUPPLY NITAKE IN MILAUD STREAM FULL FAMILY THAT IS THE THAT IS THE CHARGE TO CONCENTRATION EXCEEDS ONE OR MORE APPLICABLE PART 201 CRITERIA.

Table 2: SUMMARY OF WATER ANALYSES Parcel 9 NTH Project No. 62-170279-03

		Michiga	n 10 Metals
Sample Designation	Collect Date	Joade O	pe 92 - 1
P9-1 W-1 (6.0')	8/24/2017	9.4	4.2
PART 201 RESIDENTIAL GROUNDWATER CLEANUP CRITERIA	DW GSI GVIIC WS FESL	1,000 13(G) NLV NA 1D	14(G,X) NLV NA ID

- PART 201 CRITERIA EFFECTIVE DATE: DECEMBER 30, 2013
 SAMPLES COLLECTED BY NTH CONSULTANTS PERSONNEL AND ANALYZED BY FIBERTEC ENVIRONMENTAL SERVICES OF HOLT, MICHIGAN.
 ALL VALUES PRESENTED AS µGL. MICROGRAMS PERLITER (= PARTS PER BILLION).
 ND. NOT DETECTED AT OR ABOVELABORATION REPORTED METHOD DETECTION LIMIT (SEE LABORATORY DATA REPORT FOR PARAMETER/SAMPLE SPECIFIC DETECTION LIMITS).
 ID. READ-COLATE DATA TO DEVELOP CRITERION
 NLL CHEMICAL IS NOT LIKELY TO VOLATILIZE UNDER MOST CONDITIONS.
 NLY CHEMICAL IS NOT LIKELY TO VOLATILIZE UNDER MOST CONDITIONS.
 OW- CONCENTRATION IN GROUNDWATER IN FOR EXCEPDED, IS CONSIDERED SAFE FOR EXPOSURE.
 GSI PRESENTED ONLY TO ESTABLISH GROUNDWATER CRITERIA WHICH ARE PROTECTIVE OF SURFACE WATER.
 GVIC GROUNDWATER VOLATILIZATION TO INDOOR ARI INHALATION CRITERIA.
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- [13]
- WAS WATER SOLUBILITY
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 (G)-AQUATIC TOXICITY IS PORPORTIONAL TO WATER HARDNESS AND/OR PH OF THE RECEIVING SURFACE WATER, THESE GSI VALUES HAVE SEEN CALCULATED BASED ON DEFAULT WATER HARDNESS OF 150 PPM AS
 REASONABLE ESTIMATE FOR MOST SURFACE WATER RODIES IN MICHIGAN.
 (X)-THE GSI CRITERION USTED MAY NOT BE PROTECTIVE FOR SURFACE WATER THAT IS USED AS A DRINKING WATER SOURCE, FOR SOLI THAT MAY LEACH AND RESULT IN A IN CLOSE GROUNDWATER DISCHARGE TO
 THE GREAT LAKES AND THEIR CONNECTING WATERS OR DISCHARGE IN CLOSE PROXIMITY TO A WATER SUPPLY INTAKE IN INLAND SURFACE WATERS, THE GENERIC GSI CRITERION WOULD BE THE RESIDENTIAL DWP [14]
- USTED IN THE TABLE.
 REPORTED CONCENTRATION EXCEEDS ONE OR MORE APPLICABLE PART 201 CRITERA [15]



Due Care Plan Commercial Office Building 585 South Boulevard East Pontiac, Michigan 48341

ECS Project S105-0001 June 8, 2017

Prepared for:

Pontiac Center Investment, LLC 251 Merrill Street, Suite 212 Birmingham, Michigan 48009 Attn: Mr. Jeffrey A. Ishbia

Prepared by:

Environmental Consulting Solutions, LLC 523 W. Sunnybrook Drive, Royal Oak, Michigan 48073 www.environmentalconsultingsolutions.com

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- A CITIZEN'S GUIDE FOR DUE CARE
- B BUREAU VERITAS BEA SUMMARY TABLES 2007

1.0 INTRODUCTION

Environmental Consulting Solutions, LLC (ECS) has prepared this Due Care Plan (DCP) for the property located at 585 South Boulevard East in Pontiac, Michigan. This plan was prepared to assist the owner and operator to comply with Section 20107a of Act 451, 1994, as amended, and the Administrative Rules for "Compliance with Section 20107a of Act 451." A copy of the Citizen's Guide for Due Care is included as Appendix A.

The subject property is developed with a large three-story office building situated on approximately 50 acres. The subject property is classified as a "facility" because soil contamination has been detected at concentrations exceeding generic residential cleanup criteria published by the Michigan Department of Environmental Quality (MDEQ). In accordance with Part 201 of Michigan Public Act (P.A.) 451, 1994, as amended, a "facility" is any area, place, or property where a hazardous substance in excess of generic residential cleanup criteria "has been released, deposited, disposed of, or otherwise comes to be located."

Pontiac Center Investment, L.L.C. prepared a Baseline Environmental Assessment (BEA) in accordance with Section 20126(1)(c) of Act 451 and is not liable for existing contamination; however, the new owner and operator must comply with "due care obligations." Due care obligations are legally enforceable responsibilities of persons who have knowledge that their property, or any area of their property, is a "facility." The owner and operator are responsible for ensuring that:

- Their actions do not exacerbate existing contamination.
- The intended use of the property will not result in unacceptable exposures to hazardous substances.
- They take reasonable precautions with regard to acts of third parties.
- They provide reasonable cooperation, assistance, and access to persons authorized to conduct response activities (if required)
- They comply with land or resource use restrictions (if any)
- They do not impede the effectiveness or integrity of land or resource use restrictions (if any)
- Notifications (if necessary) are submitted to MDEQ and others.

2.0 PROPERTY DESCRIPTION AND REQUIRED DOCUMENTATION

2.1 Property Description

The subject property consists of one 50.488-acre parcel of land located at 585 South Boulevard East in Pontiac, Oakland County, Michigan. Refer to Figure 1 for a Site Location Map.

The three-story office building has 660,000 square feet of floor space and is surrounded by paved driveways and parking lots. The remainder of the property is landscaped, used for storm water detention, or is maintained as an easement for high-voltage transmission lines.

A total of three asphalt paved parking lots (totaling 991,788 square feet with 2,650 parking spaces) surround the office building, with concrete paved drives extending from Martin Luther King, Jr. Boulevard, Bradford Street, and South Boulevard. Refer to Figure 2 for an Aerial Site Map.

2.2 Current and Future Use

The subject property is utilized as a commercial office building and currently has a single commercial tenant (Hewlett Packard). The future use is expected to remain essentially the same but may be converted for multi-tenant use.

2.3 Required Documentation

This plan is intended to demonstrate how the owner can comply with the "due care obligations" published in Section 20107a of Act 451 and the administrative rules.

In accordance with Rule 1003(5), a person shall maintain documentation of compliance with Section 20107a and shall provide the documentation to MDEQ upon request. For compliance with Rule 1003(5a), the owner and operator are required to maintain the following required documentation summarized in Table 1. The owner and operator should maintain and use this Plan to assist with documenting compliance with its obligations.

Summary of Required Documentation for Compliance with Section 20107a

Required Documentation (Rule 1003[5a])	Demonstration of Compliance
Information regarding the type and concentration of hazardous substances to which persons may be exposed	A list of hazardous substances identified on the property is provided in Section 3.4.
An identification of which exposure pathways are complete or are likely to become complete in light of the intended use of the property.	The exposure pathway evaluation was conducted and is presented in Section 3.3.
A description of any measures that may be required to mitigate any unacceptable exposures or fire and explosion hazards.	No unacceptable exposures (or fire and explosion hazards) have been identified.
Response activity records	No response activities have been conducted to date.
Documents for utility workers or easement holders notifying them of contamination in each facility area	No utility or construction activities are proposed.
Notice of abandoned or discarded containers provided to MDEQ (if necessary	This notification requirement is discussed in Section 5.1.
Notice of migration of contamination beyond the property line provided to MDEQ (if necessary	This notification requirement is discussed in Section 5.2.

3.0 HAZARDOUS SUBSTANCE INFORMATION AND RELEVANT EXPOSURE PATHWAYS

Several environmental assessments have been conducted to evaluate the environmental condition of the property. In 1995, Conestoga Rovers & Associates (CRA) conducted a series of assessments before the property was redeveloped by General Motors Corporation. In 2007, ATC conducted an updated Phase II investigation to evaluate the RECs that were identified during the 2007 Phase I ESA.

The previous investigations are documented in the following reports:

- ➤ Phase II Environmental Assessment, City of Pontiac and Miscellaneous Properties, Pontiac, Michigan, prepared by CRA for GM, dated March 1995. This investigation included the south-central portion of the Site.
- > Phase II Environmental Assessment, Commercial Carriers, Inc. Property, Pontiac, Michigan, prepared by CRA for GM, dated June 1995. This investigation included the southeastern portion of the Site.
- Limited Phase II Environmental Site Assessment, Office Building, 585 South Boulevard, Pontiac, Michigan, prepared by ATC, dated August 2, 2007.

Copies (or excerpts) of these reports are included in the BEA. Summary tables of previous analytical results, prepared by Bureau Vertias and included in the 2007 BEA, are included as Appendix B. ECS has not validated the data tables prepared by others and recommends that the user refer to the original reports.

3.1 Summary of 1995 Phase II ESAs

In 1995, CRA conducted two separate subsurface investigations that included drilling seven soil borings (BH-1 through BH-7) on City of Pontiac and miscellaneous properties and five additional soil borings (BH-1 through BH-5) on Commercial Carriers property. Refer to Figure 3 for soil boring locations.

CRA analyzed a total of 11 soil samples for one or more of the following: benzene, ethylbenzene, toluene, and xylenes (BTEX); volatile organic compounds (VOCs); base-neutral acid compounds; Target Analyte List inorganics; pesticides; and polychlorinated biphenyls (PCBs). Groundwater was not encountered during CRA's subsurface investigations; therefore, no groundwater samples were collected.

CRA encountered highly variable soil types with fill material to depths up to 20 feet.

Based on the analytical results, aluminum, arsenic, cobalt, iron, and magnesium were detected in soil samples at concentrations exceeding generic residential cleanup criteria published by MDEQ.

3.2 Summary of 2007 Limited Phase II ESA

In 2007, ATC conducted a limited Phase II ESA to evaluate the recognized environmental conditions identified during the 2007 Phase I ESA. The scope of work included drilling a total of

12 soil borings (GP-1 through GP-12) to depths ranging from 5 to 16 feet below ground surface. Refer to Figure 3 for soil boring locations.

ATC analyzed 12 soil samples for one or more of the following: VOCs using United States Environmental Protection Agency (USEPA) Method 8260/5035; polynuclear aromatic hydrocarbons (PNAs) using US EPA Method 8270; PCBs using US EPA Method 8081/8082; and metals (cadmium, chromium, and lead) using USEPA/6000/7000 series methods. Groundwater was not encountered during drilling; therefore, no groundwater samples were collected.

During drilling, ATC encountered intermixed horizons of coarse sand and gravel with intermittent, relatively thin, units of clay and silt to the maximum boring depth of 16 feet. ATC detected low PID readings, but did not detect the presence of soil staining or odors.

Based on the analytical results of 12 samples, ATC detected the presence of ethylbenzene, 1,2,4-trimethylbenzene, xylenes, benzo(a)pyrene, and fluoranthene at concentrations exceeding generic residential cleanup criteria published by MDEQ.

3.3 Current Property Use Exposure Pathway Evaluation

MDEQ has published cleanup criteria and screening levels for both residential and non-residential land uses and for various possible exposure pathways (i.e., drinking water, surface water, dermal contact, and inhalation). Based on the continued use of the subject property for commercial purposes, Bureau Veritas compared the results of groundwater samples to non-residential cleanup criteria and screening levels, because non-residential criteria and screening levels are the most appropriate criteria for evaluating whether an "unacceptable exposure" exists at this commercial property (zoned Limited Industrial District).

Relatively low levels of VOCs, PNAs, and metals have been detected in soil at concentrations exceeding non-residential cleanup criteria for the following potential exposure pathways; (1) drinking water and (2) groundwater/surface water interface (GSI).

A description of each potential pathway and whether the pathway is complete for this facility is provided in Table 2.

For those exposure pathways that are considered both "relevant" and "complete", no hazardous substances have been detected at concentrations exceeding levels which would be expected to pose an unacceptable exposure.

TABLE 2
Summary of Relevant and Complete Pathways for Evaluating Unacceptable Exposure

Exposure Pathway and Criterion	Description	Relevant Pathway!?	Complete Pathway ² ?	Unacceptable Exposure ³ Identified?
	Soll			
Drinking Water Protection	This pathway involves contaminants that may leach to groundwater in an aquifer, or groundwater that is not in an aquifer but that may transport contaminants into an aquifer. The drinking water exposure pathway is relevant but not complete for due care purposes, because a municipal source of drinking water is used.	YES	NO	ИО
Groundwater /Surface Water Interface (GSI) Protection	Not a human exposure pathway. This pathway involves contaminants that may leach to groundwater that is hydraulically connected to a surface water body. This pathway may be relevant; but is not complete because the nearest surface water (Clinton River) is not a source of drinking water.	YES	NO	NO
Direct Contact	This pathway involves long-term ingestion and dermal exposure to contaminated soil that is relevant but not complete because the site is paved (or landscaped) and no hazardous substances have been detected at concentrations which would pose an unacceptable dermal contact exposure.	YES	NO	NO
Volatilization to Indoor Air	This pathway involves potential exposure to volatile indoor air contaminants that may cause adverse health effects. This pathway is relevant and complete; however, no hazardous substances have been detected at concentrations which would be expected to pose an unacceptable inhalation exposure.	YES	YES	NO
Volatilization to Ambient Air	This pathway involves potential inhalation exposure to volatile outdoor air contaminants that may cause adverse health effects. This pathway is relevant and complete; however, no hazardous substances have been detected at concentrations which would pose an unacceptable inhalation exposure.	YES	YES	NO
Inhalation of Particulates	This pathway involves potential inhalation exposure to soil dust and wind-blown contaminants, which may cause adverse health effects. This pathway is relevant but not complete the site is paved and no hazardous substances have been detected at concentrations which pose an unacceptable inhalation exposure.	YES	YES	NO
	Groundwater			
Drinking Water	This pathway involves contaminants in groundwater in an aquifer or groundwater that is not in an aquifer but that may transport contaminants into an aquifer. The drinking water pathway is relevant but complete for due care purposes, because a municipal source of drinking water is used.	YES	NO	NO
GSI	Not a human exposure pathway. This pathway involves contaminants in groundwater that is hydraulically connected to a surface water body. This pathway may be relevant; but is not complete because the nearest surface water is not used as a source of drinking water.	YES	NO	NO
Groundwater Volatilization to Indoor Air	This pathway is relevant for volatile contaminants in groundwater and is relevant and complete; however, no hazardous substances have been detected at concentrations expected to pose an unacceptable inhalation exposure.	YES	YES and a second	NO

^{1 &}quot;Relevant pathway" means an exposure pathway that is reasonable and relevant because there is a reasonable potential for exposure to a hezardous substance to occur to a human or nonhuman receptor. The components of an exposure pathway are a source or release of a hazardous substance, an exposure point, and, if the exposure point is not the source or point of release, a transport medium. The existence of a municipal water supply, exposure barrier, or other similar feature does not automatically make an exposure pathway irrelevant. The pathway addressed by GSI criteria under subsection (1) shall be considered a relevant pathway when a remedial investigation or application of best professional judgment leads to the conclusion that a hazardous substance in groundwater is reasonably expected to vent to surface water in concentrations that exceed the generic GSI criteria.

² In evaluating compliance with section 20107a(1)(b) of Act 451, exposure pathways shall be considered pertinent only if they are or may be "complete" in light of the intended use of the property and the features of the property, including potential exposure barriers such as structures or pavement.

³ Exposure to hazardous substances is an unacceptable exposure for the purposes of section 20107a(1)(b) of Act 451 if concentrations of hazardous substances to which persons may be exposed exceed an applicable criterion developed by the department under section 20120a(1)(a) to (e) of the act.

3.4 Hazardous Substances Identified

Based on the results of the previous subsurface investigations, the subject property is classified as a "facility," as defined in Section 20120a(l)(a) of Michigan Public Act 451, 1994, as amended. The table below summarizes the maximum contaminant concentration in soil exceeding generic residential cleanup criteria at the subject property.

TABLE 3
Hazardous Substances in Soil Exceeding Generic Residential Cleanup Criteria

Contaminant	CAS Number	Soil Max Concentration (µg/kg)	Locations of Exceedance	Criterion Exceeded
Ethylbenzene	100414	410	GP-5 (2-3')	GSIP
1,2,4-Trimethylbenzene	95636	1,100	GP-5 (2-3')	GSIP
Xylenes	1330207	1,800	GP-5 (2-3')	GSIP
Benzo(a)pyrene	50328	3,900	GP-10 (2-3')	DC
Fluoranthene	206440	8,900	GP-10 (2-3')	GSIP
Phenanthrene	85018	3,600	GP-10 (2-3')	GSIP
Aluminum	7429905	12,000,000	BH-3 (2-4), BH-4 (2-4)	DWP
Arsenic	7440382	8,000	BH-3 (2-4), BH-4 (2-4)	DWP, DC
Cobalt	7440484	10,000	BH-2 (2-4)	DWP, GSIP
Iron	7439896	21,000,000	BH-2 (2-4), BH-3 (2-4), BH-4 (2-4)	DWP
Magnesium	7439954	10,200,000	BH-2 (2-4)	DWP

DWP = drinking water protection

GSIP = groundwater / surface water interface protection

DC = direct contact

4.0 EVALUATION AND DEMONSTRATION OF COMPLIANCE WITH SECTION 7A OBLIGATIONS

The following sections provide documentation that the proposed usage of the site will be in compliance with Section 7a obligations.

Based on the current information available for the property, it does not appear that <u>relevant</u> criteria have been exceeded for due care purposes. Therefore, there are no known unacceptable exposures to mitigate.

Sections 4.1 through 4.6 discuss each of the Due Care Obligations as they relate to the future use of the subject facility.

4.1 Prevention of Exacerbation

Section 20107a(1)(a) of Michigan Public Act 451 requires the owner of a facility to:

Undertake measures as are necessary to prevent exacerbation of the existing contamination.

Exacerbation occurs when an activity undertaken by the owner/operator of the property causes the existing contamination to migrate beyond the property boundaries or causes an increase in response activity costs.

MDEQ evaluates possible activities that may result in exacerbation using three tests:

- (1) *De minimus* increases in potential response activity costs will not result in a negative determination of compliance,
- (2) Activities that provide environmental or public health benefits, particularly those that mitigate an otherwise unacceptable exposure, will be evaluated against the increase in response activity cost to determine, on balance, whether the increase in response activity costs is likely to be significant, and
- (3) Activities consistent with a likely remedial action will generally not be viewed as exacerbation.

Examples of Activities that Should be Avoided to Prevent Exacerbation. Several examples of exacerbation are listed below to assist in the identification of potential exacerbation issues.

- Moving contaminated soil to a "clean" part of the site or offsite to an uncontrolled site (may increase response costs).
- Placing a surface-water pond in an area where soil may adversely impact groundwater or surface water quality (may increase response costs).
- Pumping contaminated groundwater from footing drains or excavations into a nearby ditch or sewer.
- Installing deep soil borings (e.g., for geotechnical purposes) or wells through a zone of contamination.
- Creating a new migration pathway by putting a utility line through a zone of contaminated soil or groundwater.

If Pontiac Center Investment, LLC plans to redevelop the property in the future, the construction contractor can prevent exacerbation during these construction activities by adhering to the following Soil and Groundwater Handling Plan.

4.2 Due Care

Section 20107a(1)(b) requires the owner of a contaminated property to:

Exercise due care by undertaking response activity necessary to mitigate unacceptable exposure to hazardous substances, mitigate fire and explosion hazards due to hazardous substances, and allow for the intended use of the facility in a manner that protects the public health and safety.

This provision is required when concentrations of hazardous substances to which persons may be exposed exceed the relevant non-residential criteria published by MDEQ unless the risk is demonstrated by other means (i.e., site-specific exposure evaluation) to be acceptable. Although ethylbenzene, 1,2,4-trimethylbenzene, xylenes, benzo(a)pyrene, fluoranthene, aluminum, arsenic, cobalt, iron, and magnesium were detected in soil beneath the property, no response (or mitigation) activities are necessary at this time because:

- The concentrations of each of these hazardous substances do not exceed generic <u>non-residential</u> cleanup criteria for any of the pathways that are relevant and complete for evaluating whether an unacceptable human exposure exists.
- The locations where these hazardous substances have been identified at levels exceeding generic residential cleanup criteria are primarily located beneath pavement.
- Groundwater was not encountered during drilling on site (soil boring depths up to 28 feet).
 Groundwater was encountered on the southern adjacent property (former GM Truck and Bus Plant).

As a precaution, construction workers should wear personal protective equipment (i.e., gloves and boots) to prevent dermal contact to potentially contaminated soil. Avoid land alterations which may result in direct contact with soils (i.e. exposing bare soil). The site surface is currently covered with structures, pavement, grass and heavy vegetation providing a protective layer preventing direct contact with soils.

If additional information regarding contaminant concentrations at the subject facility becomes available, Pontiac Center Investment, LLC should re-evaluate compliance with this section.

4.3 Reasonable Precautions

Section 20107a(1)(c) requires the owner of a contaminated property to:

Take reasonable precautions against the reasonably foreseeable acts or omissions of a third party and the consequences that foreseeably could result from those acts or omissions.

The owner or operator will inform contractors who may be exposed to contaminated soil that the site is a "facility" and will provide them with specifications for preventing exacerbation. Those specifications should include, at a minimum, the following:

Soil and Groundwater Handling Plan during Construction

Although no construction or redevelopment activities are proposed for the subject property, the following plan can be used as a general procedure when it becomes necessary to handle

contaminated soil or groundwater. The purpose of the proposed plan is to prevent exacerbation during construction in accordance with Section 20107(a)(1)(a) of Act 451.

- Excavation or subsurface contractors should prepare a health and safety plan suitable for its intended activities.
- If it is necessary to stockpile contaminated soil for disposal, each stockpile should consist of soil derived from the same excavation area. Contaminated soil will be disposed of in a Type II landfill, provided that the soil is classified as "non-hazardous" (Note: This requires waste characterization and landfill approval).
- Contaminated soil will not be moved to a clean part of the site.
- If de-watering is necessary in the future, the contractor will containerize, characterize, and dispose of the groundwater in accordance with applicable requirements.
- No water wells or deep soil borings are allowed without written permission from owner.
- If new utilities at the subject property intersect contaminated groundwater, a liquid concrete seal should be installed in underground utility corridors at the point where they exit the clean area or property boundary, in order to prevent migration of contaminated groundwater along the utility corridors.

If construction activities are proposed in the future, the owner or operator will re-evaluate this due care plan and will document the nature of the proposed activity along with an analysis of the effect of such activity on its Section 20107a obligations.

4.4 Provide Cooperation, Assistance, and Access

Section 20107a(1)(d) of Michigan Public Act 451 requires the owner of a facility to:

Provide reasonable cooperation, assistance, and access to the persons that are authorized to conduct response activities at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response activity at the facility.

This provision is necessary when response activities are being conducted at the facility by current or previous owners or operators. Access shall be provided to persons authorized to conduct response activities.

There were no response activities being conducted at the time that this plan was prepared, and no response activities are anticipated at the property. However, if response activities are conducted in the future, then Pontiac Center Investment, LLC are expected to provide cooperation to those conducting the response activities.

4.5 Comply with Deed Restrictions

Section 20107a(1)(e) of Michigan Public Act 451 requires the owner of a facility to:

Comply with any land use or resource use restrictions established or relied on in connection with the response activities at the facility.

In the event that response activities are conducted at the facility and land use or resource use restrictions (i.e., deed restrictions) are imposed, the owner or operator shall comply with them to facilitate response activities.

There were no response activities being conducted at the facility. As such, there were no deed restrictions in place in connection with response activities. No response activities are anticipated in the future. However, if response activities are conducted in the future, then Pontiac Center Investment, LLC are expected to comply with any land use or resource use restrictions resulting from those response activities.

4.6 Impeding Land or Resource Use Limitations

Section 20107a(1)(f) of Michigan Public Act 451 requires the owner of a facility to:

Not impede the effectiveness or integrity of any land use or resource use restriction employed at the facility in connection with response activities.

There are no deed restrictions in place and no response activities are anticipated in the future. However, if response activities are conducted in the future, then Pontiac Center Investment, LLC are expected to not impede the effectiveness or integrity of any land use or resource use restrictions resulting from those response activities.

5.0 COMPLIANCE WITH NOTIFICATION REQUIREMENTS

The Administrative Rules for compliance with Section 20107a establish several requirements for notification to MDEQ and other affected parties. The owner, operator, and their contractors should be aware of these notification requirements and should evaluate the relevance of each notification requirement during its activities.

5.1 Abandoned or Discarded Containers (Rule 1015)

In accordance with Rule 1015:

An owner or operator shall notify the department, in writing, of the presence of discarded or abandoned containers at the property that contain a quantity of hazardous substance which is or may become injurious to the public health, safety, or welfare or of the environment.

The owner and operator are compliant with this rule because there are no known abandoned or discarded containers at the subject property. If the owner or operator becomes aware of any abandoned or discarded containers containing hazardous substances upon taking possession of the property, then the owner or operator will arrange for the proper disposition of the abandoned or discarded containers within 45 days after taking title to the property.

5.2 Potential for Offsite Migration (Rule 1017)

In accordance with Rule 1017:

An owner or operator "who has reason to believe that a hazardous substance is emanating from, or has emanated from, and is present beyond his or her property boundaries at a concentration in excess of criteria developed by the department under Section 20120a(1)(a) of the act shall provide notice to the department and to the owner of the affected adjacent property"

Based on the results of previous subsurface investigations, groundwater was not encountered in any of the 23 soil borings drilled on the subject property. As a result, there is no evidence to indicate that hazardous substances have emanated from the subject site onto adjacent properties. The owner and operator are compliant with this rule because reporting under Rule 1017 is <u>not</u> necessary at this time.

If the owner or operator becomes aware migrating contamination, it shall submit a Notice of Migration of Contamination (Form EQP4482) to MDEQ.

5.3 Fire and Explosion Hazard (Rule 1019)

In accordance with Rule 1019:

An owner or operator that is obligated to mitigate a fire or explosion hazard shall immediately notify the local fire department of the hazard and shall take other steps as are reasonable and prudent under the circumstances.

The owner and operator are compliant with this rule because a fire or explosion hazard has not been identified at the subject facility and notification under Rule 1019 is <u>not necessary</u> at this time.

6.0 SUMMARY OF DUE CARE COMPLIANCE OBLIGATIONS

Based on ECS' evaluation of the subsurface investigation results, the proposed future use of the facility will satisfy the requirements of Section 20107a provided that the following activities are conducted and precautions adhered to:

- Applicable parties, such as construction workers or utility workers that may be exposed to
 contaminated soil and groundwater, will be notified that the property is a "facility" to prevent
 exacerbation. In the event that a contractor conducting work at the property may excavate or
 redistribute contaminated soil or pump groundwater, Pontiac Center Investment, LLC should
 maintain records of these activities, including notifications provided to contractors and
 construction workers.
- In the event that the owner, operator or future occupants of the property intend to conduct subsurface construction activities, they should follow the recommended procedures outlined in Section 4.1.
- Construction workers should wear personal protective equipment (i.e., gloves and boots) to prevent dermal contact to potentially contaminated soil.
- If new utilities at the subject property are expected to intersect contaminated groundwater, then a liquid concrete seal should be installed in underground utility corridors, at the point where they exit the clean area or the subject property, in order to prevent contaminated groundwater from flowing along utility corridors.
- Prevent installation of a drinking water wells or irrigation wells on site.
- Avoid soil relocation or dewatering activities unless they are performed in accordance with applicable regulations.

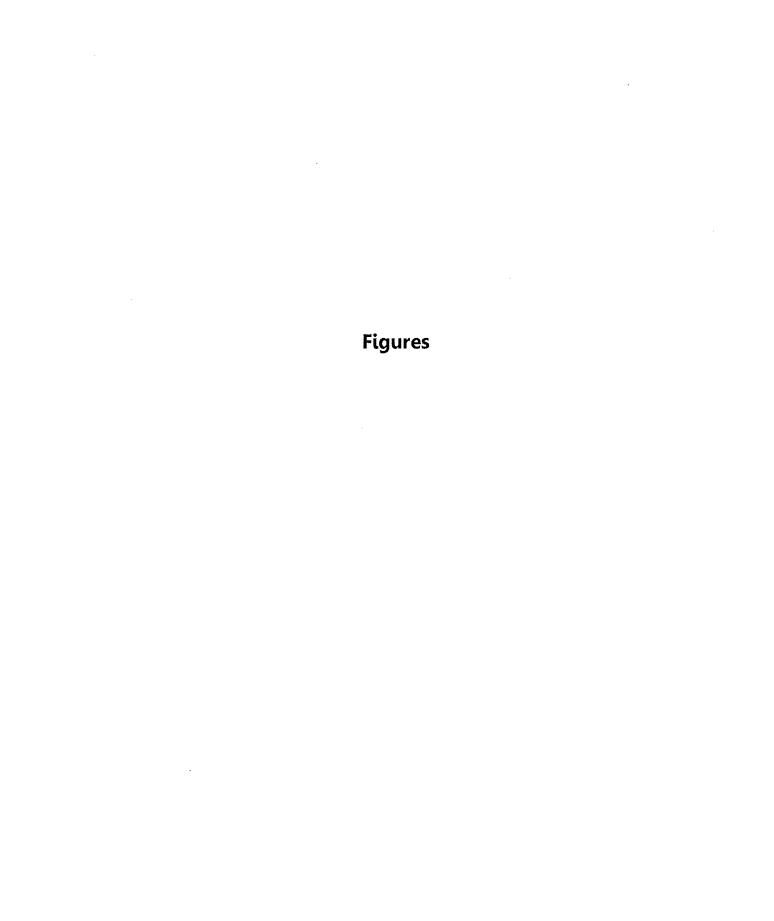
If additional information becomes available, or if the current land use changes, then the owner or operator will re-evaluate compliance by documenting the nature of the proposed activity along with an analysis of the effect of such activities on its Section 20107a due care obligations.

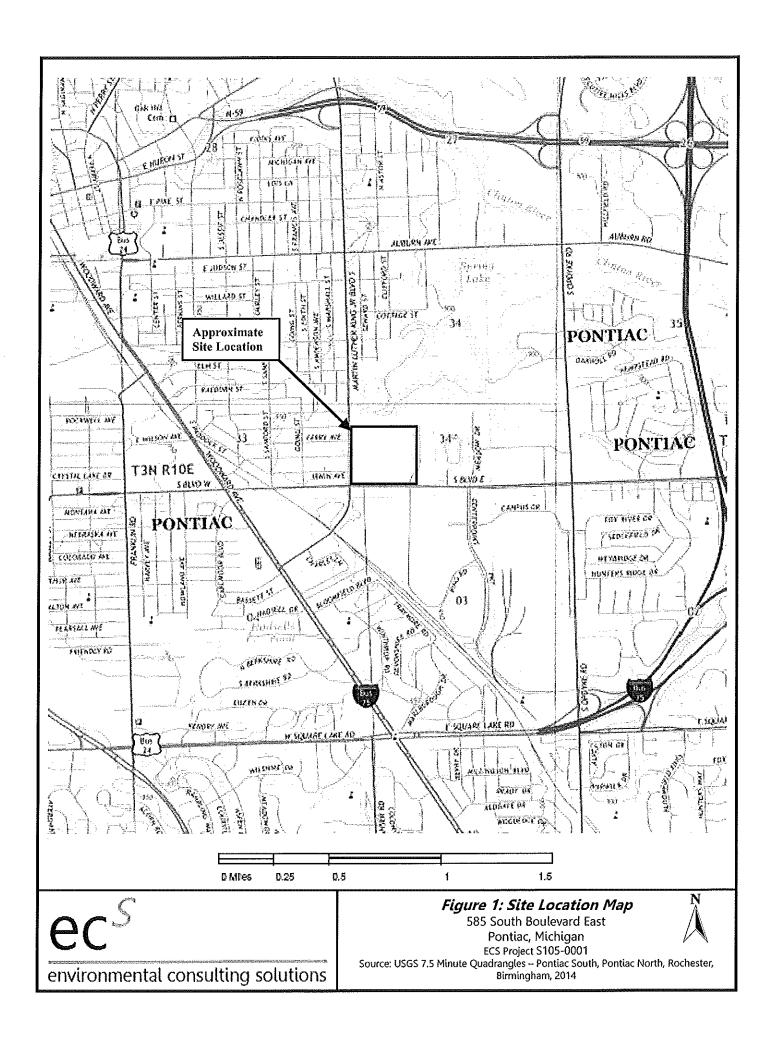
Respectfully Submitted, Environmental Consulting Solutions, LLC

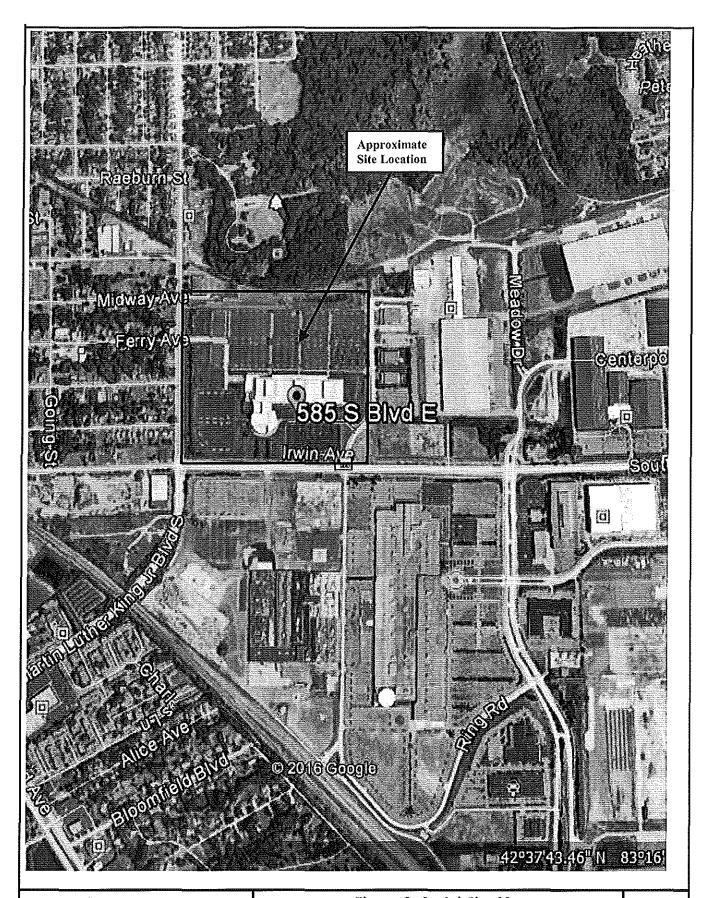
Stephen E. Kulpanowski Senior Geologist

Stephen E. Kulpannoli

Andrew J. Foerg, CPG President



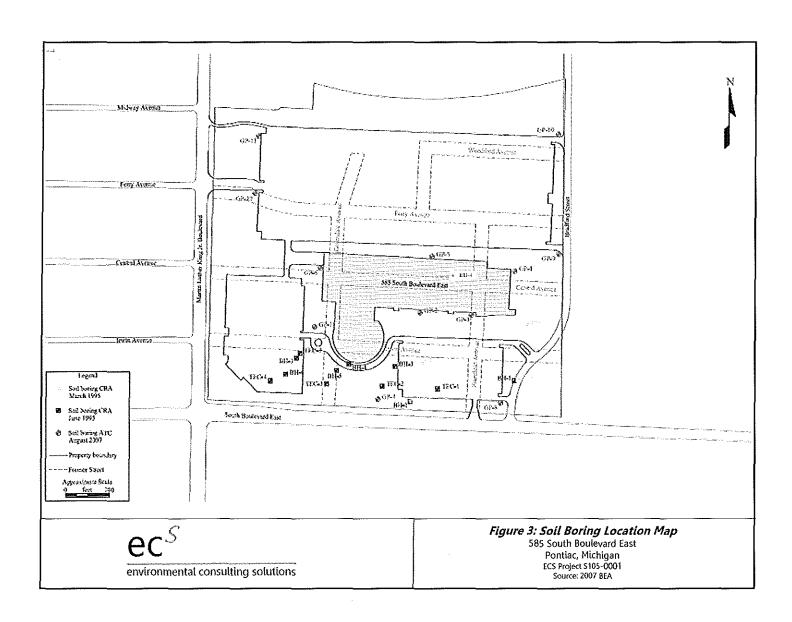




environmental consulting solutions

Figure 2: Aerial Site Map
585 South Boulevard East
Pontiac, Michigan
ECS Project \$105-0001
Source: Google Earth









Due Care Obligations

For owners or operators of contaminated property

This guide to Due Care describes the obligations of an owner or operator of contaminated property, which are designed so contaminated properties can be safely used.

Section 20107a of Part 201, Environmental Remediation, and Section 21304c, Leaking Underground Storage Tanks, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), requires that owners and operators take measures to ensure that existing contamination on a property does not cause unacceptable risks and is not exacerbated. Such measures include evaluating the contamination and undertaking address necessary actions to unacceptable risks. Due care obligations are not related to the owner or operator's liability for the contaminants; they apply to both non-liable parties and liable parties.

◀◀ NOTE ▶▶

This is an informational document from the Michigan Department of Environmental Quality (DEQ). A thorough review of the statute, administrative rules, and guidelines should be completed before making site-specific decisions.

The Part 201 and Part 213 statutes, Part 10 Administrative Rules, and guidelines are available electronically at this DEQ Web site: www.michigan.gov/bea.

DUE CARE REQUIREMENTS SECTIONS 20107a & 21304c

An owner or operator of contaminated property shall do all of the following with respect to contamination at the property:

- Prevent exacerbation of the existing contamination.
- Prevent unacceptable human exposure and mitigate fire and explosion hazards to allow for the intended use of the facility in a manner that protects the public health and safety.
- ▶ Take reasonable precautions against the

- reasonably foreseeable acts or omissions of a third party
- Provide notifications to the DEQ and others.
- Provide reasonable cooperation, assistance, and access to the persons that are authorized to conduct response activities or corrective actions at the property.
- Comply with any land use or resource use restrictions established or relied on in connection with the response activities or corrective actions.
- Not impede the effectiveness or integrity of any land use or resource use restriction.

Sections 20101 and 21303 of the NREPA define a facility or a site as property with contamination in soil or groundwater at concentrations above Michigan's cleanup criteria for residential property.

An owner or operators "due care" obligations are summarized on the next few pages and are specified in Part 201, Section 20107a and its Administrative Rules 1001-1021 and Part 213, Section 21304c. Further information can be found on the DEQ RRD beaw eb page (www.michigan.gov/bea):

- Part 201 of NREPA
- Part 201 Administrative Rules (Part 10)
- Part 201 Residential Cleanup Criteria
- Part 213 of NREPA
- DEQ-RRD Citizen's Guides
- Due Care Brochure, Matrix and Forms

A fact sheet on Michigan's environmental cleanup program from...

Michigan Department of Environmental Quality Remediation and Redevelopment Division PO Box 30426, Lansing, MI 48909-7926 Main Telephone: 517-284-5087 www.michigan.gov/degrrd

Rick Snyder, Governor Dan Wyant, Director



Revised May 2015

DUE CARE GUIDE PAGE 2

PREVENTING EXACERBATION

Exacerbation occurs when an ac tivity undertaken by the person who owns or operates the property causes the existing contamination to migrate beyond the property Examples of exacerbation can boundaries. mishandling include: the of excavated contaminated soil such that contamination now migrates off-site; pumping contaminated water from footing drains into a nearby ditch; or creating a new migration pathway by putting a through az one of highly utility line contaminated groundwater or soil. An owner or operator can also exacerbate contamination by changing the facility conditions in a manner that would increase the response activity or corrective action costs for the liable party. An example might be to place a building over the source of the existing contamination. A person that causes exacerbation would be liable for remediation of the contamination they caused or paying the increase in the response activity or corrective action costs.

PREVENTING UNACCEPTABLE HUMAN RISK

Owners and op erators must evaluate the existing contamination to determine if the people using or working at the property would be exposed to contamination at levels above the appropriate generic or site-specific criteria. Upon the identification of unacceptable risks, the owner and operators must then undertake the actions that are necessary to prevent unacceptable exposures to contamination in order to demonstrate compliance with their due care obligations. Criteria for differing land uses can be found in the Part 201 Administrative Rules (Rules 1-50). For example, if groundwater used for drinking is contaminated above the drinking water criteria then the owner and operator must prevent the use of the contaminated drinking water. If soils are contaminated above the direct contact criteria

for the appropriate land use at the surface of the property, then people must be prevented from coming into contact with those soils by restricting access, installing a barrier to prevent exposure, or removing contaminated soil. Exposure barriers can be clean soil, concrete, paving, etc. In some instances, remediation of the contamination may be the most cost effective response. In addition, if there is a potential unacceptable risk for utility workers or people conducting activities in an easement on the property, then utility and/or easement holders must be notified in writing of the conditions by the owner and operator. If there is a fire and explosion hazard, the local fire department must be notified and the situation must be mitigated.

TAKING REASONABLE PRECAUTIONS

Taking reasonable precautions against the reasonably foreseeable actions and omissions of a third party means trying to prevent things that could cause a third party to be exposed to an unacceptable risk. This might include: notifying contractors of contamination so they can take proper precautions; preventing trespass that would result in an unacceptable exposure (neighborhood kids playing in a vacant industrial yard that has direct contact hazards); and taking actions to secure abandoned containers so they don't get damaged by traffic, etc.

PROVIDE REASONABLE COOPERATION, ASSISTANCE, AND ACCESS

Owners and operators must allow a p erson authorized to take response activities or corrective actions on the property (such as the liable person, or the state) to take such actions as: i nstalling monitor wells, operating a remediation system, and maintaining the integrity of an exposure barrier, etc. However.

DUE CARE GUIDE PAGE 3

the statute specifically states that this shall not be interpreted as providing any right of access not expressly authorized by law. The authorized person must still go through the normal process of acquiring voluntary or court ordered access, including the potential for compensation as the parties and/or court deem reasonable.

COMPLY WITH AND NOT IMPEDE THE EFFECTIVENESS OF LAND USE AND RESOURCE USE RESTRICTIONS

If there are land use or resource use restrictions on the property, owners and o perators must comply with those restrictions and not take actions that would impede their effectiveness. Examples of compliance might include: not installing a well if there is a restriction on using the groundwater for drinking water purposes, not allowing a residential use on a pr operty if there is a restriction limiting the property use to nonresidential, not removing a barrier installed to prevent contact with contaminated soil, and not turning off an operating remediation system.

EVALUATING THE NEED FOR DUE CARE

The necessity for conducting response actions determined by evaluating are the current/intended property use and the existing contamination. Based on that evaluation, the actions needed to prevent unacceptable exposures and comply with all due care obligations implemented. must be Environmental professionals often assist with this process (see Environmental Professionals section at end of document).

DUE CARE DOCUMENTATION

Owners and o perators must maintain documentation than an evaluation to identify unacceptable risks was conducted, any actions that are needed have been taken and are adequate. Certain response actions (e.g.,

exposure barriers, mitigation system, etc.) will require continued maintenance, inspections, and repair that must also be documented. Documentation requirements are described in the Part 201 Administrative Rule 1003. The documentation does not need to be submitted to the DEQ, but must be available for the DEQ to review upon request within eight (8) months of becoming the owner or operator or of having knowledge that the property is contaminated. You may request and submit for DEQ to review and determination Documentation of Due Care Compliance pursuant to Sections 20114g or 21323n.

NOTIFICATION

The Part 10 ("due care") Rules require notification to the DEQ and others in the following circumstances:

- Notify the DEQ if there are discarded or abandoned containers that contain hazardous substances on the property; see Form EQP 4476.
- ▶ Notify the DEQ and adjacent property owners if contaminants are migrating off the property; see Form EQP 4482.
- Notify the local fire department if there is a fire or explosion hazard.
- Notify utility and e asement holders if contaminants could cause unacceptable exposures and/or fire and explosion hazards.

These notices must be made within 45 days of becoming the owner or operator, or of having knowledge of the conditions. The forms are available at DEQ District Offices and the DEQ Web Page; www.michigan.gov/bea.

EXEMPTIONS/LIMITATIONS

Parts 201 and 213 provide exemptions to the "due care" obligations to prevent exacerbation, prevent or mitigate unacceptable exposures, and take reasonable precautions for the following entities:

- An owner or operator of property where the contamination is migrating onto the property.
- An owner or operator of a utility franchise on the property.
- An owner or operator of the severed mineral rights to the property.
- A local unit of government (LUG) that: involuntarily acquires title or control of property by virtue of its governmental functions, or the property is transferred to the LUG from the state or a LUG that is not liable under Part 201 or 213, or by seizure, receivership or forfeiture or court order, or acquired voluntarily the property and conducted a b aseline environmental assessment (BEA).
- A LUG that has an easement interest or holds a utility franchise for a transportation or utility corridor or public right of way, or for conveying or providing goods and services.
- A LUG that is not liable and is leasing the property to a non-liable party.

However, if the state or LUG exempted above offers access to the property and makes it available for public use, such as for parks, schools, municipal office buildings, public works operations, etc., then the person, state, or LUG must comply with all due care obligations for that portion of the property that is accessible to the public.

Additionally, the person, state, or LUG that is exempted above still has due care obligations to provide cooperation, assistance, and access, comply with land use or resource use restrictions, and not impede the integrity or effectiveness of the land or resource use restriction. Further, Sections 20107a(6) and 21304c(6) specify utilities and severed mineral right owners must comply with due c are in regard to their own activities.

While Parts 201 and 213 provide these exemptions, it may be in the owner or operator's best interest to ensure the property is safe for the intended use and that they do not cause a new release by their actions or exacerbate preexisting contamination.

ENVIRONMENTAL PROFESSIONALS

Resources for finding an environmental professional, consultant or engineer, include: online searches for Environmental, Ecological, or Engineering consulting firms; referrals from financial institutions, real estate agencies, or trade associations, etc. It's wise to ask the professional or consultant for references and inquire as to past due c are compliance documentation reports they have successfully completed. The DEQ does not provide recommendations for environmental professionals, consultants or engineers.

SOURCES OF INFORMATION

DEQ Environmental Assistance Center 1-800-662-9278

www.michigan.gov/bea

DEQ Remediation and Redevelopment Division Web Page

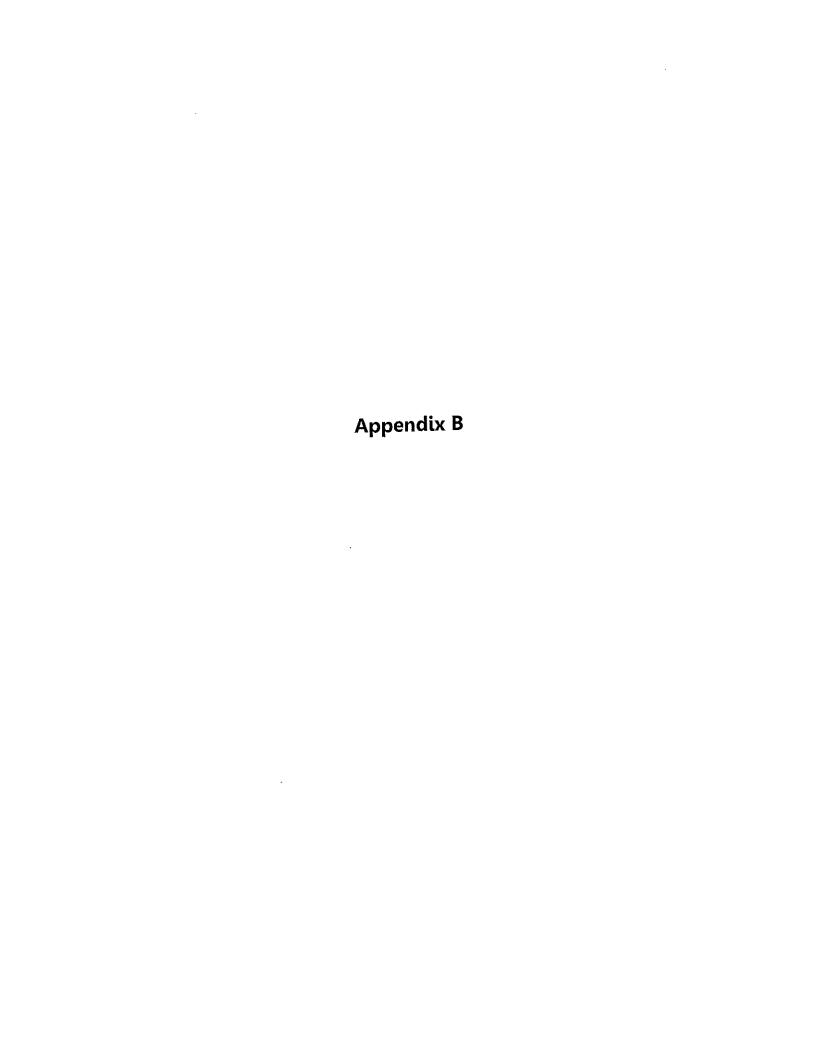
www.michigan.gov/degrrd

DEQ Remediation and Redevelopment Division Contact Jeanne Schlaufman

586-753-3823 schlaufmanj1@michigan.gov

DEQ Office of Oil, Gas and Minerals Contact Part 615 (Supervisor of Wells - oil/gas wells) and Part 625 (Mineral Wells) Janice Smith 517-242-3134 smithj6@michigan.gov

Revised May 2015



Summary Table 3

Summary of Analytical Results in Soil, from

ATC's Office Building Phase II Environmental Site Assessment Report,
Compared to Generic Residential Cleanup Criteria Published by MDEQ
Pontiac Center, LLC (d.b.a. Pontiac Office Center, LLC)
Bureau Veritas Project No: 11007-107148

	-					San	ple Conce	ntration (µ	z/kg)						MDEQ P	art 201 Cleanup Ca	iteria for Residenti	d Land-Use (μg/kg)
Sample Identification (depth in feet)	CAS Number	GP-1 (2-3)	GP-2 (2-3)	GP-3 (2-3)	GP-4 (2-3)	GP-5 (2-3)	GP-6 (2-3)	GP-7 (2-3)	GP-8 (2-3)	GP-9 (2-3)	GP-10 (2-3)	GP-11 (2-3)	GP-12 (2-3)	Background Levels	Drinking Water Protection Criteria	GSI Protection Criteria	Groundwater Contact Protection Criteria	Direct Contact Criteria	Inhalation Criteria (Ambient, Indoor, or Particulate)
VOCs														Ī					
Benzene	71432	<50	<50	<50	<50	81	<50	<50	<50	<50	<50	<50	<50	NA.	100	4,000X	220,000	180,000	1,600
n-Butylbenzene	104518	<50	<50	<50	<50	71	<50	<50	<50	<50	<50	<50	<50	NA.	1,600] 1D	120,000	2,500,000	ID
Ethylbenzene	100414	<50	<50	<50	<50	410	60	<50	<50	<50	<50	<50	<50	ÑΑ	1,500	360	140,000C	140,000C	87,000
Naphthalene	91203	<250	<250	<250	<250	240	<250	<250	<250	<250	<250	<250	<250	NA NA	35,000	870	2,100,000	16,000,000	250,000
n-Propylbenzene	103651	<100	<100	<100	<100	120	<100	<100	<100	<100	<100	<100	<100	NA.	1,600	NA	300,000	2,500,000	1,300,000,000
Toluene	108883	<50	<50	<50	<50	130	<50	<50	<50	<50	<50	<50	<50	NA	16,000	2,800	250,000C	250,000C	250,000C
1,2,4-Trimethylbenzene	95636	<100	<100	<100	<100	1,100	150	<100	<100	<100	<100	<100	<100	NA.	2,100	570	110,000C	110,000C	110,000C
1,3,5-Trimethylbenzene	108678	<100	<100	<100	<100	310	<100	<100	<100	<100	<100	<100	<100	NA.	1,800	1,100	94,000C	94,000C	94,000C
Xylenes	1330207	<150	<150	<150	<150	1,800	<150	<150	<150	<150	<150	<150	<150	NA	5,600	700	150,000C	150,000C	150,000C
PNAs		·	· · · · · · · · · · · · · · · · · · ·										1						1
Anthracene	120127				-			<330	<330	<330	1,140	<330	<330	NA.	41,000	ID	41,000	230,000,000	1,000,000,0000
Benzo(a)anthracene	56553			-				<330	<330	<330	2,200	<330	<330	NA	NLL	NLL	NLL	20,000	NLV
Benzo(b)fluoranthene	205992	-						<330	<330	<330	3,500	<330	<330	NA.	NLL	NLL	NLL	20,000	ID
Benzo(k)fluoranthene	207089					l		<330	<330	<330	2,300	<330	<330	NA	NLL	NLL	NLL	200,000	NLV
Benzo(g,h,i)perylene	191242		_				-	<330	<330	<330	3,100	<330	<330	NA NA	NLL	NLL	NLL	2,500,000	800,000,000
Benzo(a)pyrene	50328						-	<330	<330	<330	3,900	<330	<330	NA.	NLL	NLL	NLL	2,000	1,500,000
Chrysene	218019					i		<330	<330	<330	2,300	<330	<330	NA	NLL	NLL	NLL	2,000,000	Œ
Dibenzo(a,h)anthracene	53703				_		-	<330	<330	<330	810	<330	<330	NA.	NLL	NLL	NLL	2,000	NLV
Fluoranthene	206440				-		_	<330	<330	<330	8,900	<330	<330	NA.	730,000	5,500	730,000	46,000,000	740,000,000
Indeno(1,2,3-cd)pyrene	193395						_	<330	<330	<330	2,400	<330	<330	NA	NLL	NLL	NLL	20,000	NLV
Phenanthrene	85018							<330	<330	<330	3,600	<330	<330	NA.	56,000	5,300	1,100,000	1,600,000	160,000
Pyrene	129000							<330	<330	<330	6,100	330	<330	NA.	480,000	ID	480,000	29,000,000	650,000,000
Metals				****									T						
Cadmium	7440439			**				130	170	160	140	150	160	1,200	6,000	3,000°X	230,000,000	550,000	1,700,000
Chromium	18540299		-		***	-	_	16,000	7,500	3,100	6,200	9,300	10,000	18,000	30,000	3,300	140,000,000	2,500,000	260,000
Lead	7439921		-					28,000	49,000	39,000	43,000	30,000	26,000	21,000	700,000	2,500,000*X	ID	400,000	100,000,000

Summary Table 2 Summary of Analytical Results in Soil, from

CRA's Commercial Carriers, Inc. Property Phase II Environmental Assessment Report,

Compared to Generic Residential Cleanup Criteria Published by MDEQ Pontiae Center, LLC (d.b.a. Pontiae Office Center, LLC) Bureau Veritas Project No: 11007-107148

Acetrone						Sai	mple Conc	entration (μg/kg)						MDEQ	Part 201 Cleanup C	riteria for Residentia	Land-Use (µg/kg)	
Acetrone	Identification														Protection	Protection	Contact Protection	Contact	Criteria (Ambient, Indoor,
Benzzene	VOCs											1							
2-98 manone	Acetone			-,					-	1									
Ethylbenzer 10414	Benzene			<10	10	<10	<10	10	<10	<10	<10	<10	42						
Toluene	2-Butanone					1				1									
Sylens 130207 <30	Ethylbenzene			<10			<10				<10		,						
Profession Pro	Toluene	108883	<10	<10	10	<10	<10	10	<10										
Berazo(a)puramenece	Xylenes	1330207	<30	<30	30	<30	<30	30	<30	<30	<30	<30	<30	NA.	5,600	700	150,000C	150,000C	150,000C
Bernack profession Signar	PNAs																		
Reamon Decomposition Dec	Benzo(a)anthracene	56553	<330	<330	<330	700	<330	<330		<330	<330			NA.				20,000	NLV
Chrys-ne 218019 \$330 \$	Benzo(a)pyrene	50328	<330	<330	<330	620	<330	<330	<330	<330	<330	<330	<330	NA	NLL	NLL	NLL	2,000	1,500,000
Plus mathene 206440	Benzo(b)fluoranthene	205992	<330	<330	<330	700	<330	<330	<330	<330	<330	<330	<330	NA.	NLL	NLL	NLL	20,000	מו
Sophorone 7859	Chrysene	218019	<330	<330	<330	790	<330	<330	<330	<330	<330	<330	<330	NA.	NLL	NLL	NLL	2,000,000	lD I
Phemathrene 85918 4390 4390 430	Fluoranthene	206440	<330	<330	<330	1,000	<330	<330	<330	<330	<330	<330	<330	NA.	730,000	5,500	730,000	46,000,000	740,000,000
Pytrine 129000 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <330 <3	Isophorone	78591	<330	<330	<330	350	<330	<330	<330	<330	<330	<330	<330	NA	15,000	11,000X	2,400,000C	2,400,000C	12,000,000,000
Metals	Phenanthrene	85018	<330	<330	<330	450	<330	<330	<330	<330	<330	<330	<330	NA	56,000	5,300	1,100,000	1,600,000	160,000
Attention 7429905 6,100,000 5,490,000	Pyrene	129000	<330	<330	<330	1,600	<330	<330	<330	<330	<330	<330	<330	NA	480,000	1D	480,000	29,000,000	650,000,000
Attention 7429905 6,100,000 5,490,000	Metals		i				·												
Arsenic 7440382 3,200 1,700 5,800 4,600 70,000X 2,000,000 7,600 720,000 330,000,000 330,000,000 330,000,00		7429905	6,100,000	5,490,000				-			-			6,900,000	1,000	NA	C000,000,000,1	50,000,000DD	NLV
Beryllium		7440382	3,200	1.700					_					5,800	4,600	70,000X	2,000,000	7,600	720,000
Beryllium	Barium	7440393	94,000	26,000										75,000	1,300,000	440,000*X	1.000,000,000D	37,000,000	330,000,000
Cadmium 7440439 52 160 -												***				84,000*			
Calcium						-								1,200		3,000*X	230,000,000		1,700,000
Chromium	Calcium		36,800,000	16,100,000								-		NA	NA	NA	NA	NA	NA.
Cobalt 7440484 10,000 7,800						-					_			18,000	30,000	3,300	140,000,000	2,500,000	260,000
Copper 7440508 12,000 10,000 10,000 10,000 10,000 10,000,000 10,0					1			-	-		-								
Iron											_	-							
Lead 7439921 9,100 11,000							-		-				-	12,000,000					
Magnesium														21,000		2,500,000*X	ID		100,000,000
Marganese 7439965 153,000 248,000 -								_	-			_	-	NA			1,000,000,000D		
Nickel 7440020 10,000 8,000 20,000 100,000 76,000* 1,000,000,000D 40,000,000 13,000,000 Potassium 7440097 617,000 352,000 NA										-	_			440,000					3,300,000
Potassium 7440097 617,000 352,000 NA NA NA NA NA NA Sodium 17341252 46,000 29,000 NA 2,500,000 NA 1,000,000,000,000D 1,000,000,000,000D NLV Vanadium 7440622 11,000 9,600 NA 72,000 190,000 1,000,000,000,000D 750,000DD NLV									_			_		20,000	100,000	76,000*	1,000,000,000D		13,000,000
Sodium 17341252 46,000 29,000 NA 2,500,000 NA 1,000,000,000D 1,000,000D NLV Vanadium 7440622 11,000 9,600 NA 72,000 190,000 1,000,000,000D 750,000DD NLV					E				_	-	_								
Vanadium 7440622 11,000 9,600 NA 72,000 190,000 1,000,000,000D 750,000DD NLV					1	_	_		-			1	-				1,000,000,000D		
					1				-	-			-						
	Zinc	7440666	21,000	24,000						_					2,400,000	170,000	I,000,000,000D	170,000,000	NLV

Summary Table 1

Summary of Analytical Results in Soil, from

CRA's City of Pontiac and Miscellaneous Properties Phase II Environmental Assessment Report, Compared to Generic Residential Cleanup Criteria Published by MDEQ

Pontiac Center, LLC (d.b.a. Pontiac Office Center, LLC) Bureau Veritas Project No: 11007-107148

	Sample Concentration (ug/kg)						MDEQ P	art 201 Cleanup C	riteria for Residentia	l Land-Use (μg/kg)	
Sample Identification (depth in feet)	CAS Number	BH-1 (4-6)	BH-2 (2-4)	BH-3 (2-4)	BH-5 (2-4)	Background Levels	Drinking Water Protection Criteria	GSI Protection Criteria	Groundwater Contact Protection Criteria	Direct Contact Criteria	Inhalation Criteria (Ambient, Indoor or Particulate)
VOCs									·		
Acetone	67641	1,700	1,400	340	1,300	NA.	15,000	34,000	110,000,000C	23,000,000	110,000,000C
2-Butanone	78933	<100	<100	<100	130	NA.	260,000	44,000	27,000,000C	27,000,000C,DD	27,000,000C
Metals							{				
Aluminum	7429905	5,040,000	6,100,000	9,500,000	5,490,000	6,900,000	1,000	NA	1,000,000,000D	50,000,000DD	NLV
Antimony	7440360	<250	<250	610	₹ <250	NA.	4,300	94,000	49,000,000	180,000	13,000,000
Arsenic	7440382	910	3,200	8,000	1,700	5,800	4,600"	70,000X	2,000,000	7,600	720,000
Barium	7440393	21,000	94,000	35,000	26,000	75,000	1,300,000	440,000*X	1,000,000,000D	37,000,000	330,000,000
Beryllium	7440417	<200	360	<1,000	<200	NA.	51,000	84,000*	1,000,000,000D	410,000	1,300,000
Cadmium	7440439	64	52	1,000	160	1,200	6,000	3,000*X	230,000,000	550,000	1,700,000
Calcium	7440702	1,460,000	36,800,000	11,000,000	16,100,000	NA.	NA	NA	NA	NA	NA
Chromium	18540299	9,300	6,700	11,000	7,100	18,000	30,000	3,300	140,000,000	2,500,000	260,000
Cobalt	7440484	5,400	10,000	6,400	7,800	6,800	800	2,000	48,000,000	2,600,000	13,000,000
Copper	7440508	4,500	12,000	14,000	10,000	32,000	5,800,000	73,000*	1,000,000,000D	20,000,000	130,000,000
Iron	7439896	7,490,000	13,400,000	21,000,000	1,700,000	12,000,000	T. 6.000	NA	1,000,000,000D	160,000,000	NLV
Lead	7439921	6,900	9,100	5,800	11,000	21,000	700,000	2,500,000*X	ID	400,000	100,000,000
Magnesium	7439954	1,320,000	10,200,000	4,900,000	5,540,000	NA.	8,000,000	NA.	1,000,000,000D	1,000,000,000D	6,700,000,000
Manganese	7439965	45,000	153,000	310,000	248,000	440,000	1,000	15,000*X	180,000,000	25,000,000	3,300,000
Nicket	7440020	7,900	10,000	14,000	8,000	20,000	100,000	76,000*	1,000,000,0000	40,000,000	13,000,000
Potossium	7440097	345,000	617,000	2,000,000	352,000	NA.	NA NA	NA	NA.	NA	NA
Sodium	17341252	26,000	46,000	160,000	29,000	NA.	2,500,000	NA.	1,000,000,000D	1,000,000,000D	NLV
Vanadium	7440622	10,000	11,000	14,000	9,600	NA.	72,000	190,000	1,000,000,000D	750,000DD	NLV
Zinc	7440666	31,000	21,000	39,000	24,000	47,000	2,400,000	170,000*	1,000,000,000D	170,000,000	NLV
supica — microgranus per k MDEQ — Michigan Depar MOCI — revisitive organus o OSI — Oresouthers Flurific NA = ortaneous or value is a NLV — chemical e not like DD = (nacinquist date to the C = value presented is no C = value presented is no C = value presented is no C = value presented is no D = Calculated criterion be. D = Calculated criterion by D = DD = Nacrodenas substance DD = Nacrodenas subst	streen of Environmental temporals of Water Interface or Water Interface or water interface or water or water or water or water action limit rumming level based on action of footnotes (cased 100%, hence it is not consecuted for surf- tion causes developmental face) lodicates that one water than the consecution of the distinction of the the con-	i Quality ar case for Cast, not apport soil conditions the chemical-specific is G = GSE criterion is pR reduced to 100% (i.e., ace water that is understand in effects. Remissioned and criterion is referenced one.	enerse soil samuration conce or bardness deparaters) bas 1 Oil = 9 ppb) a detaking water source d commental I direct costs or of the relevant clea as been responded.	ed on a generic hardness ez onteria are protoctive c	for southeastern Michiga	us of 150 mg/L as CaCO3	, which was observed from MDE	Q Op Memo RRD No. 5			

TABLES

Table 1 Estimated Costs of Eligible Activities

Rem/Activity	Total Request	USF Act 351 Eliothic Activities	MDEQ Act 351 Eligible
	towa wednest	Bar Kersar Englise Accessões	Activities
Baselina Environmental Assessments Phase I ESA	\$ 10,000	1	\$ 10,
Phase II ESA/BEA/DOCG	\$ 20,000		5 10, 5 20.
Baseline Englegomental Assessments Bub-Total	36,000	B	\$ 30
Due Care Activities			
	\$ 380,000		\$ 380
Due Care Activities Sub-Total	\$	n a	180
Demotion			
Deconstruction/Select Demolition of Building Elements for Reuse	\$ 75,000	\$ 75,000	
Proper Disposal of Non-Reuseable/Non-Recyclable Building Elements	\$ 150,000	\$ 150,000	
On-Site Reuse of Demolition Debris (concrete brick)	5 1,164		
	\$ 70,300		~
10.07 m g COS	\$ 90,651 \$ 8,165		
Removal of Sidewass	\$ 8,165 \$ 12,341		
R, Compection and Rough Grading to Balance where Improvements were Located	\$ 372,888	\$ 372.888	
Professional Fees Related to Geotechnical, Engineering & Design Work if Directly Related to Building. ad/or Site Demolition Activities	\$ 20,000	\$ 20,000	
Demoktion Sub-Total	\$ 800,509	\$ 800,309	
istestos and Load Activities			
	\$ 15,000		
	\$ 50,000	the state of the s	Compression and the second
abesios and Lead Activities Sub-Total	\$ 65,000	\$ 65,000	
nfrastructure Improvements			
	\$ 203,490		
	\$ 18,583 \$ 150,000		
andscaping (public ROWs) Infessional Fees Related to Geotechnical, Engineering & Design Work if Directly Related to			
rfastructure Activities	\$ 20,000	\$ 20,000	
sfrastructure &ub-Total	\$392,073	\$ 392,073	
ite Preparation			
laking	\$ 11,000	5 11,000	And the second s
Rectschnical Engineering Including Investigating Existing Subsurface Conditions, Soil Sampling, assessing Risks Posed by Site Conditions, Designing Earthworks and Structure Foundations	\$ 6,502	\$ 6,502	
learing & Gnobing (including grass, shrubs, trees, other vegetation and their roots) and Related (spoed)	\$ 3,000	\$ 3,000	_
emporary Construction Access and/or Roads	\$ 10,000		
emporary Traffic Control emporary Erosion Control	\$ 10,000 \$ 20,000		
emporarly Sile Control	\$ 20,000		
	\$ 185,520		
Sociation of Active Utilities :	\$ 100,000	\$ 100,000	
of Costs Related to Other Eligible Activities	\$ 20,000	\$ 20,000	
Re Preparation Sub-Total	\$ 348,022	346,022	1
reparation of Biggenfield Plan and Act 151 Workplan			
	\$ 20,000	\$ 10,000 \$	\$ 10
rownfield Plan and Act 351 Workplan Bub-Tolal	5 26,660	\$ 10,000	5 10
	Commercial	- Total Control of the Control of th	THE REAL PROPERTY OF THE PARTY

*15% Contingency excludes preparation of Brownfield Plant381 Work Plan and Baseline Environmental Assessments

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Table 2 Tax Increment Capture Table

Title 7. To bennet Francis Estaba

	S WITH THE STOWN S			weg " E" Teachbride			or sugaran	THE RESERVE			AN TO MANAGEMENT		one to punish and	ulainy ""\" by farancialisata				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	10000		<i>P</i> • • • • • • • • • • • • • • • • • • •								=)							
														XX - 100 - 100				
San Combined Texash Vet.		5 5,871,800 5	11160 I	5.071.000	12120 1	10112	ADJAM E	11/160 1	2.871.000 1	1471466 1	F171400 E	112100 6	5.071.520. 6	DE LO	12/120 1	107100	£171.80	
Projected Tax able Value (extlement arrival increase of 1%)	1 1		33'4,100 \$	10,073,071 \$	10 174 613 \$	11271358 I	10.375,113 5	10.402115 \$	10.587,738 \$	13,633 6+7	urania t	12531114 \$	11217,544 \$	11,127,225 \$	11.29.10 1			1
recovered Effetures (Projected Tax Value tribus Educing Tax Value)	1 [•	4102330 \$	4,202,071 \$	4,382419 \$	4.424.555 \$	4 507,319 \$	4 \$15,112 \$	4,31,5,929	4,825,817 \$	4.524.753 \$	2.014.753 5	5,145,841 \$	5 234 521 5	5 347,399 [5	5,479,693 \$	19124	1
acal Terra - Malaca	l l																	1 212.557
County Operating OS Alberties	154X	5 23.722 S 5 1,154 S	11 573 S	16 K% \$	1735 1	17,794 \$ 86£	18.210 \$	41.625 \$ \$7 \$	13.052 4	11 463 S	15 1° Z 1 SE3 1	37143 £	20 788 \$ 1272 \$	경파 1 163 1	21 554 \$ 1,655 \$	22.136 \$ 1077 \$	1,137	1474
One Velod	2110	11261 5	12,764 \$	13.074 \$	13.227 \$	13.704 \$	14,014 \$	14,247 \$	16.673 \$	15.502 \$	15 335 \$	15 871 1	16,000 \$	16357	12 455	17,643 \$	17,412	11(4)
XCWAI	1,535	\$ 8124 \$ \$ 56187 \$	6,381 \$	4.538 \$ 47.771 \$	1 193 1	£651 \$	7,511 S 57,814 S	7,175 E \$1.524 S	7.336 S \$3.165 S	7.500 \$ 54363 \$	7557 1	7.03 6	1251 5	£17£ \$	2340 E	1.524 S	£75¢ €0.656	112,736 117,657
City Cycrating Cast Into	1,475		424 t	3321 1	40,579 6	1.00	57,816 B	6.436 \$	4145	4751 3	13.563 \$	54.713 \$ 7.057 B	58.51 S	21.255 1 7.406 6	7.50 \$	7,721 \$	7.881	
Euritan .	2.803	\$ 15549 \$	11.562 \$	17242 \$	12127 \$	12.413 1	12,703	12,555 \$	1321 \$	13.55	13.631 \$	14,195 \$	14525 5	1110 1	15 127 \$	15443 \$	15,713	2 2 4 2 5 4
istraty Service Services	1,0000	1 1172 L	4,55 2	4,232 \$	4323 \$	1,475 1 2,202 1	2.27 6	4,611 \$ 2,304 \$	2.355 5	2 411 5	1125 \$	5,037 \$	3 145 S 2.173 S	5.758 \$	53E7 5	3483 \$ 2743 \$	1.593	
Causty Pe & Res	1 222	1250 1	2,651 \$	2141 1	101 \$	1043 \$	1.52	1.00 5	1.117	1142	244 S	1,518 \$	12:3	1245 \$	1221 6	1200 \$	1,124	
-cw	0.2143	1 257 \$	A78 \$	æ2 \$	921 \$	P42 \$	165 1	967 \$	1005 \$	1,652 1	1055	10.5 \$	1,121 6	1,125 \$	1,142 \$	1173 5	1,157	\$ 15,510
Strong Fund 20714	2.6°E	1 '4 155 \$ 5 3735 \$	15774 \$	12363 \$	12243 \$	12.641 S	12,326 1	13,734 \$	13.55	U.CI	14,145 \$	14,155 \$	14.769 \$	15.005 1	18 454 \$	15727 \$	t6.652	\$ 201,001
(ACO: 1) Total Local Taxon (Lapturable)	30,2115	177,461	#646 \$ triser \$	4:45 £	8244 S 136,641 S	13111	128,272 6	136,354 \$	142,537	4.75E S	148,955 \$	151,223 \$	\$25 f	154,712 1	1242	415.551 \$	5.5*7 168,340	
	F		144.00	MARKET P		- A	114,111	100,000	1-4,007		144,418 3	*******	Date 1					
School Tares	11																	
School Operating	18,5000 6 EXX	105 (12)	72.142 S 24.654 S	75 E37 1 25212 E	77,451 \$ 25,677 \$	79 742 S 32 427 A	11,132 \$ 17,444 \$	\$1,000 \$ 27,657 \$	# 12 1 2 1 1	23.521 S	58.718 S 20.573 S	90.F62 6 33.221 S	20175 6	31 525 \$ 31 526 \$	96'E15 E	2011	100,671 33,556	\$ 1,364,569 \$ 434,853
Total Bultoni Terres	14.60	143.973	2,416	100,058 \$	113,247 \$	145,701	104,178 6	111,027	111,123 1	113,774 \$	114,254 \$	120,851 \$	123,520 \$	125,144 1	125,615 6	121,513 \$	131,137	1,733,813
York Cupturable Military s	<u> 2274</u>	S 2*8,393 \$	773,C01 \$	727,445	2012 S	min i	244,358 \$	25E225 \$	255,716 \$	M(130 g	267,548 \$	273,165 \$	279,020 \$	254,537 \$	290,870 \$	207,830 \$	303,217	\$ 3,121,563
in Cale die VI. n.	1 1																	
Manager A22.4V	2473	2:45 6	1641 5	1611.1	1721 \$	173	1873 \$	144 1	1 826 \$	1925 \$	1172 \$	25.5 \$	2,053 6	2173 \$	2147 \$	I+32 6	2.20	
Cuo Authority At Insector	100	5 675 S	42 L	412 \$ 624 \$	422 \$ \$44 \$	E4 1	442 S	हर इ	462 S 925 S	473 š	40 t	424 \$ \$06 \$	1004 S	1631 \$	524 S 1,553 S	1075 5	14	
Tetal Man Capet marita Milagan	القاط	10.4	1,67	1,117 6	2617 \$	3.657	1,476 \$	1771	1,2/1	2,347	1.421	1491 1	1,572 6	3646 6	3,775 \$	3,900 \$	100	
Total Milagers	31.52	322,459 \$	225,294 1	230,763 \$	204.285 3	241,663 \$	247,526 \$	713.735 \$	258,593 \$	254,797 \$	278.571 \$	271675 \$	282,502 \$	259,545 \$	294,695 \$	308,866 \$	127.EE	
Arcel God Furnish Stat			W-13-1	136,107-3		43348-1	13/222 5	CIEN S		1677 1	166,973 . 8	5271.1		ears a	M2455 1	- E359 3	51,95	
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CITY OF PONTIAC

OFFICIAL MEMORANDUM

TO:

Pontiac City Council

FROM:

Jane Bais-DiSessa, Deputy Mayor, at the request of

John V. Balint, Acting Director of DPW

DATE:

October 23, 2017

RE:

2017 Snow Removal, Hauling and Salting Services

The Department of Public Works has prepared and advertised a request for proposals for the 2017 Snow Removal, Hauling and Salting Services. Proposals were accepted on October 19 at 2:00 PM in the office of the City Clerk and publically opened at that time. Funding of this project is allocated in the FY 2017-18 Local Street fund as well as the General Fund.

There was only one respondent to the RFP, Casar Management, LLC.

The bid was tabulated and checked. Based on the review, the individual tabulation is below.

Plowing: \$69.30/Lane Mile x 196.04 Lane Miles= \$13,586.00 Deicing: \$33.70/Lane Mile x 196.04 Lane Miles= \$6.607.00

Plow and Deice: \$103.00/Lane Mile x 196.04 Lane Miles= \$20,192.00

It is the recommendation of the Department of Public Works that the City accept the bid by Casar Management, LLC and authorize the Mayor to sign a contract for the 2017 Snow Removal, Hauling and Salting Services. The bid amount is within budget constraints.

WHEREAS,

The City of Pontiac has advertised and received responses to a request

for proposal for the Local Street Improvement Program on October 19,

2017 and publically opened bids, and;

WHEREAS,

a bid tabulation was prepared and reviewed, and;

WHEREAS,

the City identified the low bidder as Casar Management, LLC, and;

WHEREAS,

the pricing provided by Casar Management, LLC has been found

acceptable by the Department

NOW, THEREFORE,

BE IT RESOLVED.

The Pontiac City Council authorized the Mayor to enter into a contract with Casar Management, LLC for the 2017 Snow Removal, Hauling and

Salting Services.

JVB

Attachments



MEMORANDUM

City of Pontiac Finance Director Nevrus P. Nazarko, CPA 47450 Woodward Avenue Pontiac, Michigan 48342

Phone: 248.758.3118 Fax: 248.758.3197

DATE:

October 24, 2017

TO:

Honorable Mayor and City Council

FROM:

Nevrus P. Nazarko, CPA, Finance Director

Through:

Jane Bais DiSessa-Deputy Mayor

SUBJECT:

2018 ATPA Grant Contract with Oakland County

City of Pontiac has been utilizing the Auto Theft Prevention Authority (ATPA) grant from the State of Michigan through the Oakland County's Sheriff's office since 2013. This grant reimburses the municipality half of the eligible expenditures of a Sheriff's deputy assigned full time to the ATPA related activities.

The ATPA Grant runs from October 1 to September 30th of any given year. For the last 5 years (2013-2017) Oakland County has been able to apply for the grant on our behalf and we have been reimbursed ½ of the costs for a Sheriff Deputy assigned full time to the auto theft prevention. The 2017-18 expected reimbursement will be approximately \$71,481 (full cost of ATPA officer is \$142,962).

The State of Michigan is requiring that all the municipalities that receive the benefit of this grant through the OCSO, sign a sub-recipient agreement with Oakland County that delineates the rights and obligations of each party's responsibilities and obligations regarding the use of the grant.

City of Pontiac's responsibility is to provide funding for a Sheriff's Deputy to be assigned full time to the APA tasks.

Oakland County has entered into a contract with the State of Michigan for the grant and will reimburse the City of Pontiac ½ of the costs as described above.

We received the request to have the agreement approved by the City Council and signed by the Mayor on October 5, 2017.

If City Council agrees with the sub-recipient agreement between the City and Oakland County (as shown in the attachment), then the following resolution would be in order:

Whereas, the City of Pontiac has been utilizing the Auto Theft Prevention Authority Grant through Oakland County since 2013; and,

Whereas, the current agreement with the Oakland County Sheriff's Office expires on September 30, 2017; and,

Whereas, the County and City may enter into an sub-recipient agreement by which the Oakland County Sheriff's Office would continue to assign a full time Sheriff Deputy to the ATPA activities; and,

Whereas, the Oakland County Sheriff's Office agrees to provide reimburse the City under the terms and conditions of the Agreement up to 50 percent of the eligible expenditures;

Now, Therefore, Be It Resolved that the City Council, upon the recommendation of the Mayor and Finance Director accepts the Oakland County 2017-2018 ATPA Sub-Recipient Agreement with the City of Pontiac and authorizes the Mayor to sign document as presented;

AYES:			
NAYS:			

2018 AUTOMOBILE THEFT PREVENTION AUTHORITY GRANT SUBRECIPIENT AGREEMENT BETWEEN OAKLAND COUNTY AND CITY OF PONTIAC

This Agreement is made between Oakland County, a Constitutional Corporation, 1200 North Telegraph, Pontiac, Michigan 48341 ("County") and City of Pontiac, 47450 Woodward Ave., Pontiac, Michigan 48342, a Michigan Municipal Corporation ("Municipality").

<u>PURPOSE OF AGREEMENT</u>. The Parties enter into this Agreement for the purpose of delineating their relationship and responsibilities regarding the County's use of Grant funds for expenses that it incurs related to the Oakland County Auto Theft Program (ATPA), a multijurisdictional auto theft prevention and recovery task force under the direction and supervision of the Oakland County Sheriff's Office ("O.C.S.O.").

Under the Parties' separate ATPA agreement, the Municipality is responsible for providing a full-time employee for participation in ATPA and for all costs associated with that employment.

The County has entered into a Grant agreement (Exhibit A) with the State of Michigan ("State") where the County is eligible to receive reimbursement for qualifying ATPA-related costs.

The County intends to use a portion of the Grant funds to reimburse the municipality, as described below, subject to the terms and conditions of this agreement.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

- 1. **<u>DEFINITIONS</u>**. The following terms, whether used in the singular or plural, within or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows.
 - 1.1. Claim means any alleged loss, claim, complaint, demand for relief or damages, cause of action, proceeding, judgment, deficiency, liability, penalty, fine, litigation, costs, and/or expenses, including, but not limited to, reimbursement for attorney fees, witness fees, court costs, investigation expenses, litigation expenses, and amounts paid in settlement, which are imposed on, incurred by, or asserted against the County or Municipality, or the County's or Municipality's agents or employees, whether such claim is brought in law or equity, tort, contract, or otherwise.
 - 1.2. Grant means the 2018 Automobile Theft Prevention Authority Grant, (Exhibit A).
- 2. **EXHIBITS**. The Exhibits listed below are incorporated and are part of this Agreement.
 - 2.1. Exhibit A 2018 Automobile Theft Prevention Authority Grant.
 - 2.2. Exhibit B Memorandum of Agreement and participating local police departments.

3. COUNTY RESPONSIBILITIES.

- 3.1. The County will reimburse the Municipality, up to 50% of the total, for qualifying ATPA-related overtime including ATPA officers' salaries, fringe benefits, overtime, vehicle usage, cell phone, MAATI and IAATI dues, as described in the Grant agreement (Exhibit A).
- 3.2. The Municipality will comply with all terms and conditions set forth in the Grant agreement (Exhibit A), including, but not limited to, the following certification:
 - a. The Municipality is not presently disbarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
 - b. Has not within a three-year period preceding this application been convicted of or has a civil judgment rendered against them and are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) for commission of fraud or criminal office in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, briery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Have not within a two-year period preceding this application been convicted of a felony criminal violation under any federal law; and
 - d. Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

4. TERM.

4.1. This Agreement and any amendments hereto shall be effective when executed by both Parties with concurrent resolutions passed by the governing bodies of each Party, and when the Agreement is filed according to MCL 124.510. The approval and terms of this Agreement and any amendments hereto shall be entered in the official minutes of the governing bodies of each Party. This Agreement and any amendments hereto shall end three (3) years from the date the Grant period is closed.

5. ASSURANCES.

- 5.1. Each Party shall be responsible for its own acts and the acts of its employees and agents, the costs associated with those acts, and the defense of those acts.
- 5.2. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.
- 5.3. Each Party shall comply with all federal, state, and local ordinances, regulations, administrative rules, laws, and requirements applicable to its activities performed under this Agreement.
- 6. <u>TERMINATION OF AGREEMENT</u>. Either Party may terminate this Agreement upon thirty (30) days notice to the other Party. The effective date of termination shall be clearly stated in the notice.
- 7. NO THIRD PARTY BENEFICIARIES. Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right, in favor of any other person or entity.
- 8. <u>DISCRIMINATION</u>. The Parties shall not discriminate against their employees, agents, applicants for employment, or another persons or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.
- PERMITS AND LICENSES. Each Party shall be responsible for obtaining and maintaining, throughout the
 term of this Agreement, all licenses, permits, certificates, and governmental authorizations necessary to carry
 out its obligations and duties pursuant to this Agreement.
- 10. <u>RESERVATION OF RIGHTS</u>. This Agreement does not, and is not intended to waive, impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
- 11. <u>DELEGATION/SUBCONTRACT/ASSIGNMENT</u>. Neither Party shall delegate, subcontract, and/or assign any obligations or rights under this Agreement without the prior written consent of the other Party.
- 12. NO IMPLIED WAIVER. Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

- 13. <u>SEVERABILITY</u>. If a court of competent jurisdiction finds a term, or condition, of this Agreement to be illegal or invalid, then the term, or condition, shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.
- 14. <u>CAPTIONS</u>. The section and subsection numbers and captions in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers and captions shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural number, any reference to the male, female, or neuter genders, and any possessive or nonpossessive use in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
- 15. NOTICES. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.
 - 15.1. If Notice is sent to the County, it shall be addressed and sent to: Oakland County Board of Commissioners Chairperson, 1200 North Telegraph, Pontiac, Michigan 48341, with a copy to Oakland County Sheriff's Office, Business Manager, 1200 N. Telegraph, Bldg. 38E, Pontiac, Michigan 48341.
 - 15.2. If Notice is sent to the Political Subdivision, it shall be addressed to: City of Pontiac, 47450 Woodward Ave., Pontiac, Michigan 48342
 - 15.3. Either Party may change the address and/or individual to which Notice is sent by notifying the other Party in writing of the change.
- 16. **GOVERNING LAW**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan.
- 17. <u>AGREEMENT MODIFICATIONS OR AMENDMENTS</u>. Any modifications, amendments, rescissions, waivers, or releases to this Agreement must be in writing and executed by both Parties.
- 18. ENTIRE AGREEMENT. This Agreement represents the entire agreement and understanding between the Parties. This Agreement supersedes all other oral or written agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

EXECUTED:		DATE:
	Michael Gingell, Chairperson	
	Oakland County Board of Commissioners	
WITNESSED:		DATE:
	Printed Name:	
	Title:	
IN WITNESS resolution of the and hereby according to the second s	WHEREOF,, ne Municipality's governing body, a certified of the epts and binds the Municipality to the terms ar	acknowledges that he/she has been authorized by a copy of which is attached, to execute this Agreement, and conditions of this Agreement.
EXECUTED:		DATE:
	Printed Name:	
	Title:	
WITNESSED:		DATE:
	Printed Name:	
	Title:	

IN WITNESS WHEREOF, Michael Gingell, Chairperson, Oakland County Board of Commissioners, acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this Agreement, and hereby accepts and binds the County to the

terms and conditions of this Agreement.

Memorandum

To: Honorable Mayor, Council President and City Council Members

From: Jane Bais-DiSessa, Deputy Mayor

Through: Michelle L. McKenzie, Purchasing Agent

Date: October 24, 2017

Re: Home Demolition Batch 8 & 10

The City advertised for bids for Demolition Batch 8 & 10. Proposals were accepted on October 02, 2017 at 2:00 pm in the office of the City Clerk. The bids were publically opened at that time. Community Development Block Grant (CDBG) monies provide funding for this project.

There were six respondents to the RFP. They were:

- Milford Salvage Iron & Metal Co., Inc.
- Able Demolition
- · Salenbien Trucking & Excavating Inc.
- · International Construction Inc.
- Blue Star Inc.
- Homrich

A comparison of bid prices was developed. Based on the review, by the Project Construction Manager, Dwight Belyue from DCR Services, the most responsible bidder whose bid was determined to be in the best interest of the City is International Construction Inc.

As such, it is recommended that the City authorize the Mayor or Deputy Mayor to enter into a contract with the above-mentioned bidder, International Construction Inc.:

WHEREAS, the City of Pontiac advertised and received responses to a request for proposals for Home Demolition for Batches 8 & 10 on October 02, 2017 and publically opened bids; and,

WHEREAS, a bid tabulation was prepared and reviewed by the purchasing agent of the city, and the Project Construction Manager and,

WHEREAS, the most experienced and responsible bidder is being recommended for the contract; and,

WHEREAS, the contract will be granted to International Construction Inc. The funding for any and all work performed under this contract will be CDBG monies,

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council authorize the Mayor or Deputy Mayor to enter into a contract with; International Construction Inc. for Home Demolition for Batches 8 & 10 as budgeted.



October 23, 2017

Ms. Jane Bais Disessa, Deputy Mayor City of Pontiac 47450 Woodward Avenue Pontiac, MI 48342

RE: DEMOLITION CONTRACTOR RECOMMENDATION

Dear Jane:

I have reviewed the bid submission for the Demolition Contract for Group 8A, 9A, 10A and 11A demolition proposals and I am recommending the following contractors based on my investigation and due-diligence of each bid:

Group 8A, 9A, 10A and 11A:

TOTAL

•	GROUP 8A	International Construction, Inc.	\$135,000.00
•	GROUP 9A	Milford Salvage & Metal Co. Inc.	\$156,635.72
ø	GROUP 10A	International Construction, Inc.	\$104,900.00
0	GROUP 11A	Milford Salvage & Metal Co. Inc	\$157,444.90

Although Milford is not the low bidder on Group 9 & 11, based on discussions with yourself and Oakland County, we have decided to award the Group 9 & 11 to Milford to speed up the schedule of completion to meet Oakland County's spending timelines with HUD.

\$553,980.62

If you have any questions or require any clarification, please contact me.

Best Regards,

Dwight E. Belyue

CEO

Memorandum

To: Honorable Mayor, Council President and City Council Members

From: Jane Bais-DiSessa, Deputy Mayor

Through: Michelle L. McKenzie, Purchasing Agent

Date: October 24, 2017

Re: Home Demolition Batch 9 & 11

The City advertised for bids for Demolition Batch 9 & 11. Proposals were accepted on October 02, 2017 at 2:00 pm in the office of the City Clerk. The bids were publically opened at that time. Community Development Block Grant (CDBG) monies provide funding for this project.

There were six respondents to the RFP. They were:

- Milford Salvage Iron & Metal Co., Inc.
- Able Demolition
- Salenbien Trucking & Excavating Inc.
- International Construction Inc.
- · Blue Star Inc.
- Homrich

A comparison of bid prices was developed. Based on the review, by the Project Construction Manager, Dwight Belyue from DCR Services, the most responsible bidder whose bid was determined to be in the best interest of the City is Milford Salvage Iron & Metal Co., Inc.

As such, it is recommended that the City authorize the Mayor or Deputy Mayor to enter into a contract with the above-mentioned bidder, Milford Salvage Iron & Metal Co., Inc.:

WHEREAS, the City of Pontiac advertised and received responses to a request for proposals for Home Demolition for Batches 9 & 11 on October 02, 2017 and publically opened bids; and,

WHEREAS, a bid tabulation was prepared and reviewed by the purchasing agent of the city, and the Project Construction Manager and,

WHEREAS, the most experienced and responsible bidder is being recommended for the contract; and,

WHEREAS, the contract will be granted to Milford Salvage Iron & Metal Co., Inc. The funding for any and all work performed under this contract will be CDBG monies,

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council authorize the Mayor or Deputy Mayor to enter Into a contract with; Milford Salvage Iron & Metal Co., Inc. for Home Demolition for Batches 9 & 11 as budgeted.



October 23, 2017

Ms. Jane Bais Disessa, Deputy Mayor City of Pontiac 47450 Woodward Avenue Pontiac, MI 48342

RE: DEMOLITION CONTRACTOR RECOMMENDATION

Dear Jane:

I have reviewed the bid submission for the Demolition Contract for <u>Group 8A, 9A, 10A and 11A</u> demolition proposals and I am recommending the following contractors based on my investigation and due-diligence of each bid:

Group 8A, 9A, 10A and 11A:

0	GROUP 8A	International Construction, Inc.	\$135,000.00
•	GROUP 9A	Milford Salvage & Metal Co. Inc.	\$156,635.72
•	GROUP 10A	International Construction, Inc.	\$104,900.00
•	GROUP 11A	Milford Salvage & Metal Co. Inc	\$157,444.90
	TOTAL		\$553,980.62

Although Milford is not the low bidder on Group 9 & 11, based on discussions with yourself and Oakland County, we have decided to award the Group 9 & 11 to Milford to speed up the schedule of completion to meet Oakland County's spending timelines with HUD.

If you have any questions or require any clarification, please contact me.

Best Regards,

Dwight E. Belyue

CEO

DCR Services & Construction, Inc. 828 South Dix Street, Detroit, MI 48217 SBA Certified: 8(A), HUBZone and Small Disadvantaged Business

Memorandum

To: Honorable Mayor, Council President and City Council Members

From: Jane Bais-DiSessa, Deputy Mayor

Through: Michelle L. McKenzie, Purchasing Agent

Date: October 24, 2017

Re: Asbestos Abatement Batch 8, 9, 10 & 11

The City advertised for bids for Asbestos Abatement Batch 8, 9, 10 & 11. Proposals were accepted on October 02, 2017 at 2:00 pm in the office of the City Clerk. The bids were publically opened at that time. Community Development Block Grant (CDBG) monies provide funding for this project.

There were three respondents to the RFP. They were:

- Minority Women Veteran (MWV) Environmental Services
- Rightway Remediation LLC
- Great Lakes Environmental LLC

A comparison of bid prices is developed. Based on the review, the most responsible bidder whose bid was determined to be in the best interest of the City is MWV Environmental Inc.

As such, it is recommended that the City authorize the Mayor or Deputy Mayor to enter into a contract with the above mentioned bidder, MWV Environmental Inc.:

WHEREAS, the City of Pontiac advertised and received responses to a request for proposals for Asbestos Abatement for Batches 8, 9, 10 & 11 on October 02, 2017 and publically opened bids; and,

WHEREAS, a bid tabulation was prepared and reviewed by the purchasing agent of the city, and the Project Construction Manager and,

WHEREAS, the most experienced and responsible bidder is being recommended for the contract; and,

WHEREAS, the contract will be granted to MWV Environmental Inc. The funding for any and all work performed under this contract will be CDBG monies,

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council authorize the Mayor or Deputy Mayor to enter into a contract with; MWV Environmental Inc. for Asbestos Abatement for Batches 8, 9, 10 & 11 as budgeted.



October 8, 2017

Ms. Jane Bais Disessa, Deputy Mayor City of Pontiac 47450 Woodward Avenue Pontiac, MI 48342

RE: ASBESTOS ABATEMENT CONTRACTOR RECOMMENDATION

Dear Jane:

I have reviewed the bid submission for the Asbestos Abatement for <u>Group 8A, 9A, 10A and 11A</u> asbestos abatement proposals and I am recommending the following contractors based on my investigation and due-diligence of each bid:

Group 8A, 9A, 10A and 11A:

MWV Environmental Services, Inc.

9	GROUP 8A	\$38,665.00
•	GROUP 9A	\$32,470.00
•	GROUP 10A	\$41,150.00
٠	GROUP 11A	\$34,630.00
	TOTAL	\$146,915.00

Based on my recommendation, the total contract award is \$3767/per property. I have spoked to Katrenia Williams about scheduling and as of today, MWV Environmental has committed to a seventy-five (75) day schedule, which is two (2) days per house. They are reviewing their manpower to see if they can improve on the schedule.

If you have any questions or require any clarification, please contact me.

Best Regards,

Dwight E. Belyue

CEO



City of Pontiac Resolution

WHEREAS, from March 23, 2009 through August 19, 2013, the City of Pontiac has been under the control of either an Emergency Financial Manager and/or Emergency Managers as dictated by Public Act 4, Public Act 72 and Public Act 436; and,

WHEREAS, these managers engaged in the practice of reducing the City of Pontiac workforce through the subcontracting of work and the layoff of City employees; and,

WHEREAS, due to adjustments to the minimum retirement requirements by the Emergency Managers some displaced employees were allowed to retire early under the General Employees' Retirement System and begin drawing an annuity immediately while other employees were laid off with no consideration for early retirement; and,

WHEREAS, those former employees who were separated from employment with the City of Pontiac with no consideration for early retirement have requested the Pontiac City Council to allow them access to early retirement by adjusting the mandatory terms for retirement eligibility under the respective collective bargaining agreements and/or non-union retirement requirements and provisions of the General Employees' Retirement System that were in effect at the time of separation; and,

WHEREAS, the Pontiac City Council has considered this request by these former employees and is desirous of granting the relief sought which is listed in the attached Exhibit A, and having received an actuary evaluation that references the cost associated with this proposal the Pontiac City Council has reached the following resolve.

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council does hereby approve the request for early retirement for those former employees as referenced above and further hereby will consider **An ordinance to offer an early retirement of the General Employees' Retirement System** during the City Council Meeting on Thursday, November 2, 2017 at 6030 p.m. in the City Council Chambers.

City of Pontiac Ordinance NO. 2348

AN ORDINANCE TO PROVIDE AN EARLY RETIREMENT BENEIFT TO CERTAIN FORMER EMPLOYEES OF THE CITY OF PONTIAC WHO ARE MEMBERS OF THE GENERAL EMPLOYEE'S RETIREMENT SYSTEM.

The City of Pontiac ordains:

Section 1. Amendments.

The General Employees' Retirement System ordinance shall be amended to read as follows:

a. Section 92-21 shall be amended to add the following language:

Retirement Window

Any former City of Pontiac Employees who are or were members of the General Employees' Retirement System and who meet the following criteria will be eligible to participate in an early retirement:

- 1. The former employee was involuntarily separated from employment with the City of Pontiac between March 23, 2009 and August 19, 2013, for reasons not connected with disciplinary action.
- 2. The former employee had at least ten (10) years of service credit in the General Employees' Retirement System at the time of separation from employment. Former employees who meet this requirement based on the Reciprocal Retirement Act shall also be eligible for this benefit. However, an employee shall not become eligible for this early retirement benefit until an employee reaches age forty-three (43).
- 3. A qualifying individual retiring under this provision will have their annuity calculated based on years of service credit at the time of separation in conjunction with the applicable multiplier and formula contained in the individual's Collective Bargaining Agreement or the individual's non-union pay plan in effect at the time of the person's separation.
- 4. Annuity will be payable from the date of final City approval, provided, eligible members file their intention to retire no later than 30 days following final approval and not before final approval. There shall be no entitlement to retroactive pension payments under any circumstance.
- 5. Employees who are eligible for this early retirement benefit shall not be offered any form of retiree health care until they obtain the age of sixty (60). Such retiree health care benefit shall be strictly guided by any settlement agreement reached in the litigation entitled City of Pontiac Retired Employee Association, et al. v. City of Pontiac, et. Al., U.S District Court Case No. 2:12-cv-12830.

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared

to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 3. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Effective Date.

This Ordinance shall be effective ten days after date of adoption.

Sherikia L. Hawkins, City Clerk.