

PONTIAC CITY COUNCIL

Kermit Williams, District 7
President
Randy Carter, District 4
President Pro Tem



Patrice Waterman, District 1
Don Woodward, District 2
Mary Pietila, District 3
Gloria Miller, District 5
Dr. Doris Taylor Burks, District 6

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."

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

FORMAL MEETING

June 25, 2019

6:00 P.M.

100th Session of the 10th Council

Call to order

Invocation

Pledge of Allegiance

Roll Call

Authorization to Excuse Councilmembers

Amendments to and Approval of the Agenda

Approval of the Minutes

1. June 6, 2019 Special Meeting on the Budget
2. June 7, 2019 Special Meeting on the Budget
3. June 10, 2019 Special Meeting on the Phoenix Center
4. June 11, 2019 Formal Meeting
5. June 13, 2019 Special Meeting on the Budget
6. June 13, 2019 Public Hearing on the 2019-2020 Proposed Budget
7. June 18, 2019 Study Session

Subcommittee Reports

8. Community Development– June 20, 2019

Recognition of Elected Officials

Agenda Address

Special Presentations (Each presentation is limited to 10 minutes.)

9. Pontiac Water/Sewer Rates Fiscal Year 2020
Presentation Presenters: Honorable Jim Nash, Oakland County Water Resources Commissioner (WRC),
WRC Officials: Ben Lewis (Sewer), Amy Ploof (Water), and Raphael Chirolla (Rate Presentation)

Resolutions

Community and Economic Development

10. Resolution to approve the Revocation of the Reverter Clause for 2 & 4 N. Saginaw, Pontiac, MI.

Planning

11. Resolution to approve the Planning Commission's recommendation to approve the Zoning Map Amendment (ZMA 19-01) request for 819 Golf Drive, also known as PIN 64-19-05-102-009, to amend the current site zoning from R-1 One Family Dwelling District to R-3 Multiple Family Dwelling District.
12. Resolution to consider appeal from A&S Kaja Enterprise, Inc., parcel # 64-14-16-402-030, also known as 1124 Joslyn Avenue; regarding Planning Commission's denial of their Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue.

Office of Development, Grants and Compliance

13. Resolution to authorize Mayor to submit and execute the "KaBOOM! Play Everywhere Challenge" grant agreement in the amount of \$56,500.00 for the Good Fun & Sound Abounds Downtown Project.

City Council

14. Resolution to set a Special Meeting to discuss the draft Community Benefits Ordinance (draft ordinance attached)
15. Resolution honoring Zeta Phi Beta Sorority, Inc. 2019 Family of the Year Mr. and Mrs. Gordon May
16. Resolution honoring Zeta Phi Beta Sorority, Inc. 2019 Community Service Honoree Attorney Elbert L. Hatchett
17. Resolution honoring Zeta Phi Beta Sorority, Inc. 2019 Woman of the Year Anita Barksdale, RN

Office of the City Clerk

18. Communication requesting that the City Council request a legal opinion from the City Attorney on the Medical Marijuana Application
19. Communication informing the City Council that the Regional Transit Authority of Southeast Michigan would like to utilize the City Council Chambers to host its September meeting in Oakland County on Thursday, September 19, 2019.

Public Comment**Mayor, Clerk and Council Closing Comments****Adjournment**

#1

MINUTES

Special Meeting on Budget

6-6-19

June 6, 2019 Special Meeting on the Budget

**Official Proceedings
Pontiac City Council
91st Session of the Tenth Council**

A Special Meeting on the Budget of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, June 6, 2019 at 3:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

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

Members Absent: Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-235 **Excuse Councilperson Don Woodward for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-236 **Approval of the agenda.** Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

Department Budget Hearings

The following budget hearings were held.

50th District Court

Building and Safety (Wade Trim)

Public Safety (Oakland County Sheriff)

Fire Services (Waterford Regional Fire Department)

Youth Recreation

June 6, 2019 Special Meeting on the Budget

Senior Centers

No public comment

President Kermit Williams adjourned the meeting at 4:50 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

#2

MINUTES

Special Meeting on Budget

6-7-19

June 7, 2019 Special Meeting on the Budget

**Official Proceedings
Pontiac City Council
92nd Session of the Tenth Council**

A Special Meeting on the Budget of the City Council of Pontiac, Michigan was called to order in City Hall, Friday, June 7, 2019 at 12:02 p.m. by Council President Pro-Tem Randy Carter.

Call to Order

Roll Call

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

Members Absent: Pietila, Williams and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-237 **Excuse Councilperson Mary Pietila, Kermit Williams and Don Woodward for personal reasons.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Miller, Taylor-Burks, Waterman and Carter

No: None

Motion Carried.

Council President Kermit Williams arrived at 12:04 and resume chair of the meeting.

19-238 **Approval of the agenda.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Department Budget Hearings

The following budget hearings were held.

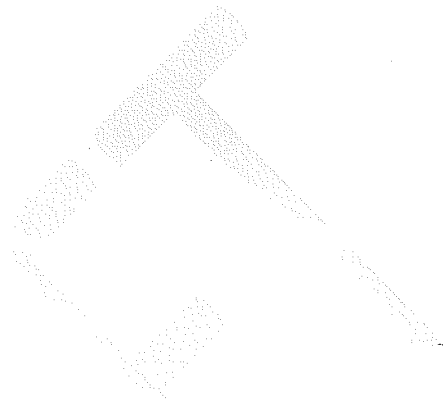
Planning/Code Enforcement

Department of Public Works (DPW)

No public comment

President Kermit Williams adjourned the meeting at 1:10 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK



#3

MINUTES

**Special Meeting on
Phoenix Center**

6-10-19

June 10, 2019 Special Meeting on the Phoenix Center

**Official Proceedings
Pontiac City Council
93rd Session of the Tenth Council**

A Special Meeting on the Phoenix Center of the City Council of Pontiac, Michigan was called to order in City Hall, Monday, June 10, 2019 at 6:00 p.m. by Council President Pro-Tem Randy Carter.

Call to Order

Roll Call

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

Members Absent: Miller, Williams and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-239 **Excuse Councilperson Gloria Miller, Kermit Williams and Don Woodward for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Carter, Pietila, Taylor-Burks and Waterman

No: None

Motion Carried.

Council President Kermit Williams arrived at 6:03 and resume chair of the meeting.

19-240 **Approval of the agenda.** Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-241 **Suspend the Rules.** Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

Councilperson Gloria Miller arrived at 6:04 p.m.

19-242 **Rules suspended to move Public Comments from three (3) minutes to two (2) minutes.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

June 10, 2019 Special Meeting on the Phoenix Center

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

No: None

Motion Carried.

Town Hall on Phoenix Center

Seven (7) individuals addressed the body during public comment.

President Kermit Williams adjourned the meeting at 6:25 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

#4

MINUTES

Formal Meeting

6-11-19

June 11, 2019 Formal Meeting

**Official Proceedings
Pontiac City Council
94th Session of the Tenth Council**

A Formal Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, June 11, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Invocation – Pastor Matlock

Pledge of Allegiance

Roll Call

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

Members Absent: Carter, Waterman and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-243 **Excuse Councilperson Randy Carter, Patrice Waterman and Don Woodward for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Taylor-Burks and Williams

No: None

Motion Carried.

19-244 **Amendment to the agenda to add a discussion to waive fees for the Golden Opportunity Club and La Amistad regarding the usage of the Bowen & Ruth Peterson Center.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Williams and Miller

No: None

Motion Carried.

19-245 **Amendment to the agenda to add a resolution for a Hiring Freeze.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Williams, Miller and Pietila

No: None

Motion Carried.

June 11, 2019 Formal Meeting

19-246 **Amendment to the agenda to schedule June 18, 2019 Council Meeting as Budget only.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Williams, Miller, Pietila and Taylor-Burks

No: None

Motion Carried.

19-247 **Approval of the agenda with amendments.** Moved by Councilperson Pietila and second by Councilperson Miller.

Ayes: Williams, Miller, Pietila and Taylor-Burks

No: None

Motion Carried.

19-248 **Approve special meeting minutes on June 3, 2019.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Miller, Pietila, Taylor-Burks and Williams

No: None

Motion Carried.

19-249 **Approve meeting minutes on June 4, 2019.** Moved by Councilperson Pietila and second by Councilperson Miller.

Ayes: Miller, Pietila, Taylor-Burks and Williams

No: None

Motion Carried.

Subcommittee Reports Received

Finance – May 15, 2019

Real Estate – May 28, 2019

Council President Pro-Tem Randy Carter arrived at 6:08 p.m.

Recognition of Elected Officials – Mattie Hatchett/Library Board Chair, Mike McGuiness/Pontiac School Board and Melanie Rutherford/Pontiac Library Secretary.

Special Presentations

Special Emergency Presentation regarding a Pontiac Security Matter
Presentation Presenter: Lt. Stephen Dooley, Oakland County Sheriff

June 11, 2019 Formal Meeting

Kids First Initiative STEAM Camp
Presentation Presenter: Richard Bell

Pontiac Youth Recreation and Enrichment Awards
Presentation Presenters: Mayor Waterman and Troy Craft

Resolution to approve the Revocation of the Reverter Clause for 2 & 4 N. Saginaw, Pontiac, MI.
Moved by Councilperson Pietila, motion not seconded.

19-250 **Resolution to authorize the Mayor to enter into a contract with International Construction for Residential Demolition for Batch 14 and 15 at a cost not to exceed \$281,549.00. This contract will be funded with Community Development Block Grant (CDBG) funds.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

WHEREAS, the City of Pontiac advertised and received responses to a request for proposals for Home Demolition for Batch 14 and 15 on May 20, 2019 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. The funding for all work performed under this contract will be CDBG monies,

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council authorize the Mayor to enter into a contract with, International Construction, for Demolition Services for Batches 14 (\$138,149.00) and 15 (\$143,400.00) at a cost not to exceed \$281,549.00.

Ayes: Pietila, Taylor-Burks, Williams and Miller

No: Carter

Resolution Passed.

Councilwoman Pietila ask a question and then Councilwoman Taylor-Burks asked how do you choose the houses?

19-251 **Resolution to authorize the Mayor to enter into a contract with MWV Environmental Services for Asbestos Services for Batch 14 & 15 at a cost not to exceed \$133,394.00. This contract will be funded with Community Development Block Grant (CDBG) funds.**

WHEREAS, the City of Pontiac advertised and received responses to a request for proposals for Home Demolition for Batch 14 and 15 on May 20, 2019 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 Services, Inc. The funding for all work performed under this contract will be CDBG monies,

NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council authorize the Mayor to enter into a contract with, MWV Environmental Services, Inc. for Asbestos Services for Batches 14 (\$75,985.00) and 15 (\$57,409.00) at a cost not to exceed \$133,394.00.

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

No: Carter

Resolution Passed.

19-252 **Suspend the Rules.** Moved by Councilperson Pietila and second by Councilperson Miller.

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

No: None

Motion Carried.

19-253 **Add-on Resolution to discontinue the Road Diet on Perry Street. (I-75 Business Loop)**

Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac received a request from the Michigan Department of Transportation to perform a road diet on Perry Street (I-75 Business Loop), effectively taking the roadway from a current five-lane section to a three-lane section; and,

Whereas, this change was created for the purpose of creating a safer environment for both motorists, bicyclists and pedestrians; and,

Whereas, the change consisted of only pavement markings, which can be changed, back to a five-lane section after the trial period; and,

Whereas, the Pontiac City Council passed a resolution authorizing the Michigan Department of Transportation to perform the road diet on Perry Street (I-75 Business Loop) for a six-month trial period (November 2018 to April 2019); and,

Whereas, the trial period is over and the Pontiac City Council believes that it is in the best interest of the City, to end the road diet on Perry Street (-75 Business Loop).

Now, therefore Be It Resolved, that the Pontiac City Council hereby authorizes the Michigan Department of Transportation to discontinue the road diet on Perry Street (I-75 Business Loop), remove the pavement markings and return the roadway back to five-lane section.

Discussion on Resolution for Road Diet on Perry Street

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

No: Pietila

Resolution Passed.

19-254 **Add-on resolution to establish a Hiring Freeze.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Whereas, the Executive branch has indicated that there are several vacant employment positions in the City of Pontiac; and,

Whereas, the Pontiac City Council has requested an organizational chart reflecting all employees and their respective departments in an effort to pass a balanced budget for fiscal year 2019 and 2020; and,

Whereas, pursuant to the Pontiac City Charter, provision 3.12, Control of City Payroll, no compensation or salary shall be paid to appointees, members of boards or commissions, or employees of the City except as approved by the Council.

Now, therefore Be it resolved, that the Pontiac City Council hereby establishes a hiring freeze, as there shall be no person hired as of Tuesday, June 11, 2019 and effective immediately, until the budget is passed.

Ayes: Carter, Miller, Taylor-Burks and Williams

No: Pietila

Resolution Passed.

19-255 **Suspend the Rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

No: None

Motion Carried.

19-256 **Motion to set June 18, 2019 Council meeting for FY 2019-2020 Budget only with an addition to have City Attorney add a resolution to waive fees for eight (8) events per year for the Golden Opportunity Club and La Amistad usage of the Bowen and Ruth Peterson Centers.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

No: None

Motion Carried.

Mayoral Reports

Received Report regarding Deadlines for Tax Bill Issuance

Monthly Check Register

(The City Council adopted a resolution on February 5, 2019 for the Mayor to provide the monthly check register for the prior month, to the City Clerk, to be included in the Pontiac City Council Agenda, the first meeting of each month commencing with the March 5, 2019 Agenda. The City Clerk did not receive the check register for May 2019.) The City Clerk has attached the weekly check register for May 3, 17, 24 and 31, 2019; it was printed from the City's website. **The check register for May 10, 2019 is not on the City's website.**

Received the monthly Staff Changes Report (**The May report was not submitted.**)

June 11, 2019 Formal Meeting

Received the City Credit Card Statement

Eleven (11) individuals addressed the body during public comment.

Mayor Waterman, Councilwoman Mary Pietila, Councilwoman Doris Tylor-Burks, Councilwoman Gloria Miller, Council President Pro-Tem Randy Carter and Council President Kermit Williams made closing comments. Interim City Clerk Garland Doyle had no closing comments.

President Kermit Williams adjourned the meeting at 8:37 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

#5

MINUTES

Special Meeting on Budget

6-13-19

June 13, 2019 Special Meeting on the Budget

**Official Proceedings
Pontiac City Council
95th Session of the Tenth Council**

A Special Meeting on the Budget of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, June 13, 2019 at 3:04 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

Members Present: Miller, Pietila, Waterman, and Williams.

Members Absent: Carter, Taylor-Burks and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

Councilwoman Doris Taylor-Burks arrived at 3:05 p.m.

19-257 **Excuse Councilperson Randy Carter and Don Woodward for personal reasons.**
Moved by Councilperson Pietila and second by Councilperson Waterman.

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

No: None

Motion Carried.

19-258 **Amendment to the agenda to add a resolution to approve Proposed Millage Rate for FY 2019-2020 and Master Fee Schedule for FY 2019-2020.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-259 **Approve agenda with amendments.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Department Budget Hearings

The following budget hearings were held.

June 13, 2019 Special Meeting on the Budget

Clerk/Elections

Mayor's Office

City Council

Law

Two (2) individuals addressed the body during public comment.

President Kermit Williams adjourned the meeting at 4:47 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

#6

MINUTES

**Public Hearing on the
2019-2020 Proposed Budget**

6-13-19

**Official Proceedings
Pontiac City Council
96th Session of the Tenth Council**

A Public Hearing on the Proposed Budget for 2019-2020 of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, June 13, 2019 at 5:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

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

Members Absent: Carter, Pietila and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-260 **Suspend the rules.** Moved by Councilperson Miller and second by Councilperson Waterman.

Ayes: Miller, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

Council President suspended the rules to change time of public comment but no action taken.

Council President opened up the Public Hearing on the Proposed Annual Budget for Fiscal Year 2019-220 and the City Tax Rate at 5:02 p.m. Three (3) individuals addressed the body during public hearing.

1. William Parker 1111 Fairway Dr., Pontiac, MI. Pastor Parker stated that he was listening to the Council's earlier meeting. The budget that is online does not correspond to the budget that the Council was discussing. Is there a way you can get an accurate budget report to follow along with during your discussions?
2. Pastor Kathy Dessureru 1200 Colony Lane, Pontiac, MI. Pastor Kathy mentioned that she requested a copy of the proposed budget. She got something different than the Council. I feel like you have to dig through the mud to follow along. What can we do to make these people get along? It started contentiously today it has to stop. We cut each other to pieces week after week it has to stop.
3. Hughley Newsome 4980 Crabapple Ct., West Bloomfield, MI. Mr. Newsome stated that I want to come back to the body and remind you of what has happen to this point and remind you all of communications that will have to be sent to residents and business owners that are tax payers of this City. The administration requested originally that the public hearing be held on June 4, then June 11 and now it is happening on June 18. You see the timeline (Timeline was on screen in

June 13, 2019 Public Hearing on the Proposed Budget for 2019-2020

Chambers.). The millages will not be able to be adopted until June 18th. This has a disruptive effect for businesses. We have to notify residents that their tax bills will be late. We are sending out those communications tomorrow.

Council President closed public hearing at 5:13 p.m.

President Kermit Williams adjourned the meeting at 5:13 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

#7

MINUTES

Study Session

6-18-19

June 18, 2019 Study Session

**Official Proceedings
Pontiac City Council
97th Session of the Tenth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, June 18, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

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

Members Absent: Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-261 **Excuse Councilperson Don Woodward for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-262 **Amendments to the agenda to add a resolution for “Juneteenth Independence Day” as item 7, a resolution for Districts Projects as item 8 and add a Special Budget Meeting on June 2, 2019 as item 9.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

No: Pietila

Motion Carried.

19-263 **Approval of the Agenda with amendments.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

No: Pietila

Motion Carried.

Fourteen (14) individuals addressed the body during public comment.

Communication from the Mayor Received

Aggregate Estimated Cost and Savings Report for the Payment in Lieu of Insurance (PILOI) Offering

19-264 **Suspend the rules. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.**

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

No: None

Motion Carried.

19-265 **Resolution to Approve Proposed Millage Rate for Fiscal Year 2019-2020.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, in accordance with Article v, Chapter 1 of the City Charter entitled: Financial Procedures, a public hearing was held on June 13, 2019 regarding the proposed budget and tax rate; and, Whereas, by not less than six days after the notice of public hearing shall adopt the tax rate, Now, Therefore in accordance with the General Appropriations Act, the City Council of the City of Pontiac authorizes the following FY 2019-2020 Millage Rates to be levied and collected on the general property tax of all real and personal property within the City: 11.1699 operating; 1.4862 youth center; 1.3961 capital improvement; 2.7923 sanitation; 0.4954 senior services. The City Treasurer is hereby authorized to impose a one percent (1%) property tax administration fee for all property taxes due, and a late penalty charge when applicable, in conformance with Section 44 of Public Act 206 of 1893.

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

No: None

Resolution Passed.

Discussion regarding the City Council Proposed Changes to the Fiscal Year 2019-2020 Budget

19-266 **Suspend the rules.** Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-267 **Resolution to Waive Fees for Eight (8) Events per Year for the Golden Opportunity Club and La Amistad usage of the Bowen and Ruth Peterson Centers prepared by the City Attorney.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, to the Bowen and Ruth Peterson Senior Centers ("the Centers") rent space to outside organizations consistent with the Master Fee Schedule established in the City budget; and Whereas, the Golden Opportunity Club and La Amistad ("the Clubs") regularly rent space at the Centers; and Whereas, the City Council of the City of Pontiac ("the Council") desires to donate fees equivalent to eight (8) events for each Club in the 2020 Fiscal year; and

Whereas, the Mayor's proposed FY 2020 City Council Budget has sufficient funding in the 101-101-959.000 account;

Now, Therefore Be It Resolved that the City Council hereby directs the transfer of an amount not to exceed eight thousand dollars (\$8,000.00) to the appropriate revenue account for the Centers [212-000-669.703 (Peterson) and 212-000-669.704 (Bowen)] in order to donate fees for up to eight (8) events for the Golden Opportunity Club and up to eight (8) events for La Amistad in the 2020 Fiscal Year.

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

No: Carter

Resolution Passed.

19-268 **Suspend the rules.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-269 **City Council Proposed Changes to the Fiscal Year 2019-2020 Budget.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Remove death and birth certificates from the schedule of fees:

Add to the fee schedule non-refundable fees for tax incentives (see attached list of fees):

Remove the Community Development Deputy Director position:

Remove the Community Service Rep position from Community Development:

Reclassify the Purchasing Specialist as the Purchasing Agent to be in compliance with the Charter:

Reduce Contractual Temp to \$10,000 in Mayor's Office budget:

Change Mayor Projects to OU Initiative in Mayor's Office budget:

Reduce Giamarco Mullins Horton from \$345,000 to \$200,000:

Reduce Finance Director Salary to \$50,000:

Reduce the three full time Youth Recreation positions to part time:

City Council Budget changes (see attached changes noted in red) in addition add \$15,000 for travel to the budget and the National League of Cities membership of \$4,600. The cost is to be split equally between the Council's budget and the Mayor's Office budget:

Medical Marihuana Budget Changes (see attached):

Remove Tele –Van from the budget:

Reduce 101-690-902-000 Advertising to \$5,000 from \$31,800:

Reduce 101-690-818-000 Other Professional Services to \$20,000 from \$90,000:

101-756-971-001 should remain a restricted fund:

Elections Budget Changes (see attached changes are noted in red):

\$5,000 raise for the Interim City Clerk it is incorporated in the Clerk's budget changes: (see attached changes are noted in red)

Remove \$2,388 Miscellaneous Expenses under Finance:

Reduce 101-774-745-003 City Events from \$22,500 to zero:

Increase 101-818-818-236 Tree Services to \$200,000:

Move Customer Service Rep from half time in both Community Development and Youth Recreation to full time in Youth Recreation:

Eliminate the 13 vacant part time Youth Recreation positions:

Remove the Assistant to Cable Director position:

585-000-695-001 change to zero:

585-564-974-035 be amended to \$600,000:

Transfer in General Fund to Parking Fund 564:

Reduce Employee Meals-Commission Food from Mayor's Budget to \$500:

Eliminate Exec Office Asst. position from Mayor's Budget:

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

No: None

Motion Carried.

19-270 **Suspend the rules to vote on agenda item ad-on #7, #8 and #9.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-271 **Resolution designating June 19, 2019 as 'Juneteenth Independence Day'.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Whereas news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and other Southwestern States, until months after the conclusion of the Civil War, more than 2 1/2 years after President Abraham Lincoln's Emancipation Proclamation was issued on January 1, 1863;

Whereas, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free,

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as '**Juneteenth Independence Day**', as inspiration and encouragement for future generations;

Whereas African-Americans from the Southwest, for nearly 150 years, have continued the tradition of observing '**Juneteenth Independence Day**';

Whereas 43 States, the District of Columbia, and other countries, have designated '**Juneteenth Independence Day**' as a special day of observance in recognition of the emancipation of all slaves in the United States;

Whereas '**Juneteenth Independence Day**' celebrations have been held to honor African-American freedom, while encouraging self-development and respect for all cultures;

Whereas the faith and strength of character demonstrated by former slaves and their descendants remain an example for all people of the United States, regardless of background, religion, or race;

Whereas slavery was not officially abolished until the ratification of the 13th Amendment to the United States Constitution in January 1865;

Whereas Frederick Douglass, born in the State of Maryland in 1818, escaped from slavery and became a leading writer, orator, publisher, and one of the United States' most influential advocates for abolitionism and the equality of all people;

Whereas Frederick Douglass was recognized for his accomplishments with a statue that was unveiled during a ceremony on June 19, 2013, in Emancipation Hall of the United States Capitol;

Whereas 2014 marks the 50th anniversary of the passage of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), signed into law on July 2, 1964, a milestone in providing equal protections for African-Americans, including former slaves and their descendants; and

Whereas, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world:

Now, Therefore, Be It Resolved, That the City of Pontiac, Michigan:

- (1) Designates June 19, 2019, as '**Juneteenth Independence Day**';
- (2) Recognizes the historical significance of '**Juneteenth Independence Day**' to the United States;
- (3) Supports the continued nationwide celebration of '**Juneteenth Independence Day**' to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the United States; and
- (4) Recognizes that the observance of the end of slavery is a part of the history and heritage of the United States.

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

No: None

Resolution Passed.

19-272 **Resolution for FY 2019-2020 Districts Projects.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Whereas, the Pontiac City Council approved appropriations for district projects in the Council's 2018-2019 budget that have not yet materialized; and,

Whereas, the Pontiac City Council is requesting that the 2019-2020 budget be amended to include the rollover item designated for district projects which was not completed in the first fiscal year; and,

Whereas, there was approximately One Hundred and Eighty Thousand (**\$180,000.00**) Dollars that was approved and designated to GL number 101-101-808.101 and for 2018-2019; and,

Whereas, the Mayor's proposed budget package for fiscal years 2020-2024 reflects Twenty Thousand Eighty-Five (**\$20,085.00**) Dollars for GL number 101-101-808.101 and as activity thru June 30, 2019; and,

Whereas, the amendment will increase the total appropriations for the respective fund to include, approximately One Hundred and Fifty-Five Thousand (**\$155,000.00**) Dollars.

Now, Therefore Be It Resolved that the Pontiac City Council approves the budget rollover amendment for fiscal year 2019-2020 as presented above.

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

No: None

Resolution Passed.

19-273 **Schedule a Special Budget Meeting on Friday, June 21, 2019 at 3:00 p.m.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

June 18, 2019 Study Session

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

No: None

Motion Carried.

19-274 **Suspend the rules.** Moved by councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-275 **Schedule a Special Budget Meeting on Monday, June 24, 2019 at 3:00 p.m.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

President Kermit Williams adjourned the meeting at 9:50 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK

#8

SUB

COMMITTEE

REPORT

COMMUNITY DEVELOPMENT SUB-COMMITTEE NOTES

June 20, 2019

In attendance:

Council members: Chairperson Don Woodward, Kermit Williams and Gloria Miller

Deputy Mayor: Jane Bais-Disessa

Vernon Gustafsson

Community Relations Specialist: James Johnson

Building Official: Mike Wilson

Start: 12:01 p.m.

I. George Derderian-Ultimate Soccer Arena PA 210 Request

The applicant has not completed the application.

Questioned whether the district was created.

Will be placed on the Tuesday, July 2, 2019 Council Agenda for approval.

Ultimate Soccer Arena and DMC have a partnership.

II. Code Enforcement Update-Bedrock Landscape, Green Acres and On-Site Landscape

The three landscape businesses are next to each other and are all willing to clean-up their property.

There could be more than three, but only three businesses are documented.

The owner of Bedrock has been in and is working with the City. The owner has applied for a business license and has agreed to remove the compost. Further, a plan is being prepared for the City staff to review and it will then be determined whether the plan will need to be forwarded to Planning. Councilwoman Miller requested to be notified if the matter goes to Planning.

WRC owns land that will be leased to Green Acres and On-Site Landscape.

A concern is dust control. The property owners will be notified that dust is an issue and there can be enforcement based on environmental nuisance.

July 24, 2019 is the deadline to review the business plan for Bedrock Landscape.

III. Proposed Ordinance Review/Temporary Construction Fence

The proposed changes comprise a "Zoning Text Amendment Ordinance."

Fencing ordinances were reviewed in other communities in Oakland County that are equal in character and the size of lots.

The ordinance is a good blend.

The ordinance has to go to Planning, so the item must get placed on the Planning Commission's agenda. However, the Planning Commission is not scheduled to meet again until August which prompted a request for the Commission to call a special meeting in order to move the ordinance forward, since the request for the ordinance was made approximately two years ago.

IV. Redevelopment Liquor Licenses

The proposed ordinance is, titled "An Ordinance to allow Redevelopment liquor licenses and conditions for issuance and Operations."

The bistro license allows a business that sells food to sell alcohol.

The cost of the license is less than the cost of a full-blown liquor license.

Took direction from Main Street Pontiac and reviewed what other communities have done.

A. Some of the license requirements include:

1. The liquor license must be a redevelopment district or development district license.
2. The establishment can seat no less than 50 people and no greater than 150 people.
3. The bistro licenses may only be located in the C-2 Downtown Zoning District.
4. The establishment shall close no later than 12:00 a.m. With prior approval of City Council, an establishment may remain open to offer food service.
5. The license cannot be transferred.
6. A license holder may be subject to immediate review by the City Council if he or she is cited for three violations within one calendar year.

The MIC and MSHDA has certain requirements.

Redevelopment Act 501.

The language should expressly state, that the license only applies to a restaurant looking to add a liquor license.

The Redevelopment Liquor Licenses will be included on the Tuesday, July 2, 2019 Council Agenda.

V. Upcoming Events

M1 Concourse will have fireworks June 30, 2019.

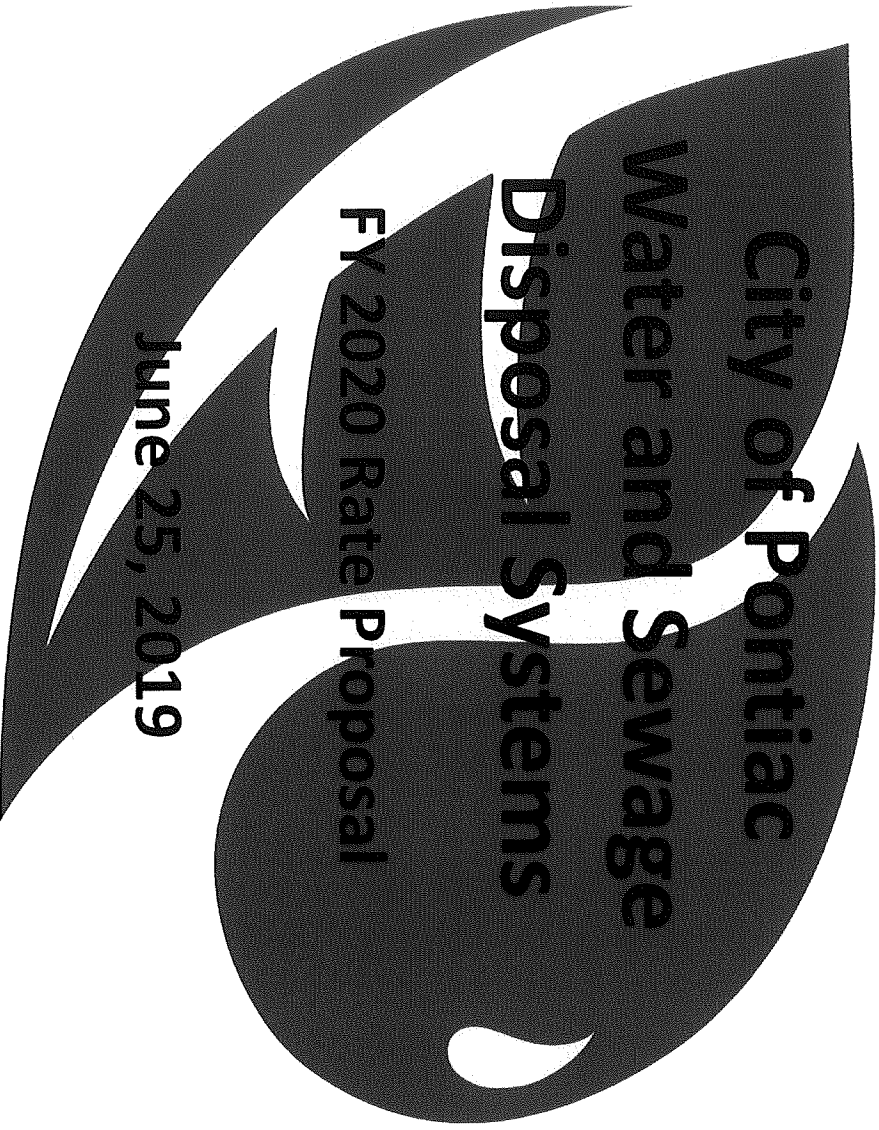
Road Kill is the 2nd Saturday in August and planning will include Police and Fire.

Dream Cruise is the 3rd Saturday in August.

Adjourned 12:31 pm.

#9

PRESENTATION



City of Pontiac Water and Sewage Disposal Systems

FY 2020 Rate Proposal

June 25, 2019

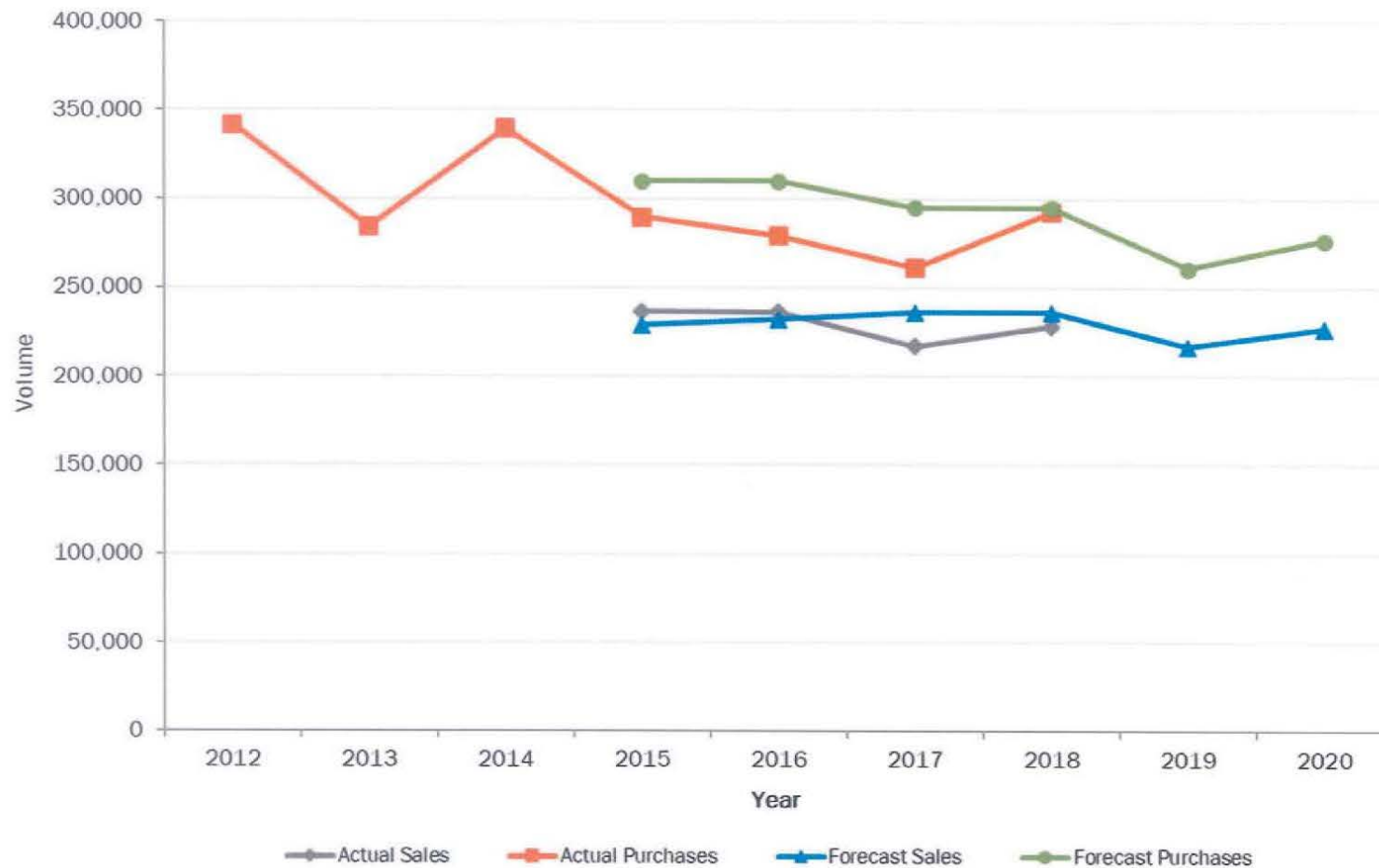
Water and Sewer Rates
Raphael Chirolla

Water Rates

Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

Water Sales



Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

PONTIAC WATER SYSTEM

Description	Sales (Mcf)	Sales (MEUs)	Water Purchases (\$)	Operating Expense (\$)	Reserves (\$)	Non-Operating (Debt) (\$)	Non-Rate Revenue (\$)	Total (\$)
Fiscal Year 2018-19	217,000	27,600	\$ 3,088,190	\$ 5,398,020	\$ 4,357,930	\$ 1,198,830	\$ (675,350)	\$ 13,367,620
Fiscal Year 2019-20	227,000	28,000	2,875,320	5,874,340	4,858,060	1,162,570	(943,570)	13,826,720
Increase/(Decrease)	10,000	400	(212,870)	476,320	500,130	(36,260)	(268,220)	459,100
Increase/(Decrease) %	4.6%	1.4%	-6.9%	8.8%	11.5%	-3.0%	39.7%	3.4%

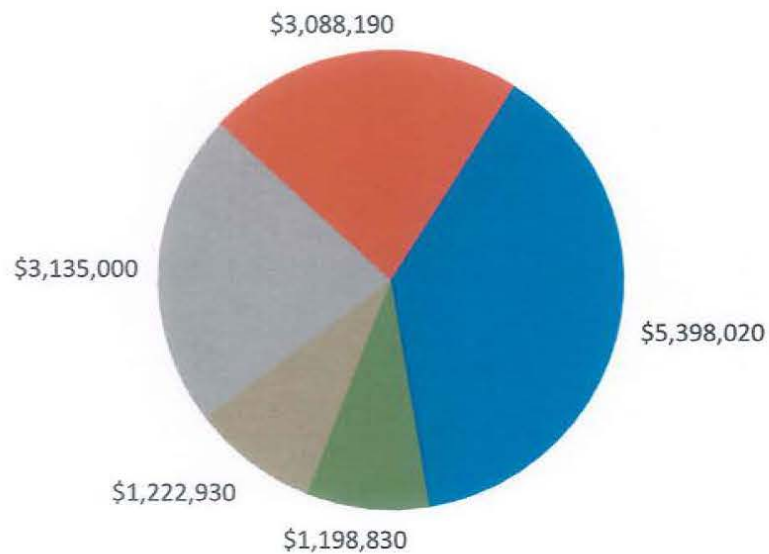
Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

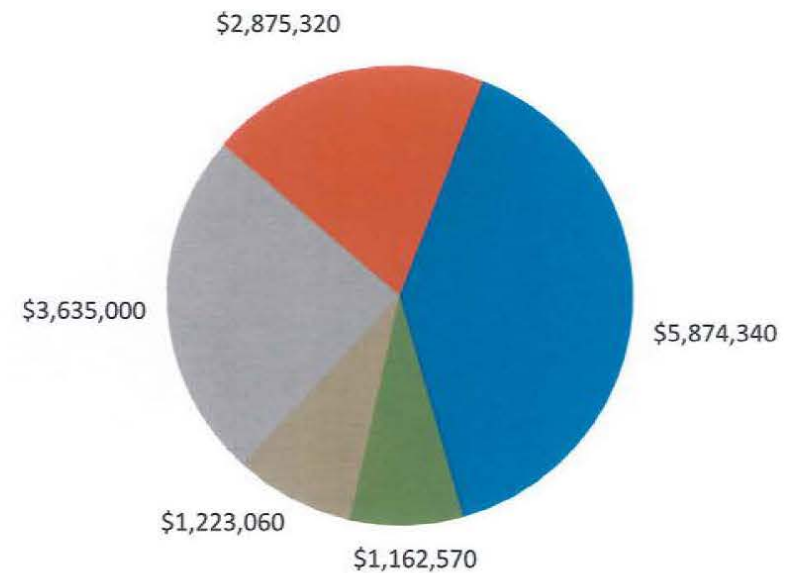
Pontiac Water

FY Cash Based Requirements

2019 Budget



2020 Forecast



- Sewage Treatment
- Operating Expense
- Major Maintenance
- Capital
- Water Purchases
- Non-Operating
- Emergency Maintenance

Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

WATER RATE SUMMARY

Fiscal Year	Commodity Charge (per Mcf)						Monthly Fixed Charge (per MEU)					Typical Monthly Charge Total
	GLWA NOCWA	OCWRC O&M	Misc Revenue	Major Maintenance	Total OCWRC	Total	GLWA NOCWA	Capital Reserve	Emergency Reserve	Debt Service	Total Monthly Charge	
2018	6.08	25.02	(3.47)	5.17	26.72	32.80	6.69	8.55		3.20	18.44	38.12
2019	5.69	24.88	(3.11)	5.64	27.41	33.10	5.59	9.47		3.62	18.68	38.54
2020	5.07	25.88	(4.16)	5.39	27.11	32.18	5.13	10.82	-	3.46	19.41	38.72

Note:

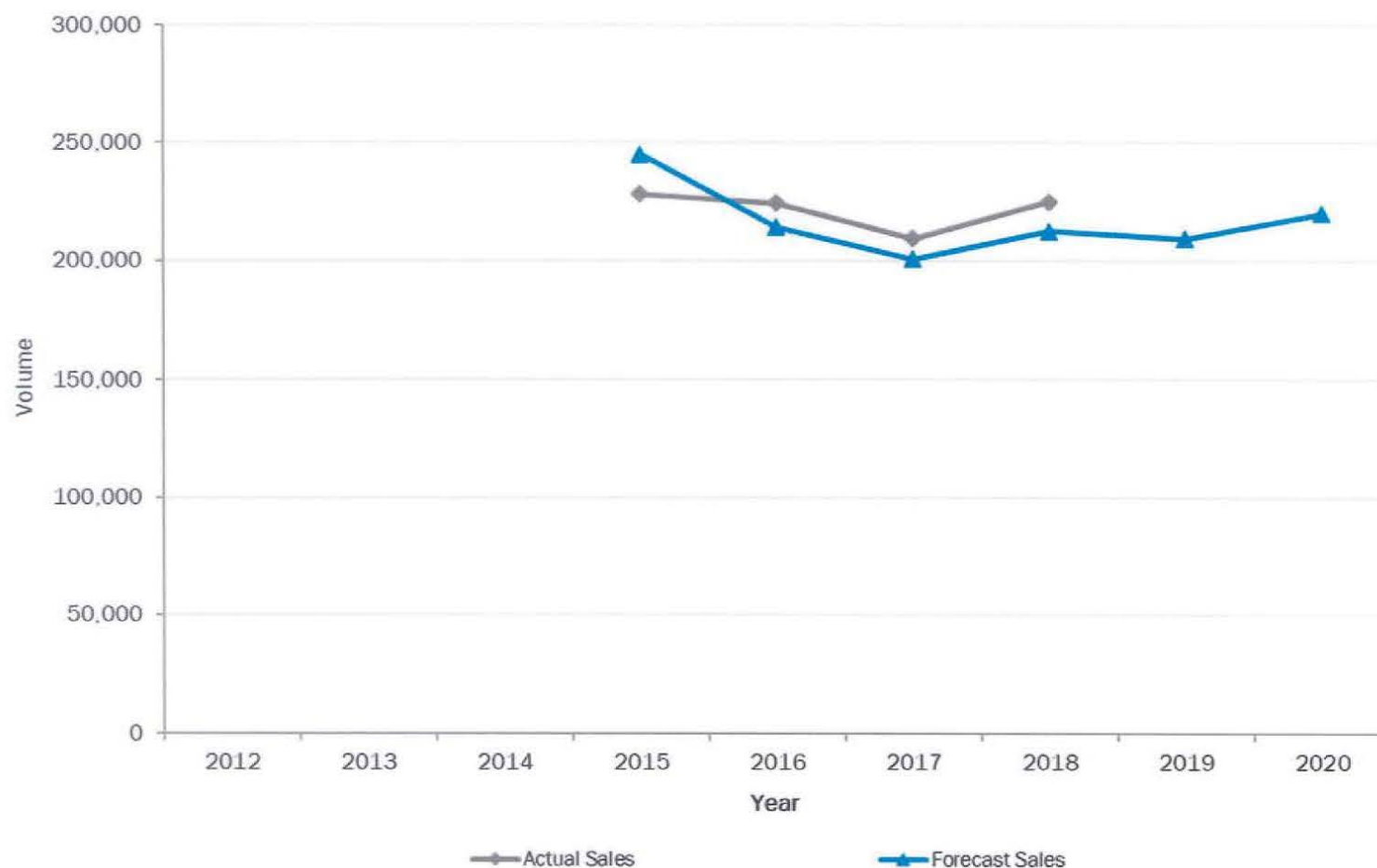
1) Typical charge is based on 5/8" meter and 0.6 Mcf monthly volume

Sewer Rates

Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

Sewer Sales



Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

PONTIAC SEWER SYSTEM

Description	Sales		Sewage Treatment	Operating Expense	Reserves	Non-Operating (Debt)	Non-Rate Revenue	Total
	(Mcf)	(MEUs)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Fiscal Year 2018-19	209,400	26,740	\$ 7,612,130	\$ 2,575,750	\$ 4,010,380	\$ 1,550,240	\$ (1,047,280)	\$ 14,701,220
Fiscal Year 2019-20	220,000	27,100	8,008,150	2,136,500	4,842,350	1,681,640	(1,103,310)	15,565,330
Increase/(Decrease)	10,600	360	396,020	(439,250)	831,970	131,400	(56,030)	864,110
Increase/(Decrease) %	5.1%	1.3%	5.2%	-17.1%	20.7%	8.5%	5.4%	5.9%

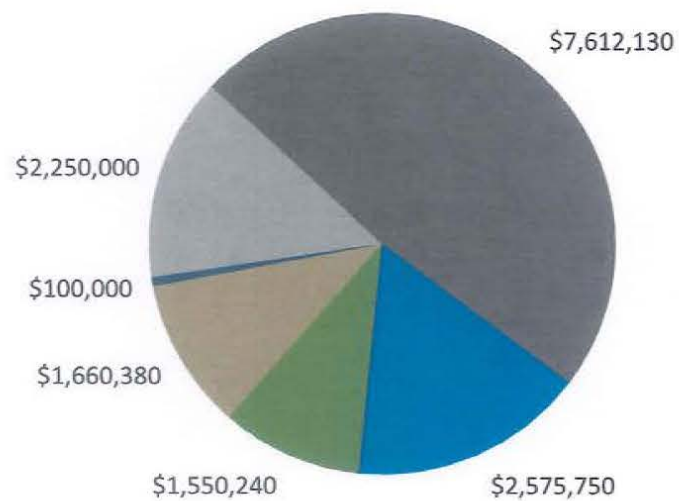
Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

Pontiac Sewer

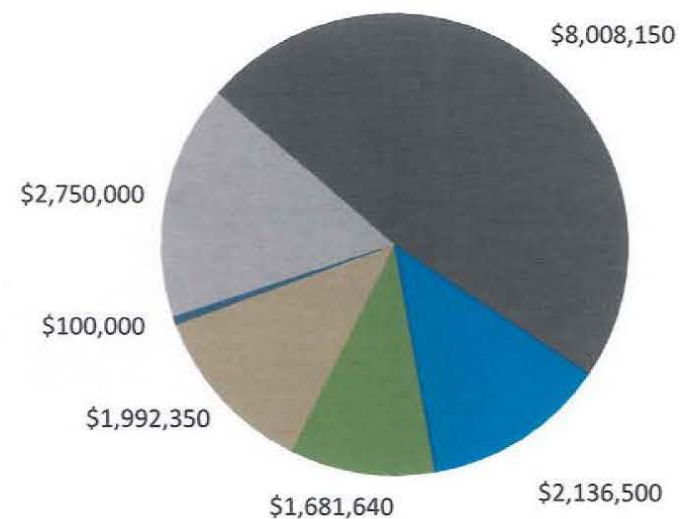
FY Cash Based Requirements

2019 Budget



■ Sewage Treatment
■ Operating Expense
■ Major Maintenance
■ Capital
■ Water Purchases
■ Non-Operating
■ Emergency Maintenance

2020 Forecast



Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

SEWER RATE SUMMARY

Fiscal Year	Commodity Charge (per Mcf)					Monthly Fixed Charge (per MEU)			Typical Monthly Charge Total
	Sewage Treatment	OCWRC O&M	Misc Revenue	Major Maintenance	Total OCWRC	Sewage Treatment & Collection System Debt	Reserves	Total	
2018	21.94	14.03	(4.37)	6.26	37.86	13.64	5.80	19.44	42.16
2019	22.47	12.30	(5.00)	7.93	37.70	13.89	7.32	21.21	43.83
2020	21.83	9.71	(5.02)	9.06	35.58	15.02	8.77	23.79	45.14

Note:

1) Typical charge is based on 5/8" meter and 0.6 Mcf monthly volume

Oakland County Water Resources
Commissioner's Office

Pontiac
FY 2020 Rates

WATER AND SEWER RATE SUMMARY

Calculated Monthly Bill Using 0.6 Mcf Volume and 1 MEU (5/8" Meter)			
Rate Year	Water	Sewer	Total
2018-19	\$ 38.54	\$ 43.83	\$ 82.37
2019-20	\$ 38.72	\$ 45.14	83.86
Difference	\$ 0.18	\$ 1.31	\$ 1.49
% Change	0.5%	3.0%	1.8%

Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

WATER AND SEWER BILL BREAKOUT

	Volume	Fixed	Current Charges
<u>Water</u>			
NOCWA/GLWA	3.04	5.13	
Operations and Maintenance	15.54		
Misc. Revenue	(2.50)		
Debt Service		3.46	
Major Maintenance	3.23		
Emergency Reserve			
Capital		10.82	
Water Usage Charge	19.31		19.31
Water Fixed Charge		19.41	19.41
<u>Sewer</u>			
Sewage Treatment	13.10	9.85	
Operations and Maintenance	5.82		
Misc. Revenue	(3.01)		
Debt Service		5.17	
Major Maintenance	5.44		
Emergency Reserve		0.31	
Capital		8.46	
Sewer Usage Charge	21.35		21.35
Sewer Fixed Charge		23.79	23.79
Total Charges			83.86

*Monthly Bill Using 0.6 Mcf Volume and 1 MEU (5/8" Meter)

Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates

Quarterly Bill Based on 4 Mcf of Water Consumption and a 5/8" Meter for Rates Effective July 1, 2018*					
Community	Water	Sewer	Combined	Other	Total
Huntington Woods	-	-	514.80	17.00	531.80
Lathrup Village	165.47	326.80	-		492.27
Royal Oak Township	171.12	311.96	-		483.08
Clawson	127.60	317.10	-	25.89	470.59
Hazel Park	221.20	244.80	-		466.00
Oak Park	171.55	293.96	-		465.51
Royal Oak	166.05	298.80	-		464.85
Ferndale	-	-	419.68	29.00	448.68
Detroit**	120.74	309.06			429.80
Birmingham	150.72	274.99	-		425.71
Pleasant Ridge	213.90	198.45	-		412.35
Pontiac	188.44	214.43	-		402.87
Berkley	167.56	229.03	-		396.59

*Survey information provided by the Southeastern Oakland County Water Authority except for Detroit, Pontiac and Royal Oak Township.

** Detroit Sewer includes a drainage charge based on 0.05 impervious acres.

Oakland County Water Resources Commissioner's Office

Pontiac
FY 2020 Rates






Water Residential Assistance Program



*Income restrictions and eligibility requirements apply.



Program Benefits:

-  Assistance up to \$300 per household per year. \$25 monthly bill credit.
-  Home water audit for households above 120% of average usage.
-  Home repairs up to \$1,000 per household to fix minor plumbing issues leading to high usage.
-  Water saving kits and consumer training classes.
-  Supportive WRAP-Around Services.

WRAP Participant Qualifications:

- ✓ Have income at or below 150% of poverty threshold
- ✓ Provide proof of residency & income
- ✓ Provide renter's proof of responsibility for water on lease
- ✓ Stay current on monthly bill payment



WRAP funding is made possible by the Great Lakes Water Authority.

HOUSEHOLD MEMBERS HOUSEHOLD INCOME

1	\$18,210
2	\$24,690
3	\$31,170
4	\$37,650
5	\$44,130
6	\$50,610
7	\$57,090
8	\$63,570
9	\$70,050
10	\$76,530

Call 313.386.WRAP (9727)

Q & A

#10

RESOLUTION



City of Pontiac

City Council Memo

Economic Development

To: Honorable Mayor Waterman, Council President and City Council
From: Rachel Loughrin, Director of Economic Development
Through: Office of the Deputy Mayor, Jane Bais-DiSessa
Date: 5-30-19

RE: Revocation of Reverter Clause on Deed for 2 & 4 N. Saginaw, Pontiac

Dear Mayor, Council President and City Council Members,

The request before you is to remove the Reverter Clause from the deed on 2 & 4 North Saginaw.

On May 04, 1994, the Pontiac Tax Increment Finance Authority conveyed the subject property to its current owner. The instrument used for the conveyance of the property bore three requirements. Should those requirements not be met, the property was to revert back to city ownership. The requirements were as follows:

The property owner was required to build an Italian restaurant facility (Rose Larco's) on the first floor; Build an open-space concept furniture showroom and corporate offices (Urban Architecture) on the second floor; Build two open-space concept residential lofts on the third floor.

Each of these requirements were met. The restaurant and the furniture store have now closed, the lofts are still in existence.

The Administration recommends that the City Council vote to approve the resolution allowing for the removal of the reverter clause and direct the Mayor to execute the new deed. Included with this memo is the resolution, the original deed and the new deed for the property.

**Resolution Approving the Revocation of the Reverter Clause on the Deed for
2 & 4 N. Saginaw**

WHEREAS, the City of Pontiac City Council holds the authority to revoke a reverter clause from a deed relating to a previous City land sale;

WHEREAS, the City Council recognizes that the property owner was required to build an Italian restaurant facility (Rose Larco's) on the first floor; Build an open-space concept furniture showroom and corporate offices (Urban Architecture) on the second floor; Build two open-space concept residential lofts on the third floor;

WHEREAS, the City Council recognizes that these requirements have been met by the property owner;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pontiac that the reverter clause for 2 & 4 N. Saginaw be revoked.

Tax Parcel Numbers: 14-29-477-011 and 14-29-477-010

Commonly known as: 2 N. Saginaw and 4 N. Saginaw

QUIT CLAIM DEED

STATUTORY FORM FOR CORPORATION


Philip J. Greco
TITLE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That PONTIAC TAX INCREMENT FINANCE AUTHORITY, a public body corporate ORGANIZED PURSUANT TO Michigan P.A. 450 of 1980, as amended, the address of which is 8 North Saginaw Street, Pontiac, Michigan 48342-2110

Quit Claim to **URBAN LAND DEVELOPMENT CORP.**

whose street number and postoffice address is 15 E. Kirby Street, Detroit, MI 48202

the following described premises situated in the City of Pontiac and the County of Oakland and State of Michigan, to-wit:

The South 20 feet of Lot 60 and the North 20 feet of the South 40 feet of Lot 60, ORIGINAL PLAT OF PONTIAC, according to the plat thereof as recorded in Liber 1, page 1 of Plats, Oakland County Records.

Parcel ID # 14-29-477-011, 2 N. Saginaw
 14-29-477-010, 4 N. Saginaw

SUBJECT TO THE PROVISIONS FOR REVERSION OF TITLE TO THE GRANTOR AS SET FORTH IN THE ATTACHED PURCHASE AGREEMENT.

together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00)

Dated this 4th day of May 1994

Signed in the presence of:

Wisetta M. Neill
 Wisetta M. Neill
Karen L. Cain
 Karen L. Cain

Signed by:

Pontiac Tax Increment Finance Authority
Mattie L. Lasseigne
 By Mattie L. Lasseigne
 Its Director

and _____
 Its _____

STATE OF MICHIGAN }
 County of Oakland }

The foregoing instrument was acknowledged before me this 4th day of May

1994 by Mattie L. Lasseigne, Director

(Individual Name(s) and Office(s) Held)

of Pontiac Tax Increment Finance

(Corporate Name)

Authority Michigan

(State of Incorporation)

WISETTA M. NEILL
 NOTARY PUBLIC / OAKLAND COUNTY, MI
 MY COMMISSION EXPIRES 02/10/94
 My Commission expires

19

Wisetta M. Neill
 Notary Public
 County, Michigan

When Recorded Return To:
 Grantee

Send Subsequent Tax Bills To:
 Grantee

Drafted by: Paul Carleton
 Business Address 8 N. Saginaw
 Pontiac, MI 48342

14-29-477-011
 Tax Parcel 14-29-477-010

Recording Fee

Exempt pursuant to
 Revenue Statute MCL 207.505 (b)



PHILIP R. SEAVER TITLE COMPANY, INC.

4700 N. Woodward / Bloomfield Hills, Michigan 48013 / (313) 847-2171 — (313) 338-7136

OFFER TO PURCHASE REAL ESTATE

1. THE UNDERSIGNED hereby offers and agrees to purchase the following land situated in the City of Pontiac
County, Michigan, described as follows:

The South 20 feet of Lot 60, ORIGINAL PLAT OF PONTIAC, according to the plat thereof as recorded in Liber 1, Page 1 of Plats, Oakland County Records.

Commonly known as: 2 N. Saginaw

The North 20 feet of the South 40 feet of Lot 60, ORIGINAL PLAT OF PONTIAC, according to the plat thereof as recorded in Liber 1, Page 1 of Plats, Oakland County Records.

Commonly known as: 4 N. Saginaw

being known as: 2 & 4 N. Saginaw
 together with all improvements and appurtenances, including all lighting fixtures, shades, Venetian blinds, curtain rods, storm windows, and storm doors, screens, awnings, TV antenna, gas conversion unit and permit. If any,
 now on the premises, and to pay therefor the sum of One dollar Dollars,
 subject to the existing building and use restrictions, easements, and zoning ordinances, if any, upon the following conditions:

THE SALE TO BE CONSUMMATED BY:

(1) In one of the five following paragraphs, and strike out the remainder:

- Cash Sale
 A. Delivery of the usual warranty deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check.
 Cash Sale with New Mortgage
 B. Delivery of the usual warranty deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check. Purchaser agrees that he will immediately apply for a new mortgage in the amount of the purchase price down plus mortgage costs, prepaid items and adjustment in cash. Purchaser agrees to execute the mortgage as soon as the mortgage application is approved, a closing date obtained from the lending institution, and, if applicable, final inspection of the property approved by the Veterans Administration or B.A.A.
 Sale to Existing Mortgage
 C. Delivery of the usual warranty deed conveying a marketable title, subject to mortgage to be deducted from the purchase price. Payment of the purchase money is to be made in cash or certified check less the amount owing upon an existing mortgage now on the premises, with accrued interest to date of consummation, held by the lender upon which there is unpaid the sum of approximately Dollars with interest at per cent, which mortgage requires payments of DO Dollars on the day of each and every month, which payments DO NOT include prepaid taxes and insurance. If the Seller has any accumulated funds held in escrow for the payment for any prepaid items, the Purchaser agrees to reimburse the Seller upon proper assignment of same. The Purchaser agrees to adjust and pay said mortgage according to the terms thereof.
 Sale on Land Contract
 D. Payment of the sum of the purchase price Dollars in cash or certified check, and the execution of a land contract upon the land of the Seller acknowledging payment of that sum and calling for the payment of the remainder of the purchase money within years from the date of contract in monthly payments of not less than Dollars each which include interest payments at the rate of per cent per annum, and which DO NOT include prepaid taxes and insurance.
 Sale to Existing Land Contract
 E. If the Seller title to said land is evidenced by an existing land contract with unperformed terms and conditions substantially as above set forth, and the cash payment to be made by the undersigned on consummation hereof will pay out the equity, an assignment and conveyance of the vendor's interest in the land contract, with an agreement by the undersigned to assume the balance owing thereon, will be accepted in lieu of the contract proposed in the preceding paragraph. If the Seller has any accumulated funds held in escrow for the payment of prepaid taxes or insurance, the Purchaser agrees to reimburse the Seller upon the proper assignment of same.
 Evidence of Title
 F. As a condition of sale, Seller agrees to furnish Purchaser as soon as possible, a complete Abstract of Title and Tax History, certified in a date later than the acceptance hereof, and issued by Grant Title. In lieu thereof, a Policy of Title Insurance issued by that company in an amount not less than the purchase price, bearing date later than the acceptance hereof and guaranteeing the title in the condition required for performance of this offer, will be accepted.
 Time of Closing
 G. If this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within days after delivery of the abstract or policy of title insurance; however, if the sale is to be consummated in accordance with Paragraph H, then the closing will be governed by the time there specified for obtaining a mortgage. In the event of default by the Purchaser hereunder, the Seller may, at his option, elect to enforce the terms hereof or declare a forfeiture hereunder and retain the deposit as liquidated damages.
 Purchaser's Default
 H. In the event of default by the Seller hereunder, the Purchaser may, at his option, elect to enforce the terms hereof or demand, and be entitled to, an immediate refund of his entire deposit in full termination of this agreement.
 Seller's Default
 I. If objection to the title is made, based upon a written opinion of Purchaser's attorney that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed, either (1) to remedy the title, or (2) to obtain title insurance as required above, or (3) to refund the deposit in full termination of this agreement. If the Purchaser agrees to complete the sale within 10 days or writes withdrawing hereof, if the Seller is unable to remedy the title or obtain title insurance within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.
 Title Objections
 J. The Seller shall deliver and the Purchaser shall accept possession of said property, subject to rights of the following tenants:
 If the Seller occupies the property, it shall be vacated on or before n/a
 From the date of closing to the date of vacating property as a tenant, SELLER SHALL PAY: the sum of \$ n/a
 per day. THE BROKER SHALL RETAIN from the amount due Seller at closing the sum of \$ n/a
 as security for: sold occupancy charges, paying to the Purchaser the amount due him and returning to the Seller the unused portion as determined by date properly is vacated and keys returned to Broker.

SENT BY:

5- 4-94 ; 4:22PM ;PONTIAC GROWTH GROUP-

3138732718;# 3/ 5

SENT BY:

3-28-94 12:14PM ;PONTIAC GROWTH GROUP-

3136732718;# 4/ 0

Taxes and
Prorated
Items

7.

All taxes and assessments which have become a lien upon the land at the date of this offering shall be paid by the Seller. Current taxes, if any, shall be prorated and adjusted as of the date of closing in accordance with the Due Date books of the municipality or taxing unit in which the property is located. Interest, rent and water bills shall be prorated and adjusted as of the date of closing.

8.

In consideration of the Broker's effort to obtain the Seller's approval, it is understood that this offer is irrevocable for five (5) days from the date hereof, and if not accepted by the Seller within that time, the deposit shall be returned forthwith to the Purchaser. If the offer is accepted by the Seller, the Purchaser agrees to complete the purchase of said property within the time indicated in Paragraph 3.

Broker's
Authorization

9.

The Broker is hereby authorized to make this offer and the deposit of \$ n/a Dollars shall be held by him as provided by C.L. 1948, Sec. 431.213 (j) and applied on the purchase price if the sale is consummated.

10.

(Applicable in P.M.A. sales only)
It is expressly agreed that, notwithstanding any other provision of this contract, the Purchaser shall not be obligated to complete the purchase of the property described herein or to incur any penalty by forfeiture of earnest money deposit or otherwise unless the Seller has delivered to the Purchaser a written statement issued by the Federal Housing Commissioner setting for the appraised value of the property for mortgage insurance purposes of not less than \$ n/a, which statement the Seller hereby agrees to deliver to the Purchaser promptly after such appraised value statement is made available to the Seller. The Purchaser shall, however, have the privilege and option of proceeding with the consummation of this contract without regard to the amount of the appraised valuation made by the Federal Housing Commissioner.

11.

It is further understood between Purchaser and Seller that the additional personal property listed herein has a value of \$ n/a.
The covenants herein shall bind on heirs in the benefit of the executors, administrators, successors and assigns of the respective parties. By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structure thereon and acknowledges the receipt of a copy of this offer.
The signing of this act shall take place at the office of 8 N. Saginaw Street.
If, however, a new mortgage is being applied for, Purchaser will execute it at such place as may be designated by the mortgagee.

Additional
Conditions

12.

SEE CONDITIONS FOR PURCHASE AGREEMENT

ON 2 - 4 N. SAGINAW STREET

ATTACHED HERETO

URBAN LAND DEVELOPMENT CORP.

IN THE PRESENCE OF:

Keith Johnson
Keith Johnson

By: Keith Johnson, President

Purchaser

Broker's
Acknowledgement of
Deposit

13.

Date _____ Phone _____ Address _____
Received from the above named Purchaser the sum of money above mentioned which shall be returned forthwith if the purchase offer is not accepted within the time above set forth.

Address _____ By _____
Phone _____

TO THE ABOVE NAMED PURCHASER AND BROKER:
The foregoing offer is hereby accepted and the Seller agrees to sell and transfer upon the terms stated.
The Seller hereby agrees to pay the broker fee without interest and for value received a commission of (_____ Dollars) per cent of the sale price, all to be due and payable at the time of the consummation of the sale or, if unaccomplished, at the time of Seller's election to return the deposit, or of Seller's or Purchaser's failure (whichever or refusal) to perform the conditions of this offer provided, however, that if the deposit is forfeited under the terms of this offer, the Seller agrees that one-half of such deposit (but not in excess of the amount of the full commission) shall be paid to or retained by the broker in full payment for services rendered.
By the execution of this instrument, the Seller acknowledges the receipt of a copy of this agreement.

Acceptance
of Offer

14.

IN THE PRESENCE OF:

John J. Lane
John J. Lane

TAX INCREMENT FINANCE AUTHORITY (TIFA)

David L. Lussignea
Mattie L. Lussignea, Director of TIFA

Date 5/4/94 Phone _____ Address _____

PURCHASER'S RECEIPT ON ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the purchase offer of \$ 5-4-94.
Date 5-4-94 Keith Johnson L.S.
Furnished by _____ Purchaser



PHILIP R. SEAVER TITLE COMPANY, INC.

SENT BY:

5- 4-94 ; 4:23PM :PONTIAC GROWTH GROUP-

3198792718:# 4/ 5

SENT BY:

1-28-94 12:15PM :PONTIAC GROWTH GROUP-

3198792718:# 5/ 6

CONDITIONS FOR PURCHASE AGREEMENT ON 2-4 N. SAGINAW

Purchaser represents that all financing is firmly committed for this project and further that this offer is contingent upon no other financing being obtained from the Pontiac Growth Group agencies by himself or any proposed tenants who intend to occupy the subject property.

Purchaser agrees to:

Begin construction within thirty (30) days after date of Deed conveying title to the subject property.

The deed to the subject property shall contain a reverter for failure to complete any or all of the following building improvements within the specified time limits.

Build an Italian restaurant facility (Rose Lardo's) on the first floor, in accordance with the Proforma Analysis dated February, 1994, which shall be in operation by 11/04/94. A revised proforma on the restaurant shall be submitted to the Growth Group Director for review prior to closing.

Build an open-space concept furniture showroom and corporate offices (Urban Architecture) on the second floor, in accordance with the Proforma Analysis dated February, 1994, which shall be in operation by 8/04/94.

Build two (2) open-space concept residential lofts on the third floor, in accordance with the Proforma Analysis dated February, 1994, which shall be completed by 8/04/94.

Purchaser further understands and agrees that, should the project fail, seller will not be responsible for any expenses incurred by the Purchaser in conjunction with this project and further that Purchaser assumes full responsibility for any and all expenditures to date and any future expenditures in conjunction with the subject project.

A project development time schedule shall be provided reflecting estimated cumulative days from the estimated date of approval of this agreement through each milestone to completion. Target dates for each major construction activity, including acquisition of required permits, demolition, clean-up, utility connections, renovations and construction of the planned site shall be indicated. Failure to comply with this schedule without prior authorization from the Tax Increment Finance Authority, or any other unwarranted work stoppage in excess of 72 hours, shall be cause for remedial action by the Tax Increment Finance Authority including revocation of this agreement.

SENT BY:

3-28-94 12:10PM :PONTIAC GROWTH GROUP-

3198792718:# 6/ 6

2-4 N. Saginaw Purchase Agreement
3/22/94

-2-

SENT BY:

5- 4-94 ; 4:24PM ;PONTIAC GROWTH GROUP-

3138732718:# 5/ 5

SENT BY:

3 -94 12:16PM ;PONTIAC GROWTH GRO

3138732718:# 6/ 6

2-4 N. Saginaw Purchase Agreement

3/22/94

-2-

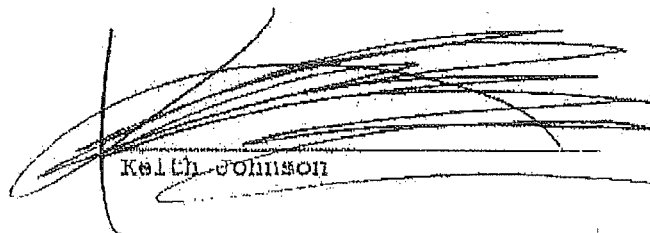
Purchaser shall not commence any work or repairs on the subject property until the deed has been conveyed.

Purchaser shall pull all applicable permits from Building & Safety Engineering Division and to coordinate construction with the Planning Division.

Purchaser shall adhere to all City of Pontiac Contract Compliance regulations.

Dated:

5-04-94

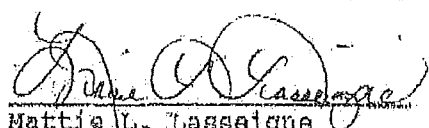

Keith Johnson

Tax Increment Finance Authority

Dated:

5/4/94

By:


Mattie L. Lasseigne
Director

QUIT CLAIM DEED

CITY OF PONTIAC, a Michigan municipal corporation, whose address is 47450 Woodward Avenue, Pontiac, Michigan ("Grantor") QUIT CLAIMS to URBAN LAND DEVELOPMENT CORPORATION, a Michigan corporation, whose address is 1 S. Saginaw Street, Pontiac, Michigan 48342 ("Grantee") the following described property situated in the City of Pontiac, Oakland County, Michigan; to-wit:

The South 20 feet of Lot 60 and the North 20 feet of the South 40 feet of Lot 60, ORIGINAL PLAT OF PONTIAC, according to the plat thereof as recorded in Liber 1, Page 1 of Plats, Oakland County Records.

Commonly known as: 2 N. Saginaw / Tax Parcel No. 14-29-477-011 | 4 N. Saginaw / Tax Parcel No. 14-29-477-010

This conveyance is exempt from transfer taxes pursuant MCL 207.505(a) & (h)(i) and MCL 207.526(a) & (h)(i) and its purpose is to extinguish the Grantor's conditional right of reverter to the above-described premises as set forth in that certain Quit Claim Deed issued by the Pontiac Tax Increment Finance Authority, a division of Grantor, and recorded in Liber 14733, Page 57, Oakland County Records.

CITY OF PONTIAC, a Michigan municipal corporation

By: _____
Name: _____
Title: _____

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

This instrument was acknowledged before me this ____ day of _____ by _____
the _____ of the City of Pontiac, a Michigan municipal corporation on behalf of said
municipal corporation.

_____, Notary Public
_____, County, acting in _____
My Commission expires: _____

DRAFTED BY:

George A. Contis, Esq.
Giarmarco, Mullins & Horton, P.C.
101 W. Big Beaver Road, Suite 1000
Troy, Michigan 48064

W:\Clients\City of Pontiac\Quit Claim Deed Urban Land Development 2-4 N Saginaw 02-26-2019.docx

WHEN RECORDED RETURN TO:

GRANTEE

#11

RESOLUTION



CITY OF PONTIAC
Department of Building Safety & Planning
Planning Division

47450 Woodward Avenue | Pontiac, MI 48342
T: 248.758.2800 | F: 248.758.2827

Mayor Deirdre Waterman

TO: HONORABLE MAYOR, COUNCIL PRESIDENT, AND CITY COUNCIL

FROM: VERN GUSTAFSSON, PLANNING MANAGER
THROUGH THE OFFICE OF DEPUTY MAYOR – JANE BAIS-DISESSA

SUBJECT: ZMA 19-01 ZONING MAP AMENDMENT
819 LLC c/o DA REAL ESTATE
819 GOLF DRIVE | PIN 64-19-05-102-009
R-1 ONE FAMILY DWELLING TO R-3 MULTIPLE FAMILY DWELLING

DATE: JUNE 11, 2019

The City of Pontiac is in receipt of application ZMA 19-01 for a Zoning Map Amendment [rezoning] parcel Number 64-14-05-102-009, of approximately 12.60 acres is located on the south side of Golf Drive between Fairfax Avenue and Bagley Street. 819 LLA c/o DA Real Estate, the applicant requests a rezoning from R-1 One Family Dwelling to R-3 Multiple Family Dwelling. At the Planning Commission June 5, 2019, the Commission recommended to City Council the approval of the Zoning Map Amendment.

Summary

1. The applicant requests rezoning the subject site from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.
2. The Master Plan identifies the subject site as Entrepreneurial Residential Commercial & Green. The proposed zoning designation is consistent with this future land use designation.
3. The subject property is compatible with R-3 standards.
4. If the Zoning Map Amendment is approved, the applicant would be required to comply with Article 6, Chapter 3, Special Exception Permit Review, and Section 6.204 Site Plan Review of the Pontiac Zoning Ordinance.

Existing Land Uses

The subject site is located on a single parcel with an access drive from Golf Drive. The drive will serve the proposed development site and the Pontiac Youth Recreation and Enrichment Center to the west. The site is primarily green space and wooded areas with a vacant, former church located at the center of the site and a vacant dormitory located near the east property line. At the south end of the site is a basketball court and ball field.

An existing 122 space parking lot is situated west of the former church. The parking lot is intended to be shared by the proposed development in the renovated, expanded former church building and the Pontiac Youth Recreation and Enrichment Center. To the north of the subject site is a multiple family

development and to the east is the golf course and vacant land. South of the site is the Village at Bloomfield development and to the west is the Pontiac Youth Recreation and Enrichment Center.

Master Plan

The subject site is designated as Entrepreneurial: Residential, Commercial & Green land use category. The goals of this category is to provide flexibility that encourages the positive, appropriate use and zoned properties in the City that provides a diverse housing stock appealing to a population with a wide range of incomes and housing types. Areas to the north, east, and west are also planned as Entrepreneurial: Residential, Commercial & Green. To the areas south of the subject site planned as Entrepreneurial: Industrial, Commercial & Green.

The Zoning Map Amendment request complies with the requirements found within the Master Plan's Entrepreneurial district classification. This zoning district's goal is to provide flexibility that encourages the positive reuse of vacant properties in strategic locations around the City. The adaptive reuse of these buildings are clearly one of the goals of this land use classification.

Existing Zoning District

Abutting properties to the east are zoned R-1 One Family Dwelling and TC Town Center. South of subject site is zoned TC. West of the site is zoned R-1 and the north is zoned R-1 and R-3 Multiple Family Dwelling zoning districts. The proposed Zoning Map Amendment of the subject site and existing zoning of adjacent parcels provide a balanced, progressive transition between intensive and more environmentally forms of zoned areas.

Zoning Map Amendment Criteria

The City Council must consider any of the following criteria [section 6.804, A-J] that apply to the rezoning application in making findings, recommendations, and a decision to amend the Official Zoning Map [Section 6.804]. Additionally, the section also stipulates that the City Council may also consider other factors that are applicable to the application, but are not listed among the ten criteria. To assist in the evaluation of these and other criteria, we offer the following findings of fact for your consideration.

1. The subject site will conform to the goals and objectives included in the City's Master Plan. The Master Plan has created Entrepreneurial districts for additive reuse of vacant buildings.
2. The site is fully developed so it's geological, hydrological, and other environmental features are no longer present on the site.
3. The existing site itself is not conducive to redevelopment as single family use. It is clear that demolition and development costs will not provide a reasonable return on investment.
4. The renovation of the existing religious school dormitory is compatible with uses allowed within the R-3 zoning district and will not negatively impact neighborhood density, traffic or property values.
5. The City's utilities and services will be equal to the proposed use than a dormitory use on site.

6. Golf Drive is a City Major Road. The proposed development will not impact the ability of this street and adjoining roads to handle potential traffic.
7. The boundaries of the rezoning are reasonable in relationship to surroundings and zoning district dimensional requirements.
8. The boundaries of the proposed R-3 zoning district are reasonable from the City's perspective and comply with the vision found in the City's Master Plan.
9. It would be inappropriate to amend the zoning text for R-1 One Family Dwelling district with its primary goal of creating settings for single family residential neighborhoods.
10. The proposed rezoning does not create an incompatible 'spot zone' within the area and it proposes reasonable continuation of more intensive zoning to the east and south.

ZMA 19-01 - Zoning Map Amendment
Address: 819 Golf Drive
Parcel: 64-19-05-102-009

Resolution

Whereas, The City has received an application for a Zoning Map Amendment for 19 Liberty Street, identified as PIN 64-19-05-102-009 from 819 LLC c/o DA Real Estate and the applicant's petition is for the rezoning of the aforementioned parcel; and

Whereas, The Planning Division has reviewed the applicant's rezoning request in regards to the City's Master Plan and the request conforms to the goals and vision contained within the plan; and

Whereas, The Planning Division has reviewed the applicant's rezoning request and the requirements set forth by Section 6.804 of the Zoning Ordinance, and the Planning Division has determined the aforementioned request and proposed intended use of the property complies with the City of Pontiac Zoning Ordinance; and

Whereas, In accordance with the procedures outlined in the Zoning Ordinance, Sections 6.802 as it relates to Zoning Map Amendments, the request has undergone the required: Technical Review, Public Hearing, and Planning Commission Recommendation; and

Whereas, On June 5, 2019, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map Amendment request for 819 Golf Drive, approving the change from the current R-1 One Family Dwelling District to R-3 Multiple Family Dwelling District; and

Now Therefore, Be It Resolved, That the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment (ZMA 19-01) request for 819 Golf Drive, also known as PIN 64- 19-05-102-009, to amend the current site zoning from R-1 One Family Dwelling District to R-3 Multiple Family Dwelling District.



CITY OF PONTIAC
Department of Building Safety & Planning
Planning Division

Mayor Deirdre Waterman

TO: PONTIAC PLANNING COMMISSION

FROM: VERN GUSTAFSSON, PLANNING MANAGER
PLANNING DIVISION

SUBJECT: ZMA 19-01 ZONING MAP AMENDMENT
819 LLC c/o DA REAL ESTATE
819 GOLF DRIVE | PIN 64-19-05-102-009
R-1 ONE FAMILY DWELLING TO R-3 MULTIPLE FAMILY DWELLING

DATE: MAY 28, 2019

The City of Pontiac is in receipt of application ZMA 19-01 for a Zoning Map Amendment [rezoning] parcel Number 64-14-05-102-009, of approximately 12.60 acres is located on the south side of Golf Drive between Fairfax Avenue and Bagley Street. 819 LLA c/o DA Real Estate, the applicant requests a rezoning from R-1 One Family Dwelling to R-3 Multiple Family Dwelling. The rezoning would ensure that the proposed use is properly zoned. In accordance with Section 6.802 of the City Zoning Ordinance, the request for Zoning Map Amendment requires a technical review, Public Hearing, recommendation by the Planning Commission, and a final decision by City Council.

Summary

1. The applicant requests rezoning the subject site from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.
2. The Master Plan identifies the subject site as Entrepreneurial Residential Commercial & Green. The proposed zoning designation is consistent with this future land use designation.
3. The subject property is compatible with R-3 standards.
4. If the Zoning Map Amendment is approved, the applicant would be required to comply with Article 6, Chapter 3, Special Exception Permit Review, and Section 6.204 Site Plan Review of the Pontiac Zoning Ordinance.

Existing Land Uses

The subject site is located on a single parcel with an access drive from Golf Drive. The drive will serve the proposed development site and the Pontiac Youth Recreation and Enrichment Center to the west. The site is primarily green space and wooded areas with a vacant, former church located at the center of the site and a vacant dormitory located near the east property line. At the south end of the site is a basketball court and ball field.

An existing 122 space parking lot is situated west of the former church. The parking lot is intended to be shared by the proposed development in the renovated, expanded former church building and the Pontiac Youth Recreation and Enrichment Center. To the north of the subject site is a multiple family

development and to the east is the golf course and vacant land. South of the site is the Village at Bloomfield development and to the west is the Pontiac Youth Recreation and Enrichment Center.

Master Plan

According to the City's 2014 Master Plan Update, Pontiac is staking a claim to a new destiny. It is a City with extraordinary assets and bright economic prospects on which to build a revised destiny. It is with this spirit that is embedded in the Master Plan update.

The subject site is designated as Entrepreneurial: Residential, Commercial & Green land use category. The goals of this category is to provide flexibility that encourages the positive, appropriate use and zoned properties in the City that provides a diverse housing stock appealing to a population with a wide range of incomes and housing types. Areas to the north, east, and west are also planned as Entrepreneurial: Residential, Commercial & Green. To the areas south of the subject site planned as Entrepreneurial: Industrial, Commercial & Green.

The Zoning Map Amendment request complies with the requirements found within the Master Plan's Entrepreneurial district classification. This zoning district's goal is to provide flexibility that encourages the positive reuse of vacant properties in strategic locations around the City. The adaptive reuse of these buildings are clearly one of the goals of this land use classification.

Existing Zoning District

Abutting properties to the east are zoned R-1 One Family Dwelling and TC Town Center. South of subject site is zoned TC. West of the site is zoned R-1 and the north is zoned R-1 and R-3 Multiple Family Dwelling zoning districts. The proposed Zoning Map Amendment of the subject site and existing zoning of adjacent parcels provide a balanced, progressive transition between intensive and more environmentally forms of zoned areas.

Development Agreement

The City and the applicant was reached a development agreement [see attachment] that included a shared access drive and reciprocal parking agreement along with shared use of an emergency access between the Pontiac Youth Recreation and Enrichment Center site and the subject site toward the east that will allow police and fire access to the north end of the Village at Bloomfield at Hood Road. We ask that the Development Agreement be reviewed and approved by the Planning Commission, as part of the of this Zoning Map Amendment request.

Rezoning Criteria

The Pontiac Planning Commission and City Council must consider any of the following criteria [section 6.804, A-J] that apply to the rezoning application in making findings, recommendations, and a decision to amend the Official Zoning Map [Section 6.804]. Additionally, the section also stipulates that the Planning Commission and City Council may also consider other factors that are applicable to the application, but are not listed among the ten criteria. To assist in the evaluation of these and other criteria, we offer the following findings of fact for your consideration.

Section 6.804 provides review criteria for the Planning Commission and City Council to utilize in making its findings, recommendations, and formulating a decision. The *ten stated criteria* are listed below with our findings:

1. *Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.*
The subject site will conform to the goals and objectives included in the City's Master Plan. The Master Plan has created Entrepreneurial districts for additive reuse of vacant buildings.
2. *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
The site is fully developed so it's geological, hydrological, and other environmental features are no longer present on the site, except for the mature stand of woodlands at the southern edge of the site, which will be preserved.
3. *Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.*
The existing site itself is not conducive to redevelopment as single family use. It is clear that demolition and development costs will not provide a reasonable return on investment.
4. *Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.*
The renovation of the existing religious school dormitory is compatible with uses allowed within the R-3 zoning district and will not negatively impact neighborhood density, traffic or property values.
5. *The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.*
Without compromising the City's health, safety, and welfare; the City's utilities and services will be equal to the proposed use than a dormitory use on site.
6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*
Golf Drive is a City Major Road. The proposed development will not impact the ability of this street and adjoining roads to handle potential traffic.
7. *The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.*
The boundaries of the rezoning are reasonable in relationship to surroundings and zoning district dimensional requirements.
8. *If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.*
With all the previous findings of fact, the boundaries of the proposed R-3 zoning district are reasonable from the City's perspective and comply with the vision found in the City's Master Plan.

9. *If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*
It would be inappropriate to amend the zoning text for R-1 One Family Dwelling district with its primary goal of creating settings for single family residential neighborhoods to allow multiple family apartment buildings within the zoning district.
10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*
The proposed rezoning does not create an incompatible 'spot zone' within the area and it proposes reasonable continuation of more intensive zoning to the east and south.

Recommendation

Per the review requirements found in Section 6.804 of the Zoning ordinance and our findings, we suggest that the Planning Commission consider recommending to City Council the request from 819 LLC c/o DA REAL ESTATE to rezone Parcel Number 64-19-05-102-009 [application ZMA 19-01] from R-1 One Family Dwelling to R-3 Multiple Family Dwelling and recommend the Joint Development Agreement be approved as part of our recommendation to City Council.



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address:

819 Golf Drive

Sidwell Number: 19-05-102-009

Office Use Only

PF Number:

2MA 19-1

Date: March 26, 2019

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least 30 days prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	819, LLC c/o DA Real Estate		
Address	28575 Greenfield		
City	Southfield		
State	MI		
ZIP Code	48076		
Telephone	Main: (248) 569-7040	Cell: (586) 604-4740	Fax: (248) 714-1477
E-Mail	bchalmers@cartessallc.com		

Project and Property Information

Name of Proposed Development: PACE OF SOUTHEASTERN MICHIGAN & Golfview Apartments

The subject property is location at 819 Golf Drive on the N / S / E / W side of South Side of Golf
between Fairfax Ave and Bagley St.

The property is zoned: R-1

Proposed Zoning District: R-3

It is proposed that the property will be used as: S. Bldg: Innovative care for aging individuals; N. Bldg: Apartments

The subject property is legally described as follows (include sidwell numbers):

Sidwell & Legal Description attached hereto

Property Owner Information

Name	Creative Schools Management, LLC c/o Dr. Carl Byerly		
Address	4759 Owasco Court		
City	Clarkston		
State	MI		
ZIP Code	48348		
Telephone	Main: (248) 230-2972	Cell: (810) 691-6400	Fax: N/A
E-Mail	jberly@aol.com		

Are you the _____ Owner ☒ Agent/rep. of the owner _____ Other _____

The proposed will be used for the following purpose (provide as much detail as possible with photographs, sketches, site plans, written documents, etc.).

The south building will be used for PACE of Southeastern Michigan. At the center we will have social services including: day center services and recreational activities, interdisciplinary team assessment and treatment planning, social work services, medical and day center transportation, personal care, meals and will perform home chores at the participants place of residence.

Additional services performed at the Pontiac Center will be Rehabilitation Therapy Services, Occupational Therapy Services, Registered nurse services, assistance with prosthetics/orthotics, dental/vision services, medication assistance, podiatry services, audiology services, medication assistance, podiatry services, audiology services, and health education.

The north building shall be used for one and two-bedroom apartments at a moderate price point to satisfy the great need for moderately priced apartments in Oakland County.

State the reason for the Zoning Map Amendment, particularly the manner in which the City will benefit if the amendment is approved and why such change will not be detrimental to the public welfare and/or the property rights of other persons located in the vicinity of the site.

The south building is occupied by a church and theater group on a month-to-month basis which is not highest and best use.

Highest and best use, we feel, is to satisfy the needs of the elderly which we will do by leasing the building to PACE of SE MICH for 10 - 15 years.

The north building has been vacant for nearly seven years so the city will benefit from an occupied building and increased tax revenues.

The renovation of both buildings will result in over four million dollars of new investment to the site and the occupancy will near 100% while serving community needs on a low-intensity and quiet basis.

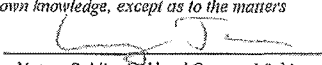
Jobs and tax revenues will greatly increase as well, as well as professional property management and capital improvements.

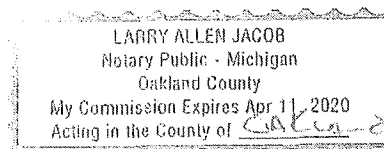
Signature of Owner


Signature of Applicant

State of Michigan
County of Oakland

On this 25 day of MAY, A.D., 2019, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.


Notary Public, Oakland County, Michigan
My Commission Expires: 7/1/2020

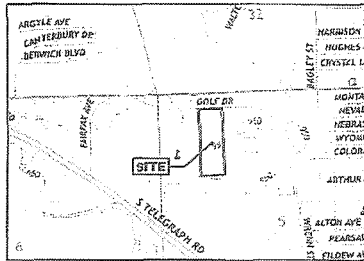


819 Golf Drive
Pontiac, MI 48341

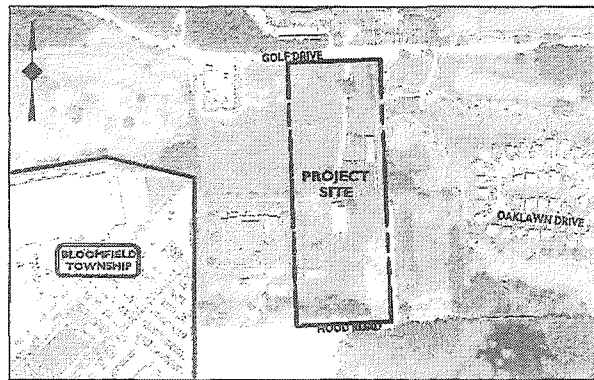
Sidwell Number
19-05-102-009

Legal Description

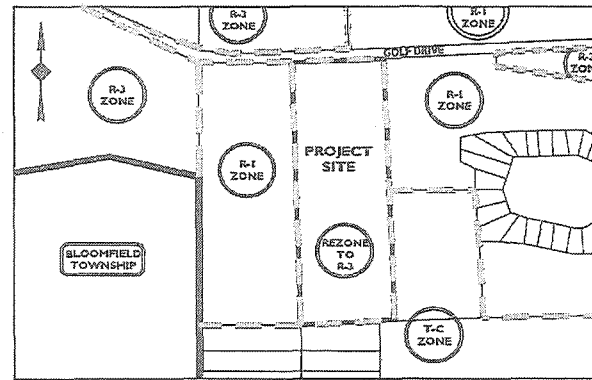
T2N, R10E, SEC 5 PART OF NW 1/4
BEG AT PT DIST S 02-00-42 E 625.87
FT & N 88-09-37 E 216 FT & N 01-59-
37 W 261.76 FT & N 87-19-32 E 142.70
FT & N 87-37-37 E 98.42 FT FROM
NW SEC COR, TH N 87-37-37 E
427.60 FT, TH S 02-01-00 E 1269.78
FT, TH S 87-20-36 W 437.95



LOCATION MAP
SCALE 1" = 2000'



AERIAL MAP
SCALE 1" = 500'



ZONING MAP
SCALE 1" = 500'

ZONING MAP AMENDMENT PLAN FOR

819 GOLF DRIVE

PROPOSED REZONE FROM SINGLE FAMILY ZONE (R-1) TO MULTIPLE FAMILY DWELLING ZONE (R-3)

PARCEL ID: 19-05-102-009

819 GOLF DRIVE

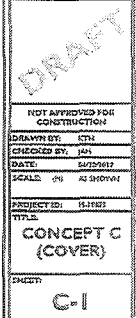
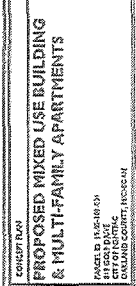
CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN

APPLICANT

415, LLC, 415 DA REAL ESTATE
2535 GREENFIELD ROAD
SOUTHFIELD, MICHIGAN 48076
(248) 341-7519
SOUTHFIELD@415REAL.COM

OWNER

CREATIVE SCHOOLS MANAGEMENT, LLC
J. DA. CARL BYSLEY
415 OAKWOOD COURT
CLANESTON, MICHIGAN 48034
(248) 324-2772
JBYSLY@C415.COM



PLANS PREPARED BY:



Detroit, MI • Rochester, NJ • New York, NY
Princeton, NJ • Tampa, FL
www.stonefielddesign.com

28454 WOODWARD AVENUE, ROYAL OAK, MI 48067
Phone 248.247.1115

Legal Description

T2N, R10E, SEC 5 PART OF NW 1/4 SEC 5 T4 N 21 E 21-22-23
E 625.87 FT & N 62-23-37 E 215 FT & N 51-59-
37 W 251.74 FT & N 47-45-32 E 142.70 FT & N 87-37-37 E 93.42
FT FROM NW SEC 500, TH S 37-37-37 E
427.60 FT, TH S 62-41-40 E 1295.70 FT, TH S 67-29-39 W 427.25

SHEET INDEX	
DRAWING TITLE	SHEET #
CONCEPT	01
CONCEPT SITE PLAN	02
CONCEPT SITE PLAN	03
UTILITY PLAN	04

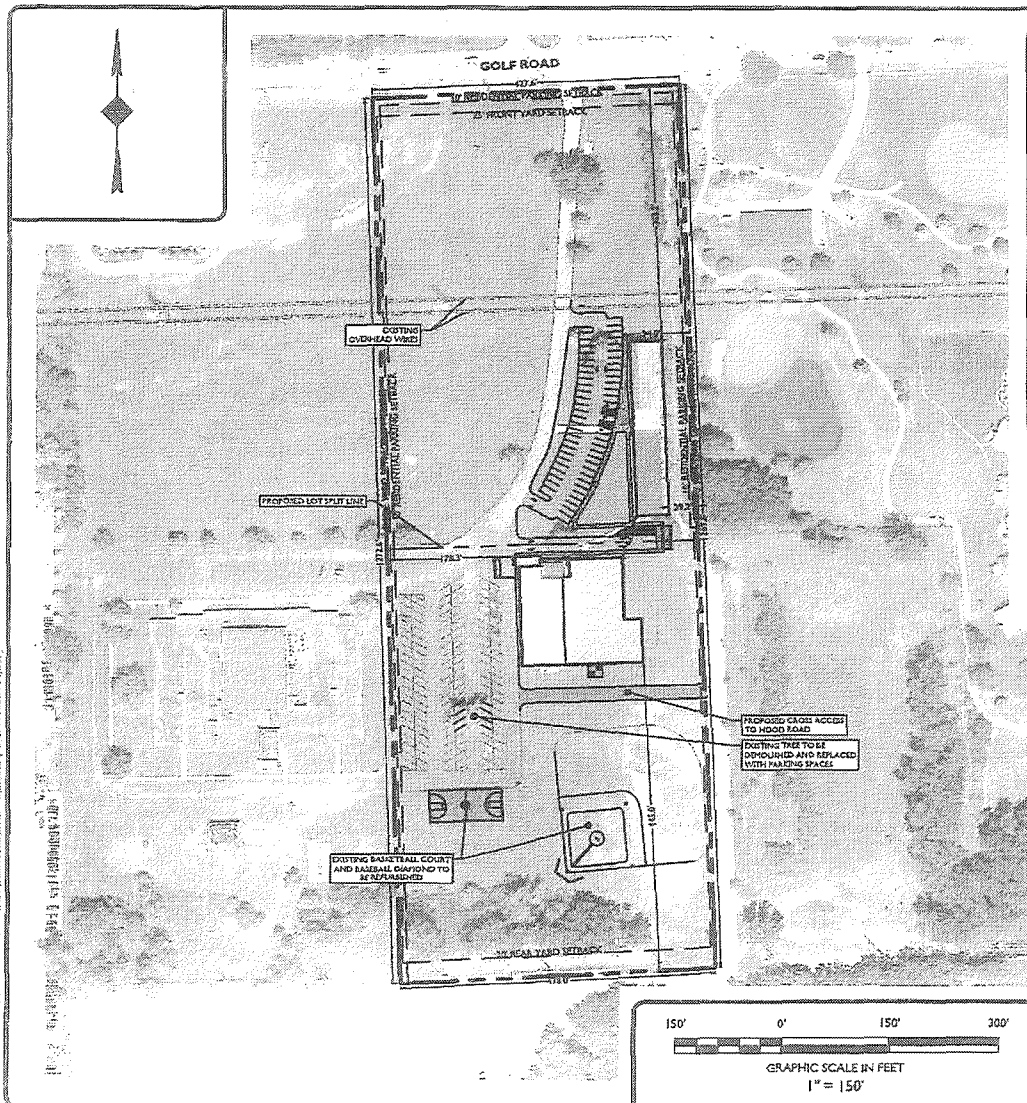


TABLE OF LAND USE AND ZONING

PARCEL ID: 19-05-102-009

MULTIPLE FAMILY DWELLING DISTRICT (R-3) *

PROPOSED USE

MULTIPLE FAMILY APARTMENT BUILDING (3+)
COMMUNITY CENTER
ASSISTED LIVING FACILITY

PERMITTED USE
PERMITTED USE
SPECIAL LAND USE ***

ZONING REQUIREMENT	REQUIRED	PROPOSED
MINIMUM LOT AREA	113,600 SF (2.61 AC)	550,096 SF (12.63 AC)
MINIMUM LOT WIDTH	80 FT	427.6 FT
MINIMUM DWELLING UNIT AREA	600 SF PER UNIT	600 SF
MAXIMUM BUILDING HEIGHT	35 FT	< 35 FT
MINIMUM FRONT YARD SETBACK	25 FT	365.2 FT
MINIMUM SIDE YARD SETBACK (ABUTTING LOT)	5 FT	39.2 FT
MINIMUM REAR YARD SETBACK	30 FT	445.0 FT
MINIMUM PARKING SETBACK (RESIDENTIAL ZONE)	10 FT	94.0 FT
MINIMUM SETBACK BAY PRINCIPLE USES	20 FT	62.2 FT
MINIMUM LANDSCAPED AREA ***	5% (0.63 AC)	> 5%
MINIMUM RECREATIONAL AREA ****	5% (0.63 AC)	> 5%

- (*) PARCEL IS CURRENTLY IN THE (R-1) ONE FAMILY DWELLING DISTRICT, AND IS PROPOSED TO BE REZONED TO THE (R-3) MULTIPLE FAMILY DWELLING DISTRICT.
- (**) ASSISTED LIVING FACILITY IS A SPECIAL LAND USE IN THE R-3 DISTRICT, AND MAY BE PERMITTED BARRING A SPECIAL LAND USE REVIEW AND APPROVAL BY THE CITY PLANNING COMMISSION.
- (***) MINIMUM LANDSCAPED AREA CAN ONLY INCLUDE FRONT & SIDE YARDS, AS WELL AS ALONG PEDESTRIAN WALKWAYS, PLAZAS, AND DECORATIVE ELEMENTS.
- (****) MULTIPLE FAMILY APARTMENT BUILDING (3+ UNITS) - 5% OF GROSS SITE AREA MUST BE DESIGNATED TO RECREATIONAL USES, PER CODE 2.504.C. (PROVIDED BY BASKETBALL COURT & BASEBALL FIELD)

OFF-STREET PARKING REQUIREMENTS

CODE SECTION	REQUIRED	PROPOSED
§ 4.303 - TABLE 8	<u>COMMUNITY CENTER:</u> 1 SPACE PER 3 PERSONS AT MAX. CAP. (100 PERSONS)/(1/3 PERSONS) = 33 SPACES	33 SPACES
§ 4.303 - TABLE 8	<u>ASSISTED LIVING FACILITY:</u> 1 SPACE PER 0.5 BEDS + 0.5 SPACES PER EMPLOYEE AT MAXIMUM SHIFT (12 BEDS)/(0.5/BED) + (0.5)/(6 EMPLOYEE) = 27 SPACES	27 SPACES
§ 4.303 - TABLE 8	<u>MULTIPLE FAMILY APARTMENTS:</u> 1.1 SPACES PER BEDROOM (53 BEDROOMS)/(1.1 SPACES/BED) = 50 SPACES TOTAL: 33 + 27 + 50 = 110 SPACES	50 SPACES 110 SPACES
§ 4.305.E	<u>PARKING DIMENSIONS: **</u> 9 FT X 20 FT + W/ 20 FT AISLE	9 FT X 20 FT W/ 20 FT AISLE
§ 4.405.C.4	<u>INTERIOR PARKING LANDSCAPING:</u> ISLANDS ARE TO BE A MINIMUM OF 8 FT WIDE, AND OF 180 SF	PROVIDED

- (*) PARKING DIMENSIONS CAN BE REDUCED BY 2 FT IF LOW IMPACT STORM MANAGEMENT IS USED, (BIORETENTION, INFILTRATION, PERVIOUS PAVEMENT, ETC.)
- (**) ANY PARKING ADJACENT TO LANDSCAPING MUST INCLUDE AN EXTRA 18" (10.5' TOTAL WIDTH) TO PROVIDE ADEQUATE DOOR CLEARANCE

STONEFIELD
engineering & design

Donna H. - Licensed PE - State of NJ
Pawnee H. - Licensed PE - State of NJ
www.stonfieldinc.com
Phone: 201.261.1111
Fax: 201.261.1111

DEVELOPER:

819 LLC.

DA
CONTRACTING, LLC

CONCEPT C
PROPOSED MIXED USE BUILDING
& MULTI-FAMILY APARTMENTS

DRAFT

NOT APPROVED FOR
CONSTRUCTION
DRAWN BY: KTH
CHECKED BY: JAH
DATE: 06/25/2019
SCALE: 00 1" = 150'
PROJECT ID: 191021
TITLE:
CONCEPT C
(OVERALL)

C-2

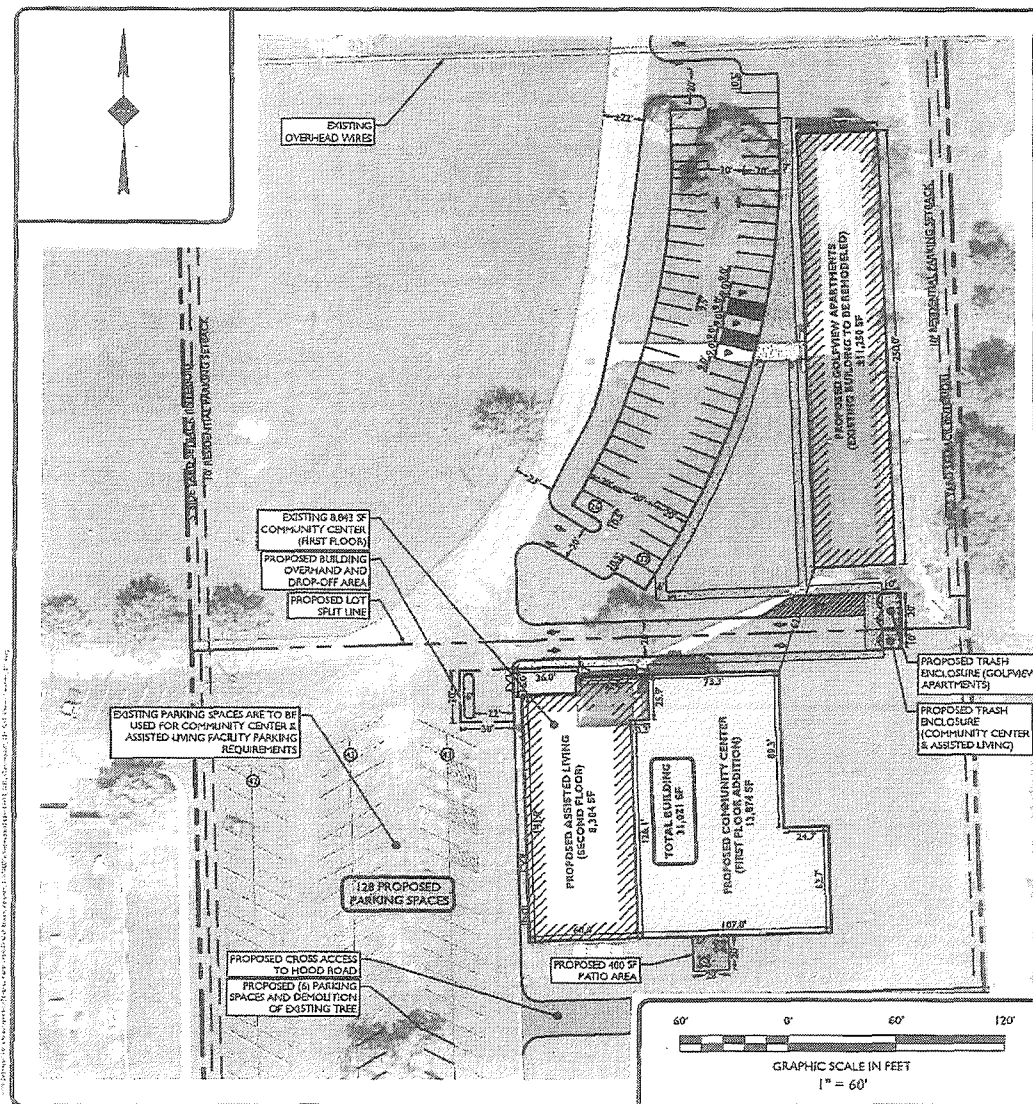


TABLE OF LAND USE AND ZONING		
PARCEL ID: 19-05-102-009		
MULTIPLE FAMILY DWELLING DISTRICT (R-3) *		
PROPOSED USE		
MULTIPLE FAMILY APARTMENT BUILDING (3+)	PERMITTED USE	
COMMUNITY CENTER	PERMITTED USE	
ASSISTED LIVING FACILITY	SPECIAL LAND USE **	
ZONING REQUIREMENT	REQUIRED	PROPOSED
MINIMUM LOT AREA	112,600 SF (2.61 AC)	550,095 SF (12.63 AC)
MINIMUM LOT WIDTH	60 FT	437.6 FT
MINIMUM DWELLING UNIT AREA	600 SF PER UNIT	600 SF
MAXIMUM BUILDING HEIGHT	35 FT	< 35 FT
MINIMUM FRONT YARD SETBACK	25 FT	345.2 FT
MINIMUM SIDE YARD SETBACK (ABUTTING LOT)	5 FT	39.2 FT
MINIMUM REAR YARD SETBACK	30 FT	445.0 FT
MINIMUM PARKING SETBACK (RESIDENTIAL ZONE)	10 FT	94.0 FT
MINIMUM SETBACK B/W PRINCIPLE USES	20 FT	62.2 FT
MINIMUM LANDSCAPED AREA ^{min}	5% (0.63 AC)	> 5%
MINIMUM RECREATIONAL AREA ^{max}	5% (0.63 AC)	> 5%

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 4.303 - TABLE B	<u>COMMUNITY CENTER:</u> 1 SPACE PER 3 PERSONS AT MAX. CAP. (100 PERSONS)/(1/3 PERSONS) = 33 SPACES	33 SPACES
§ 4.303 - TABLE B	<u>ASSISTED LIVING FACILITY:</u> 1 SPACE PER 0.5 BEDS + 0.5 SPACES PER EMPLOYEE AT MAXIMUM SHIFT (12 BEDS)(0.5/BED) + (0.5)/(6 EMPLOYEE) = 27 SPACES	27 SPACES
§ 4.303 - TABLE B	<u>MULTIPLE FAMILY APARTMENTS:</u> 1.1 SPACES PER BEDROOM (52 BEDROOMS)(1.1 SPACES/BED) = 58 SPACES TOTAL: 33 + 27 + 58 = 118 SPACES	58 SPACES 118 SPACES
§ 4.305.E	<u>PARKING DIMENSIONS:</u> ²⁰⁰ 9 FT X 20 FT W/ 20 FT AISLE	9 FT X 20 FT W/ 20 FT AISLE
§ 4.406.C.4	<u>INTERIOR PARKING LANDSCAPING:</u> ISLANDS ARE TO BE A MINIMUM OF 8 FT WIDE. AND OF 180 SF	PROVIDED

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Engineering & Design

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Greenville, NC • Tampa, FL
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360.446.4646 • info@stonfield.com • 800.475.3737
360.446.4646 • info@stonfield.com • 800.475.3737

CONCEPT PLAN
PROPOSED MIXED USE BUILDING
& MULTIFAMILY APARTMENTS



PACE Southeast Michigan Narrative

PACE SE Michigan is looking to open its sixth facility in Metro Detroit in Pontiac with current facilities in Warren, Sterling Heights, Detroit, Southfield and Dearborn. PACE provides innovative care for aging individuals. Our goal is to provide our frail senior community members with the care, medical treatment and support they need to achieve the highest quality of life – while staying independent as long as possible. Our elder care experts offer an alternative to nursing home placement that features comprehensive, coordinated care for a senior's medical, social and physical needs, while also providing peace of mind for family caregivers.

PACE uses Medicare, Medicaid and private funds to cover all of your medically necessary care and services. This is accomplished through an Expert Care Team which is a group of dedicated and experienced health professionals who will work with you and your caregivers to create a complete, personalized care plan designed around the seniors medical, physical and social needs.

Once enrolled, the Pontiac Day Center will have participants transported to the location on our buses. At the center we will have Social Services including: Day center services and recreational activities, Interdisciplinary Team assessment and treatment planning, social work services, medical and day center transportation, personal care, meals and will perform home chores at the participants place of residence. Additional services performed at the Pontiac Center will be Rehabilitation Therapy Services, Occupational Therapy Services, Registered nurse services, assistance with prosthetics/orthotics, dental/vision services, medication assistance, podiatry services, audiology services, health education.

In addition, PACE will provide transportation and assistance for all primary care services, pharmacy services, hospital care, laboratory services, x-rays and diagnostic services, emergency services and skilled home health services. These services ARE NOT PERFORMED at the Pontiac Center but at our affiliated partners where we transport and assist these frail seniors with these services.

We can give tours of any of our facilities and would appreciate the opportunity to show these to you so you can see our staff and seniors in action.

Greenhouse Modeled Senior Living

This model serves as an alternative to seniors who need to be referred to an assisted living center and are determined to not be safe in their current home environment based on a multitude of factors. Current seniors from most of our sites are referred to qualified providers. In our Detroit location, this housing alternative is connected to our facility allowing seniors with reduced transportation time and a higher quality of life.

Based on a philosophy of person directed and relationship-based care. This model is focused on improving resident's quality of life while maintaining clinical excellence. The philosophy is operationalized through small homes where intentional communities, self-directed teams of caregivers and private living spaces support normal and flexible daily routines that can meet individuals needs and preferences.

The highest level of skilled nursing care is provided in this setting for both residents in long-stay residence and those receiving short-stay, post-acute care. The resident is recognized and valued as a unique individual with the right to live a private life in a private place. Staff members are motivated to know each resident and honor the autonomy and choices of those living in the home. The home supports the growth of an intentional community where there are reciprocal relationships between residents, families and staff. This challenges each home to foster a culture based on meaningful activity, simple pleasures and enjoyment. The model promotes maximal functional independence while understanding that risk is a normal part of life.

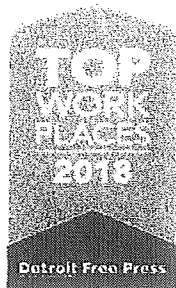


This model home is a self-contained residence designed to the scale and décor of a private home. Ten to twelve residents live in the home, each with a private bedroom and full bathroom. Meals are prepared in a fully functional, open kitchen. The dining table supports a normal and social dining experience. A living room with a fireplace (not gas or woodburning but new technology facsimile) together with the dining room and open kitchen, is the center of life in the home. Access to outdoors is maximized either through a patio or balcony. The design supports both private and communal spaces for those living and working there. The physical space is not meant to be homelike but to be a true home in all respects.

Again, we would appreciate the opportunity to allow Pontiac's eligible senior population to experience what our team has to offer.

Thanks,

Gord Sommerville



What is PACE Southeast Michigan?

PACE Southeast Michigan is a Program of All-Inclusive Care for the Elderly (PACE®) provider. PACE Southeast Michigan is a unique health plan providing comprehensive medical care to eligible older adults in the community. This plan serves seniors with chronic care needs by providing access to the full continuum of preventive, primary, acute and long-term care services. This means PACE Southeast Michigan and its care providers are the same people who work with the senior and caregivers to make decisions regarding their care. All Medicare and Medicaid covered services are included as recommended and are authorized by the PACE Southeast Michigan Interdisciplinary Team. We oversee the level of care needed to keep seniors in their homes for as long as possible. PACE Southeast Michigan provides a range of services 24 hours a day, seven days a week, 365 days a year.

Why is PACE Southeast Michigan special?

PACE Southeast Michigan provides health and social services in the Day Health Center and in the participant's home. We coordinate services to embrace physical, mental and social well-being. No higher authorities will overrule what the senior, doctor and other care providers agree is best for the senior.

Who qualifies for the PACE Southeast Michigan benefit?

A person qualifies for this program if he or she is:

- 55 years of age or older
- Live in the PACE Southeast Michigan service area which includes all of Macomb county, and most of Wayne and Oakland counties. For more information about a specific location, please call 855-445-4554 or visit www.pacesemi.org
- Eligible for nursing facility level of care as certified by the State of Michigan
- Able to live safely in their own home or community with support from PACE Southeast Michigan

Southfield Center 24463 W. 10 Mile Rd. Southfield, MI 48033	Thome Rivertown Center 250 McDougall St. Detroit, MI 48207	Dearborn Center 15401 N. Commerce Dr. Dearborn, MI 48120	Sterling Heights Center 35501 Mound Rd. Sterling Heights, MI 48310	Warren Center 30713 Schoenherr Rd. Warren, MI 48088
---	--	--	--	---

How does someone enroll?

The first step is to call our intake coordinator at 855-445-4554. Our intake coordinator will explain the program and eligibility requirements to you. If the coordinator determines that eligibility is met, a home visit with our intake team will be scheduled. Once the home assessment is complete and if the person is eligible, the individual (with family members/caregiver) may visit the Day Health Center and meet the entire team to develop an individualized care plan.

Are prescription drugs covered?

All prescription and non-prescription drugs deemed necessary by the Interdisciplinary Team are paid for by PACE Southeast Michigan.

How much does PACE Southeast Michigan cost?

PACE Southeast Michigan receives monthly payments from Medicare and Medicaid to cover services for its participants. Seniors who have both Medicare and Medicaid pay nothing more for the program. Seniors who have only Medicare can pay privately monthly. A PACE Southeast Michigan participant may be fully responsible for the cost of medical services from an out-of-network provider or without previous authorization (except for emergency services).

Do participants attend the Day Center every day?

On average, PACE Southeast Michigan participants attend the Day Center two days a week. Center attendance is based on individual needs and can range from once a week to several days a week, as deemed necessary by the Interdisciplinary Team.

How do people get to PACE Southeast Michigan?

Once a participant is enrolled, transportation is provided by PACE Southeast Michigan to the Day Health Center, appointments to medical specialists and activities arranged and approved by the Interdisciplinary Team. A specially equipped bus picks up participants at home and brings them to PACE Southeast Michigan for the day. Families may also choose to transport their loved ones to PACE Southeast Michigan.

What takes place at the Day Health Center?

Participants may get medical check-ups, receive therapy, meet with their social worker and have medication filled on-site. Participants eat a healthy breakfast and hot lunch while enjoying social and recreational activities with other participants.

What about your personal doctor and specialists?

Participants of PACE Southeast Michigan agree to receive all health care services from PACE Southeast Michigan's Interdisciplinary Team. Participants use PACE Southeast Michigan primary care physicians and network of providers. The success of the PACE® program is based on creating and managing the participant's entire care plan with one team. When people enroll, they agree to lock-in to our network of providers and use the services arranged by the PACE Southeast Michigan Interdisciplinary Team (except for emergency services.)



PACE Southeast Michigan at a Glance

855-445-4554

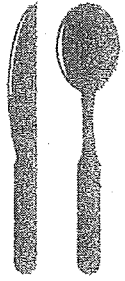
www.pacesemi.org

1,000⁺

of participants
and caregivers
served since the
beginning of
operations



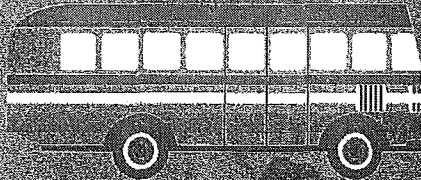
over 106,000



meals provided per year

16,000

Trips per month

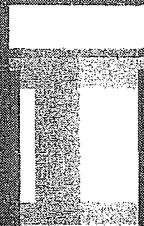


1,800,000

MILES TRAVELED PER YEAR

PACE Southeast Michigan serves seniors

- 55 years or older
- Certified to meet nursing-home care
- Live in the PACE service area
- Able to live safely with support of PACE



Over
77,000
prescriptions
filled
in a year

Over **14,000**
participant
visits to our
center clinics
per year



28,285

hours of home care provided per year

(Includes grooming, meal preparation, cleaning,
and other home services)

As a PACE Southeast Michigan participant, all health care services are provided and arranged by your personal health care team. PACE participants may be fully liable for the costs of medical services from an out-of-network provider or without prior authorization with the exception of emergency services.

Southfield Center
24463 West Ten Mile Rd.
Southfield, MI 48033

Dearborn Center
15401 N. Commerce Dr.
Dearborn, MI 48120

Thome Rivertown Neighborhood
250 McDougall
Detroit, MI 48207

Sterling Heights Center
35501 Mound Rd.
Sterling Heights, MI 48310

Warren Center
30713 Schoenherr
Warren, MI 48088

H2318_105

#12

RESOLUTION



CITY OF PONTIAC
Department of Building Safety
PLANNING DIVISION

47450 Woodward Ave | PONTIAC, MICHIGAN 48342-5009
TELEPHONE: (248) 758-2800 | FAX: (248) 758-2827

Mayor Deirdre Waterman

TO: HONORABLE MAYOR, COUNCIL PRESIDENT AND CITY COUNCIL

FROM: VERN GUSTAFSSON – PLANNING MANAGER
THROUGH THE OFFICE OF DEPUTY MAYOR, JANE BAIS-DISESSA

SUBJECT: SEP 19-03 REQUEST AN APPEAL OF PLANNING COMMISSION DECISION
A & S KAJY ENTERPRISE, INC. | 1124 JOSLYN AVENUE | JOSLYN BEVERAGE
SPECIAL EXCEPTION PERMIT FOR A SDD LIQUOR LICENSE

DATE: JUNE 11, 2019

At the April 3, 2019 Planning Commission meeting, the Commission reviewed a Special Exception Permit request [SEP 19-03] for retail sale of packaged liquor at 1124 Joslyn Avenue and was denied. Following Section 6.303, [H. Appeals] of the Zoning Ordinance, the Applicant has the right to submit an appeal [see attached letter] to the Planning Manager within ten days of the Planning Commission decision requesting an appeal from City Council. Mr. Kajy and Mr. Abro will be present at the City Council meeting to seek an appeal of Planning Commission vote to deny a Special Exception Permit for a Special Designated Distributor [SDD] license [see correspondence from Mr. Gus Abro dated May 13, 2019].

Joslyn Beverage currently sells packaged beer and wine, which was approved by City Council on March 18, 2010 [see attached meeting minutes]. Zoning Ordinance requirements of Section 2.515 determines if packaged alcoholic beverages are compliant.

- A. The sale of packaged alcoholic beverages is prohibited to be located less than 500 feet from the property of a place of worship, park, playground, daycare facility, pre-school, or K thru 12 school.
- B. Not more than two properties upon which the retail sale of packaged alcoholic beverages is permitted shall be located within one mile.

Currently, St Paul Community Lutheran Church and Bible Fellowship Christian Church are located within 500 feet of the retail sale of packaged liquor and three convenience retail businesses [Joslyn Market, Trademark Liquor and King Liquor] sell packaged alcoholic beverages are within one mile of Joslyn Beverage.

See following resolutions to either Approve or Deny an Appeal of Planning Commission decision to grant or not grant a Special Exception Permit for a Special Designated Distributor [SDD] license.

Resolution to Approve Appeal [19-03]

WHEREAS, the City has received an application for a Special Exception Permit for parcel 64-14-16-402-030, also known as 1124 Joslyn Avenue from the Applicant, A & S Kajy Enterprise, Inc., and;

WHEREAS, the Planning Division as reviewed the applicant's Special Exception Permit request to sell packaged alcoholic beverages with a Special Designated Distributer [SDD] license, in addition to the existing Special Designated Merchant [SDM] license for the sale of beer and wine sales, and;

WHEREAS, the Planning Division has reviewed the requirements set forth in Section 2.515 of the Zoning Ordinance and Section 10.188 of the Pontiac Municipal Code and the Planning Division determined that aforementioned request and proposed sale of packaged liquor does not comply with the City of Pontiac Zoning Ordinance, and;

WHEREAS, in accordance with the procedures outlined in the Zoning Ordinance, Section 6.302 as it related to Special Exception Permit Review Procedures and Requirements, the request has undergone the required; technical review, Public Hearing, and Planning Commission decision, and;

WHEREAS, on April 3, 2019 a Public Hearing was held, the Planning Commission voted to deny the request the sale of packaged liquor at 1124 Joslyn Avenue.

WHEREAS, Following Section 6.303, [H. Appeals] of the Zoning Ordinance, the applicant submitted a letter to the Planning Manager Gustafsson within ten days of the Planning Commission decision requesting an appeal from City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Pontiac to appeal Planning Commission decision to grant a Special Designated Distributor license at parcel 64-14-16-402-030, also known as 1124 Joslyn Avenue from the Applicant, A & S Kajy Enterprise, Inc.

Resolution Vote:

YES: Approve the Appeal to GRANT a Special Exception Permit for a Special Designated Distributor [SDD] license.

Resolution to Deny Appeal [19-03]

WHEREAS, the City has received an application for a Special Exception Permit for parcel 64-14-16-402-030, also known as 1124 Joslyn Avenue from the Applicant, A & S Kaja Enterprise, Inc., and;

WHEREAS, the Planning Division as reviewed the applicant's Special Exception Permit request to sell packaged alcoholic beverages with a Special Designated Distributer [SDD] license, in addition to the existing Special Designated Merchant [SDM] license for the sale of beer and wine sales, and;

WHEREAS, the Planning Division has reviewed the requirements set forth in Section 2.515 of the Zoning Ordinance and Section 10.188 of the Pontiac Municipal Code and the Planning Division determined that aforementioned request and proposed sale of packaged liquor does not comply with the City of Pontiac Zoning Ordinance, and;

WHEREAS, in accordance with the procedures outlined in the Zoning Ordinance, Section 6.302 as it related to Special Exception Permit Review Procedures and Requirements, the request has undergone the required; technical review, Public Hearing, and Planning Commission decision, and;

WHEREAS, on April 3, 2019 a Public Hearing was held, the Planning Commission voted to deny the request the sale of packaged liquor at 1124 Joslyn Avenue.

WHEREAS, Following Section 6.303, [H. Appeals] of the Zoning Ordinance, the applicant submitted a letter to the Planning Manager Gustafsson within ten days of the Planning Commission decision requesting an appeal from City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Pontiac concur with the Planning Commission decision and deny the appeal to grant a Special Designated Distributor license at parcel 64-14-16-402-030, also known as 1124 Joslyn Avenue from the Applicant, A & S Kaja Enterprise, Inc.

Resolution Vote

YES: **Deny the appeal to NOT GRANT** a Special Exception Permit for a Special Designated Distributor [SDD] license.

4-8-2019

(SEP 19-03)

A & B Joslyn, LLC
1124 Joslyn
Pontiac, MI 48342

RECEIVED
2019 APR -9 AM 9:13
JULIA CLERK

To whom it may concern,

I Alaa Kaji, owner of A & B Joslyn, LLC located
at 1124 Joslyn Pontiac MI 48342 is appealing
the denial of SDD License that was discussed
at ^{the} Planning Commission meeting on April 3, 2019.

I feel that this denial was unfair due to
the facts of the stores that were mentioned in my
meeting (SEP 19-03). I do feel that my store
does fall in to compliance with the ratio of
anⁿ mile.

I would like to thank the Committee for their
time for reviewing the materials over another time.



Gus J. Abro, Attorney

248.723.4545 phone
248.598.4049 fax
gus@abrolaw.com e-mail

500 S. Old Woodward
Second Floor, Suite 200
Birmingham, Michigan 48009

May 13, 2019

Council President, City Council, and Honorable Mayor
City of Pontiac
47450 Woodward Ave.
Pontiac, Michigan 48342-5009

RE: *SEP 19-03 – Special Exception Permit Request*
Applicant: A & S Kajy Enterprises, Inc. / A & B Joslyn, LLC
Proposed Application: SDD Liquor License approval

To the Council President, Members of the Pontiac City Council, Honorable Mayor:

Our law firm represents A & S Kajy Enterprises, Inc. ("Kajy"). Please allow this letter to serve as an appeal to you of an April 30, 2019 denial by the City of Pontiac, Department of Building Safety, Planning Division ("Planning Commission") for a Special Exception Permit. Said request pertains to Kajy's application to transfer a Specially Designated Distributor ("SDD") liquor license from Madison Heights to the City of Pontiac, as follows:

Kajy is located at 1124 Joslyn Road, Pontiac, MI 48340 (the "Location") and has operated at the Location as a family style grocery/market since 2010. When Kajy opened in 2010 it had applied for and was granted by the State of Michigan, Department of Licensing and Regulatory Affairs, Liquor Control Commission (the "LCC") an Specially Designated Merchant ("SDM") beer and wine license, which was also approved by the Planning Commission for use at the Location, allowing Kajy to sell beer and wine.

Through the years, Kajy has been a very community-oriented business. It is very common for Kajy to support local churches, law enforcement, children's and other organizations,

as well as athletic teams, financially, and in various other ways. It is fair to say that Kajy is a very-well respected and liked business establishment in the community. Kajy gives back to the community, its customers and many charities the benefit the City of Pontiac and the community at large.

Recently, Kajy applied to the LCC to transfer a certain SDD liquor license it had purchased from a similar establishment located in Madison Heights to the Location. The SDD license would permit Kajy to sell packaged liquor at the store.

The LCC reviewed the application, performed its due diligence, conducted a full investigation and ascertained that Kajy, as well as its sole-owner Mr. Alaa Kajy, were of proper character and standing to qualify for such transfer. The LCC found, however, that Kajy was within 500 feet of two churches in contravention of MCL 436.1503(1) which would prohibit the transfer of the SDD license to the Location because the Location was within 500 feet of two churches. Noting MCL 436.1503(4), however, which grants the LCC authority to waive this rule if the churches in question do not object to the transfer. As such and without any objection from the churches, on March 27, 2019 the LCC approved of the transfer (see attached Exhibit 16). The two churches in question, St. Paul Community Lutheran Church, by and through Pastor Jon Trinklein, and the Bible Fellowship Christian Church, by and through District Elder Charles E. Thompson, Pastor, not only did not object, but both affirmatively represented, in writing, their approval that Kajy be granted the SDD license. (Exhibit 1 and Exhibit 2).

Contemporaneous with its application to the LLC, Kajy, on or about January 29, 2019, voluntarily submitted an Application for Special Exception Permit with the City of Pontiac and paid the requisite \$1,000 fee. As such, Kajy was seeking approval by the Planning Commission.

Kajy requested their approval, and on April 7, 2019, a Planning Commission meeting was held wherein, among several other things, Kajy's request was considered.

Contrary to the LCC approval, the Planning Commission denied the request. The denial was based on two paragraphs of Section 2.515 of Pontiac's Zoning Ordinance: (1) that an applicant not be within 500 feet of two churches, and, as noted above, St. Paul Community Lutheran Church and the Bible Fellowship Christian Church, are within 500 feet of Kajy, and (2) that no more than two stores selling packaged liquor are permitted within one mile; the Planning Commission argued that there exists three such stores within one mile: King's Liquor, Trademark Liquor, and Joslyn Market.

For the following reasons, Kajy requests that the Planning Commission decision be reviewed and reversed, and that Kajy be allowed to transfer his SDD license to the Location.

1. The Churches and the community approve of the transfer.

City of Pontiac, Zoning Ordinance 2.515(A), which became effective February 2, 2012, provides as follows:

Section 2.515 Retail Sales (packaged alcoholic beverages)

- A. The property shall be located no less than 500 feet, except as provided below at paragraph "c", from any and all: churches or similar places of worship, parks, playgrounds, daycare facility, pre- &/or K-12 schools.

MCL 436.1503 is similar providing as follows:

The [LCC] commission shall deny . . . a request to transfer location of an existing license if the contemplated location is within 500 feet of a church or a school building.

Section 503(4) of the Liquor Control Code requires, however, an objection by the churches involved in order to hold a hearing as to whether the applicant is in violation of MCL 436.1503.

Here, the LCC wrote a letter to both the Bible Fellowship Christian Church and the St. Paul Community Lutheran Church advising them of Kajy's application and requesting whether either objected to the transfer. (Exhibit 3 and Exhibit 4). If no objection is filed, then the application proceeds. No objection was presented.

On March 5, 2019, Pastor Charles E. Thompson of Bible Fellowship Christian Church wrote:

"You are such a positive business owner in our community. We appreciate your willingness to allow organizations to post flyers on your news bulletin. The community kids and adults feel that you treat them like family. Your caring attitude towards the customers is greatly appreciated and your generosity towards our organization will always be remembered.

Thank you for all you do in this community and for the City of Pontiac. We acknowledge that we do not have any problems with your products and services. We are praying for you and your family."

Sincerely,
[Signed] District Elder Charles E. Thompson

(Exhibit 1).

On March 6, 2019, Pastor Jon Trinklein, of St. Paul Community Lutheran Church, wrote as follows:

"To Whom It May Concern,

On behalf of St. Paul Lutheran Church, I Pastor Jon Trinklein, and St. Paul have no objection for [Kajy] to have their license renewed for the sale of alcoholic beverages."

Sincerely,
[Signed] Pastor Jon Trinklein

(Exhibit 2).

These two letters establish that the two effected churches, Bible Fellowship Christian Church and St. Paul Community Lutheran Church, not only do not object to the Planning

Commission approving the transfer of Kajy's SDD license to the Location, but that, also, they affirmatively approve of it, in great part due to the positive impact Kajy has had in the community.

There having been no objections by either church, the LCC waived its prohibition against packaged liquor being sold within 500 feet of a church, and approved Kajy's application (Exh. 16).

It must be noted that, not only did the two churches involved not object to, but rather supported Kay's application, also the many members of the community at the April 7 hearing.

Several members of the community testified at the April 7 hearing in support of Kajy, as follows:

Mike Cobis stated that he's known Mr. Kajy since he opened the business, that Mr. Kajy is a man of integrity, that he gives back to the community, donates to churches, helps people out when they are down on their luck, that he takes pride in his business, and that he holds customer appreciation days. (Exhibit 5, April 30, 2019 Transcript, p 75, lines 7-14).

Belinda Douglas stated that Mr. Kajy is well accepted and respected in the neighborhood and community. (Exhibit 5, April 30, 2019 Transcript, p 75, lines 21-22).

Robert Huttenhower stated that Kajy has been very well received, takes care of the neighborhood, upgraded the property and made it stand out so that it shines, that you couldn't ask for a better business owner and couldn't ask for a better friend, that Kajy would help out and give the shirt off his back to help, and that his request should be granted. (Exhibit 5, April 30, 2019 Transcript, p 76, lines 1-9).

Billy Viverette stated that Kajy brings good to the neighborhood, the kids love him, that if he can help in any way he does so, that he's a credit to the neighborhood, , and that Kajy's

request should be granted. (Exhibit 5, April 30, 2019 Transcript, p 76, line 21 through p 77, line 4).

The sole person speaking against Kajy was an Council woman who argued a strict interpretation of the ordinance, but said nothing negative about Kajy. (Exhibit 5, April 30, 2019 Transcript, p 76, lines 14-18).

Further, Kajy has obtained the signatures of hundreds of members of the community who are in support of Kajy with regard to his application. (Exhibit 6).

The Planning Commission should follow the lead of the LCC, the churches involved, and the community in general, and waive its Zoning Ordinance 2.515 as it relates to the two churches involved. Kajy respectfully asks for your support.

2. ***The Zoning Commission's one mile rule has not been violated.***

City of Pontiac, Zoning Ordinance 2.515(B), which became effective February 2, 2012, provides in pertinent part as follows:

Section 2.515 Retail Sales (packaged alcoholic beverages)

...

B. Not more than 2 properties upon which the retail sale of packaged alcoholic beverages is permitted shall be located within 1 mile.

At that time, as well as currently, no method of measurement was proscribed. Further, this section, by not defining a system of measurement, and not providing the start and stopping point of the one mile ("located within 1 mile" of what?) can fairly be described as **ambiguous**.

A method of dealing with a regulatory ambiguity is to look for guidance from legislation involving a similar subject matter. *People v Bugaiski*, 224 Mich App 241; 568 NW2d 391 (1997).

At the time City of Pontiac Zoning Ordinance 2.515(B) was passed, Michigan Liquor Control Regulation Rule 436.1133 was in effect. Rule 436.1133, which was very similar to the City of Pontiac Ordinance 2.515(b), provides as follows:

An application for a new specially designated distributor license or for the transfer of location of an existing specially designated distributor license shall not be approved by the commission if there is an existing specially designated distributor license located within 2,640 feet of the proposed site. The method of measurement shall be as prescribed in section 503 of 1998 PA 58, MCL 436.1503.

MCL 436.1503, the statute for measurement purposes noted immediately above, provides the following, with the pertinent portion for measuring distances highlighted:

- (1) The commission shall deny a new application for a license to sell alcoholic beverages at retail or a request to transfer location of an existing license if the contemplated location is within 500 feet of a church or a school building. **The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points** on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building.

The MLCC website is in accord. MLCC's own website provides a description as to how to measure pursuant to MCL 436.1503. (See attached Exhibit 7). In the application the MLCC provides the "Method of Measurement Under MCL 436.1503", stating:

1. Determine the shortest *route* between two lines.
2. Create a beginning and ending point by projecting two lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the church or school building. (This is the blue line in the image below. Note that you project your lines from the structure, not the parking lot).
3. Measure the distance between the two points located in the center of the road (green line). If any turns are taken, measure to the center of the intersection, and then turn, continuing down the center line of the road you have turned onto.

This was the existing system of measurement used by the State of Michigan and the Michigan Liquor Control Commission at the time Zoning Ordinance 2.515(B) was written, and had been in existence and used for over 14 years. For example see Exhibit 8, *In The Matter of the Request of Sal's Market, Inc.*, Michigan Liquor Control Case No. 751989 with a map on the last page showing drawings that comply with the above system of measurement; see Exhibit 9, Further, Michigan Liquor Control Commission Case No. 613791 regarding Rite Aid of Michigan, Inc., SDD survey and Investigation Report and the drawings attached thereto that comply with the above described system of measurement.

The drafters of the Zoning Ordinance 2.515(B) would have stated an intent to deviate from this existing system if in fact they intended the ordinance to provide otherwise. They did not. Therefore, the system of measurement described above must be used when making measurements pursuant to Zoning Ordinance 2.515(B).

Applying this measurement standard above, neither King's Liquor nor Trademark Liquor are within one mile of Kajy.

Using Mapquest, King's Liquor is 1.04 miles away. (Exhibit 10).

Using Google Maps, Kings Liquor is 1.10 miles away. (Exhibit 11).

Using Mapquest, Trademark Liquor is 1.05 miles away. (Exhibit 12).

Using Google Maps, Trademark Liquor is 1.10 miles away. (Exhibit 13).

It is conceded herein that Joslyn Market is within one mile of Kajy.

Under both Mapquest and Google Maps, computerized systems used worldwide and free from bias, both King's Liquor and Trademark Liquor are more than one mile from Kajy. Only Joslyn Market is within one mile of Kajy. Therefore, Section 2.515 of Pontiac's Zoning Ordinance prohibiting more than two SDD license holders within one mile of the applicant,

would not be violated if Kajy's request were approved, because only one other store, Joslyn Market, is within one mile of Kajy.

3. Equal Protection Under the Law.

The Constitution of Michigan of 1963, Article 1, provides as follows:

"No person shall be denied the equal protection of the laws; ."

Here, the Zoning Commission admits, in arguing that there are three establishments within one mile of Kajy, that, at some point in time, one the of the subject stores had requested approval of the sale of packaged alcohol when there had already been two (2) stores who had already been approved and established selling packaged alcohol within the subject area. Allowing that third store was in breach of Section 2.515. Yet that third store was allowed the SDD license clearly in violation of the City's Zoning Ordinance 2.515. In other words, because Kajy had already been established and open for business, with the proper City and state approvals, at the time the Lav Liquor, Inc. (King's Liquor) and Joslyn Liquor, Inc. (Joslyn Food Market) applied for city approval and there already existed two other approved packaged alcohol retailers in place, both King's Liquor and Joslyn Food Market should have been denied the right to sell packaged alcohol. Had these subsequently approved locations (King's Liquor and Joslyn Food Market) not been allowed to sell packed alcohol, in violation of Section 2.515, then Kajy would have been approved and this matter would not be an issue whatsoever. That being the case, Kajy should be afforded equal protection under the law and its SDD license transfer request approved.

Furthermore, Exhibit 14 evidences another situation where the City of Pontiac allowed an establishment an SDD license in violation of Section 2.515. On May 23, 2016, the Zoning

Commission allowed an SDD variance in the application of Baldwin Express, Inc. which similarly exceeded the two store limit. (Exhibit 14). This approval is clearly a violation of Section 2.515.

Kajy must be afforded the same equal application of the law as the two stores above, as well as many others throughout the City of Pontiac, by having its SDD license approved.

4. The Planning Commission erred in finding that Kajy is a gas station.

The Planning Commission decision found that Kajy is a gas station establishment. (Exhibit 15). It is not a gas station, and does not sell gas. It is unknown how or why the Planning Commission found that Kajy is a gas station; no one at the hearing testified in any manner using or implying the words "gas station" in relation to Kajy, and no words were stated or implied in any pertinent writing that Kajy was a gas station. Again, Kajy is a family-oriented grocery/market that sells perishable goods and many healthy and health conscious items to the local community.

Upon information and belief, the conclusion that Kajy is a gas station improperly tainted the Planning Commission's determination to deny Kajy's application. Kajy must be viewed as a family-oriented market/grocery store, and as a viable and important member of the community.

CONCLUSION

Let it be known that it is the mission of A & S Kajy Enterprises, Inc. and Alaa Kajy to serve the citizens of Pontiac by committing to help provide an enhanced quality of life for all and by fostering a vision of a family-friendly community that is a great place to live, work and play.

For the reasons set forth above, Applicant A & S Kajy Enterprises, Inc. respectfully respects that this Honorable Council reverse the decision of the Planning Commission and approve its request for a transfer its SDD license to 1124 Joslyn Road, Pontiac, MI 48340.

Respectfully submitted,

ABRO LAW FIRM

/s/

By: Gus J. Abro (P62916)

500 S. Old Woodward

Second Floor, Suite 200

Birmingham, MI 48009

(248) 723-4545

gus@abrolaw.com

Attorney for A & S Kajy Enterprises, Inc.

GA/gja
Enclosure

Exhibit 1



Bible Fellowship
CHRISTIAN CHURCH

March 5, 2019

1106 JOSLYN AVENUE • PONTIAC, MICHIGAN 48340
248-239-0066 • FAX: 248-239-0055

Dear: Al

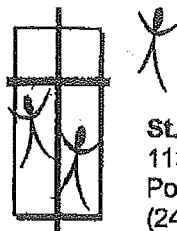
You are such a positive business owner in our community. We appreciate your willingness to allow organizations to post flyers on your news bulletin. The community kids and adults feel that you treat them like family. Your caring attitude towards the customers is greatly appreciated and your generosity towards our organization will always be remembered.

Thank you for all you do in this community and for the City of Pontiac. We acknowledge that we do not have any problems with your products and services. We are praying for you and your family.

Sincerely,

District Elder Charles E. Thompson, Pastor

Exhibit 2



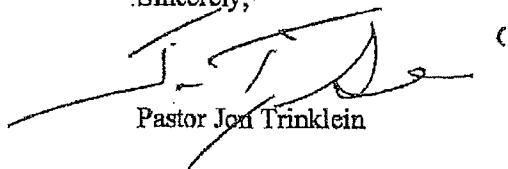
St. Paul Community Lutheran Church
1133 Joslyn Avenue
Pontiac, MI 48340
(248) 758-9019

March 6, 2019

To Whom it May Concern,

On behalf of St. Paul Community Lutheran Church, I, Pastor Jon Trinklein, and St. Paul have no objection for Joslyn Beverage, 1124 Joslyn Road, Pontiac, Michigan to have their license renewed for the sale of alcoholic beverages.

Sincerely,



Pastor Jon Trinklein

Exhibit 3



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

May 7, 2019

VIA CERTIFIED MAIL
7015343000094720647

Bible Fellowship Christian Church
1106 Joslyn Avenue
Pontiac, MI 48340

RE: RID 1902-02552

Dear Pastor Thompson:

This letter is to inform you that the Liquor Control Commission has determined that the following application for a retail liquor license is located within 500 feet of Bible Fellowship Christian Church:

A & S Kajy Enterprise, Inc., requests to transfer ownership of a Specially Designated Distributor License to be located at 1124 Joslyn Avenue, Pontiac, Oakland County.

Section 503(4) of the Liquor Control Code of 1998 states that if a church or school objects to the issuance of certain retail licenses, the Commission shall hold a hearing before making a decision on whether to issue the license.

Under the provisions of the Commission's Church or School Hearing Rules, **if you object to issuance or transfer of location of this license, you have 15 days from receipt of this letter to file the attached resolution with the Lansing Office of the Commission. The resolution must be completed by the governing board of the church or school, and should contain the specific reasons for such objections. You must also include a copy of the meeting minutes where this resolution was adopted.** If no resolution is received within the 15-day period, the Commission will assume no objection exists and will proceed with its consideration of this license request.

If there are no objections to the issuance of the license, you may disregard this letter.

Should you object to the application, a copy of the resolution will be sent to the applicant and a hearing will be scheduled before the Commission. The hearing will be based upon your written objections. You will be notified at least 7 days in advance of the date of the hearing. An attorney may represent you at the hearing.

If you have any further questions, contact the Licensing Administration Office at (517) 284-6290.

Sincerely,

Michigan Liquor Control Commission
Licensing Division

cc: A & S Kajy Enterprise, Inc.
Enclosures

MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY, CHAIRMAN
525 W. Allegan St. • P.O. BOX 30005 • LANSING, MICHIGAN 48909
www.michigan.gov/lcc • 866-813-0011

Exhibit 4



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

May 7, 2019

VIA CERTIFIED MAIL
70153430000094720630

St. Paul Community Lutheran Church
1133 Joslyn Avenue
Pontiac, MI 48340

RE: RID 1902-02552

Dear Pastor Trinklein:

This letter is to inform you that the Liquor Control Commission has determined that the following application for a retail liquor license is located within 500 feet of St. Paul Community Lutheran Church:

A & S Kajy Enterprise, Inc., requests to transfer ownership of a Specially Designated Distributor License to be located at 1124 Joslyn Avenue, Pontiac, Oakland County.

Section 503(4) of the Liquor Control Code of 1998 states that if a church or school objects to the issuance of certain retail licenses, the Commission shall hold a hearing before making a decision on whether to issue the license.

Under the provisions of the Commission's Church or School Hearing Rules, **if you object to issuance or transfer of location of this license, you have 15 days from receipt of this letter to file the attached resolution with the Lansing Office of the Commission. The resolution must be completed by the governing board of the church or school, and should contain the specific reasons for such objections. You must also include a copy of the meeting minutes where this resolution was adopted.** If no resolution is received within the 15-day period, the Commission will assume no objection exists and will proceed with its consideration of this license request.

If there are no objections to the issuance of the license, you may disregard this letter.

Should you object to the application, a copy of the resolution will be sent to the applicant and a hearing will be scheduled before the Commission. The hearing will be based upon your written objections. You will be notified at least 7 days in advance of the date of the hearing. An attorney may represent you at the hearing.

If you have any further questions, contact the Licensing Administration Office at (517) 284-6290.

Sincerely,

Michigan Liquor Control Commission
Licensing Division

cc: A & S Kajy Enterprise, Inc.
Enclosures

MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY, CHAIRMAN
525 W. Allegan St. • P.O. BOX 30005 • LANSING, MICHIGAN 48909
www.michigan.gov/lcc • 866-813-0011

Exhibit 5

1 He indicated if they have a doubt
2 about the demographics, he'd ask to table this
3 matter and allow them to provide the proper survey
4 for.)

5 VICE CHAIR FEGLEY: (Opened public
6 comments.)

7 FROM THE AUDIENCE: (Mike Cobis (ph)
8 (inaudible) 3rd Avenue approached and stated he's
9 known Mr. Kajy since he opened the business. He
10 stated he's a man of integrity, he does give back to
11 the community, donates to churches, helps people out
12 when they are down on their luck. He stated he
13 takes pride in his business. He spoke about
14 customer appreciation days. He stated he would urge
15 and ask that the Council consider not only these
16 boundaries but what the people would like just as
17 they did on the medical marihuana licenses.)

18 MS. BELINDA DOUGLAS: (Address, 2700
19 Shimmons Road. She stated she lived in the
20 neighborhood where Mr. Kajy's store is for 20 plus
21 years. She stated he's very well accepted and
22 respected in the neighborhood and the community.)

23 MR. ROBERT HUTTENHOWER: (Address, 570
24 4th Avenue. Stated he's known Mr. Kajy and his
25 brother for over ten years since they opened the

1 store. Stated they have been very well-received and
2 they take care of the neighborhood. He indicated
3 they have upgraded the property and just made it
4 stand out so that it shines; that you couldn't ask
5 for a better businessowner and couldn't ask for a
6 better friend. Stated the guy will help you out and
7 give you the shirt off his back. He stated he
8 thinks it would be a mistake to hold him down and
9 they should grant the request.)

10 MS. MARY PIETILA: (Stated address was
11 195 West Kennett Road, Pontiac, Michigan. She
12 stated she was an 11-year council person. She
13 stated she was here in 2010, and they worked very
14 hard. They have ordinances in place and want the
15 ordinances executed. She stated if they have two
16 parties coming together in front of you in one night
17 asking for the same thing, and will not give it to
18 one, they have to deny both.)

19 MR. BILLY VIVERETTE: (Address, 776
20 Second Avenue, resides in the same area that the
21 store is in. He stated that Al brings a lot of good
22 to the neighborhood. He stated all of the kids in
23 the area love him, and if he can help you in any
24 way, he will. He stated he has in a lot of cases
25 helped him. He stated he's a credit to the

1 neighborhood. He states he doesn't drink so can't
2 say anything about the alcohol thing, he's just
3 saying that he thinks that he should be granted the
4 license.)

5 MR. KAJY: (Stated he's been on
6 location since 2009 and hasn't sold to any minors
7 alcohol or tobacco for any reason. He stated he'd
8 appreciate them granting the license.)

9 MR. ABRO: (Addressed what Council
10 member Pietila mentioned regarding conformity with
11 the ordinance. He stated, however, every situation
12 is unique. He explained this is not a gas station
13 or a fuel petroleum establishment, that it is a
14 party store that's trying to survive. He stated Mr.
15 Kajy is a pillar in the community. He stated Liquor
16 Control has eliminated the half-mile rule. He
17 stated this investment is significant and these
18 licenses are going upwards of \$300,000.)

19 VICE CHAIR FEGLEY: (Closed public
20 comments.)

21 MR. GUSTAFSSON: (Asked Donovan to
22 clarify the 1,000-foot in regards to the other
23 establishments in regards to the green dot versus
24 the star to the south.)

25 MR. SMITH: (Stated the graphic to the

Exhibit 6

Signed Petition to be
provided at the hearing.

Exhibit 7

HOME

MICHIGAN LIQUOR LICENSES

LIQUOR LAW NEWS

LEARN THE LAW

CONTACT AN ATTORNEY

Churches, Schools, and Liquor

The General Rule: MCL 436.1503

"A new application for a license to sell alcoholic beverages at retail, or a request to transfer location of an existing license, shall be denied if the contemplated location is within 500 feet of a church or a school building."

There are two primary situations in which this rule does not apply:

First, the Church and School Rule does not apply to SDM licenses that are not held in conjunction with an on-premise license. Therefore, if an applicant seeks only an SDM license, the Church and School Rule will not apply.

Second, this rule also does not apply to location transfers if the license was already within 500 feet of a church or a school building, and will be transferred farther away from that church or school building. For example, you can transfer a Class C that is 50 ft from a church to a new location that is 100 ft from the church.

For licenses issued before March 1, 1949, see MCL 436.1503(3).



Church and school hearings can be expected to slow down the application process.

The photo below (click to expand) demonstrates the method of measuring the distance between a location and a church/school. We typically use an online measuring tool as a starting point when estimating distances.

The steps are:

1. Determine the shortest route between the two.
2. Create a beginning and ending point by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building. (This is the blue line in the image below. Note that you project your lines from the structure, not the parking lot.)
3. Measure the distance between the two points located in the center of the road (green line). If any turns are taken, measure to the center of the intersection, and then turn, continuing down the center line of the road you have turned onto.

*Note: MLCC Staff will measure using their own tools regardless of your findings. Measuring ahead of time is simply a good method to prepare yourself.

All is not lost when a location is within 500ft of a church or school.

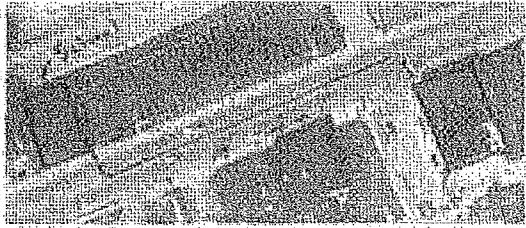
The Commission, in its discretion, may waive the Church and School Rule under several circumstances.

Upon determination that a church or school is within 500ft of the proposed licensed location, the Commission will contact the church/school. The church or school then has 15 days to formally object to issuance or transfer of the license. If the church or school fails to file a formal objection, the Commission may issue/transfer the license. When possible, we recommend that attorneys make contact with the leadership at the church or school prior to their receipt of communication from the commission. This allows the attorney to explain why the licensed location will not harm adversely affect their operation and it may help avoid a church or school hearing altogether.

In the event that the church/school does object, the Commission will schedule a Church or School Hearing (see Rules 436.1951 - .1963). The Commission must grant a waiver after this hearing if the applicant can demonstrate by competent, material, and substantial evidence that a waiver of the Church and School Rule would not adversely affect the operation of the church or school.

5/13/2019

Church & School



Measuring the Distance Between a School & Location

Home - Michigan Liquor Licenses - Alcohol/Hospitality Industry News - Liquor Law News & Updates - Research Michigan Liquor Law - Contact a Liquor Lawyer
FAQs - About Michigan's Liquor Control System - Retail Liquor Licenses - Obtaining a Liquor License - The Application/Transfer Process - MLCC Violations
The Michigan Liquor Law Blog - The 1/2 Mile Rule - Churches & Schools - Fuel Pumps & Liquor - Smoking Ban - Proposed Statutory Changes - MLCC Forms

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Michigan Liquor Law dot com, a site devoted to understanding Michigan Liquor Laws. We answer questions about Michigan liquor licenses, the Michigan Liquor Control Commission, liquor license applications, and more.

Exhibit 8



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

***出陣

In the matter of the request of
SAL'S MARKET, INC.
8240 Merriman
Westland, Michigan 48185

Wayne County

Request ID No. 751989

At the June 11, 2014 Meeting of the Michigan Liquor Control Commission in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPROVAL ORDER

Sal's Market, Inc. ("applicant") has filed an application for transfer ownership of escrowed 2013 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.), from Alammari, Inc.; transfer location (governmental unit) under MCL 436.1531(18) from 12344-12350-12352 Woodrow Wilson, Detroit, Wayne County, to the above noted location; and request for new Sunday Sales Permit (A.M.). This request for transfer has been received as the result of a Purchase Agreement signed by the parties on March 3, 2014.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this

Request ID No. 751989

Page 2

state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537, the licensee may sell the authorized alcoholic liquor products for consumption off the premises only.

The Commission finds that it has considered the provisions as required in administrative rule R 436.1105 in the consideration of this request.

Administrative rule R 436.1133 provides that an application for the transfer location of an existing Specially Designated Distributor license shall not be approved by the Commission if there is an existing Specially Designated Distributor license located within 2,640 feet of the applicant's proposed site, unless a waiver of this rule is granted by the Commission under subsections (a) – (e) of this rule.

The Commission finds that there is one (1) existing Specially Designated Distributor license located within 2,640 feet of the applicant's proposed location and that the existing Specially Designated Distributor license location and the existing Specially Designated Distributor license location are separated by a qualifying major thoroughfare of not less than 4 lanes of through traffic.

After reviewing the file and discussion of the issues at the meeting, the Commission finds that the applicant qualifies for a waiver of administrative rule R 436.1133 as permitted under (c); that the applicant has met all the requirements; and that this request should be approved.

THEREFORE, IT IS ORDERED that:

- A. The applicant's request for transfer ownership of escrowed 2013 Specially Designated Distributor and Specially Designated Merchant licenses is APPROVED subject to the following:


Request ID No. 751989
Page 3

1. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
 2. The licensee shall provide proof of financial responsibility, under MCL 436.1803.
 3. A final inspection to be conducted by the Enforcement Division to determine that sufficient inventory has been installed to determine and verify the true nature of the business; and to determine that the licensed premises meets all the requirements of the Michigan Liquor Control Code and Administrative Rules.
 4. Receipt of acceptable, executed Lease Agreement.
 5. Receipt of documentary proof that Sal's Market, Inc. has received a loan in the amount of \$88,000.00 from Arner Sandha.
 6. Receipt of acceptable, executed form LCC-3010 (Report of Stockholders/Members/Partners).
- B. The applicant's request for transfer of the existing Sunday Sales Permit (P.M.) and new Sunday Sales Permit (A.M.) is APPROVED subject to the following:
1. A reference to the time of day includes daylight savings time, when observed.
 2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.
- C. The applicant's request for transfer location (governmental unit) under MCL 436.1531(18) from 12344-12350-12352 Woodrow Wilson, Detroit, Wayne County, to the above noted location, is APPROVED.
- D. The licensee shall sell the authorized alcoholic liquor products for consumption off the premises only, under MCL 436.1537.

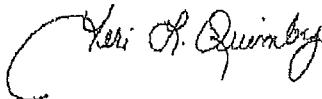
Request ID No. 751989
Page 4

- E. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.
- F. The licensee's failure to comply with all laws and rules may result in the revocation of the approvals contained in this order.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

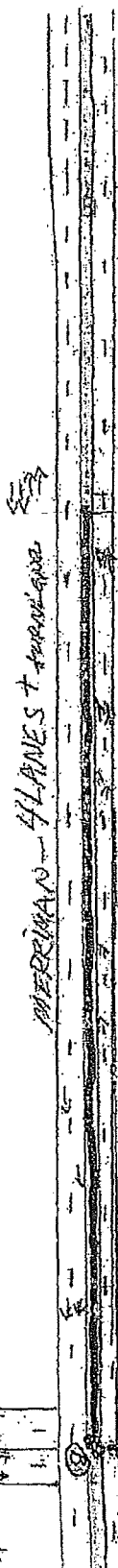


Dennis Olshove, Commissioner

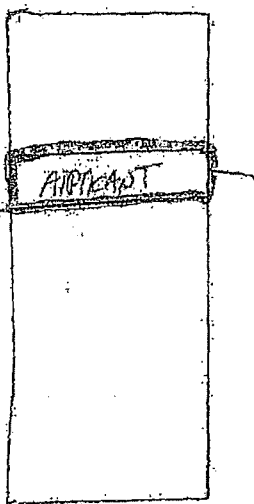
SP1

Date Mailed: JUN 19 2014

⊙ = TURN LANE



Shipping & Export
parking



Ⓐ = APPLICANT
SAL'S MARKET, INC
8040 MERRIMAN, WESTVA
MI 48185

DISTANCE Ⓐ to Ⓑ = 440 FEET

Ⓑ to Ⓒ = 1,034 FEET

TOTAL DISTANCE Ⓐ to Ⓒ = 1,474 FEET

THE
CLARKS

* 4 LANES FOR
408 FEET

ANN ARBOR TRAIL
BECOMES
2 LANES

ANN ARBOR TRAIL
4 LANES PLUS TURN LANE

EXISTING
SDD

Exhibit 9



Michigan Department Licensing & Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

SDD SURVEY AND INVESTIGATION REPORT
[Authorized by MCL 436.1217]

Date: August 3, 2012

RID #: 613791

District Office: Southfield:rlb

Name: **Rite Aid of Michigan, Inc.** Chain
Business Address: 7887 Twenty Six Mile, Washington, MI 48094, Washington Township, Macomb County
Home Address:
Home Phone: Business Phone: Other:
DBA:
Contact: **Michael J. Brown, Esq., (Carlin Edwards Brown PLLC), 6017 W. St. Joe Highway, Suite 202, Lansing, MI 48917**
Telephone: (517) 321-4616 Fax: (517) 321-4642 Email:
Attorney: **Michael J. Brown, Esq., (Carlin Edwards Brown PLLC), 6017 W. St. Joe Highway, Suite 202, Lansing, MI 48917**
Telephone: (517) 321-4616 Fax: (517) 321-4642 Email:

Type of Investigation: Request for New SDD License, in conjunction with existing 2012 SDM licensed business; New Sunday Sales Permit (pm).

Population: 23,296 Quota: 8 Number Issued: 7

Notes:

Attached:

Other SDD Applicants in the vicinity of the applicant: (Name and address including those in other governmental units)

No other Applicants

S.D.D. SURVEY

REQ ID #: 013791

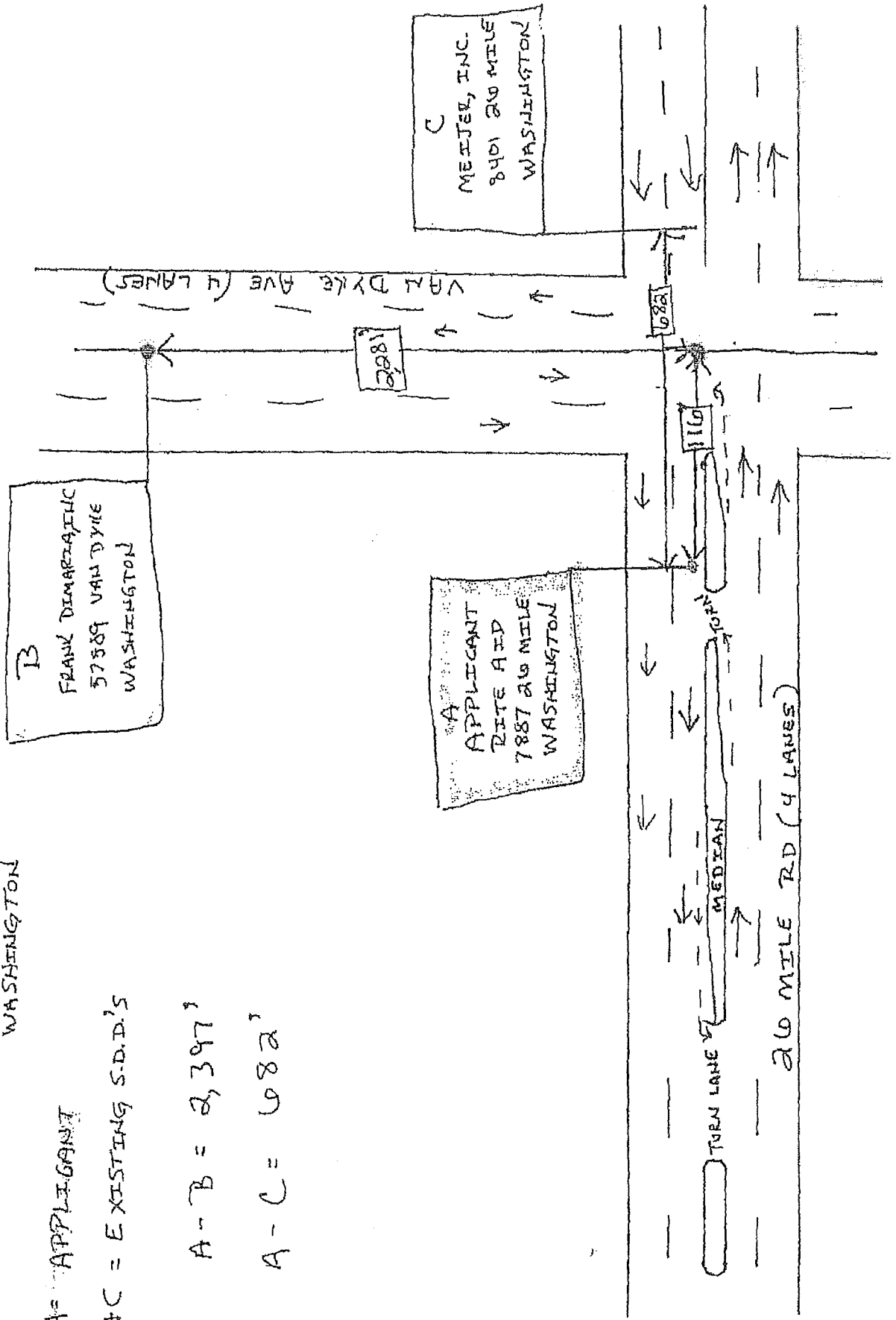
7887 26 MILE
WASHINGTON

A = APPLICANT

B+C = EXISTING S.D.D.'S

A-B = 2,397'

A-C = 682'



S.D.P. SURVEY

REQ ID #: 613791

7887 26 MILE
WASHINGTON

#A= APPLICANT

B+C = EXISTING S.D.P.'S

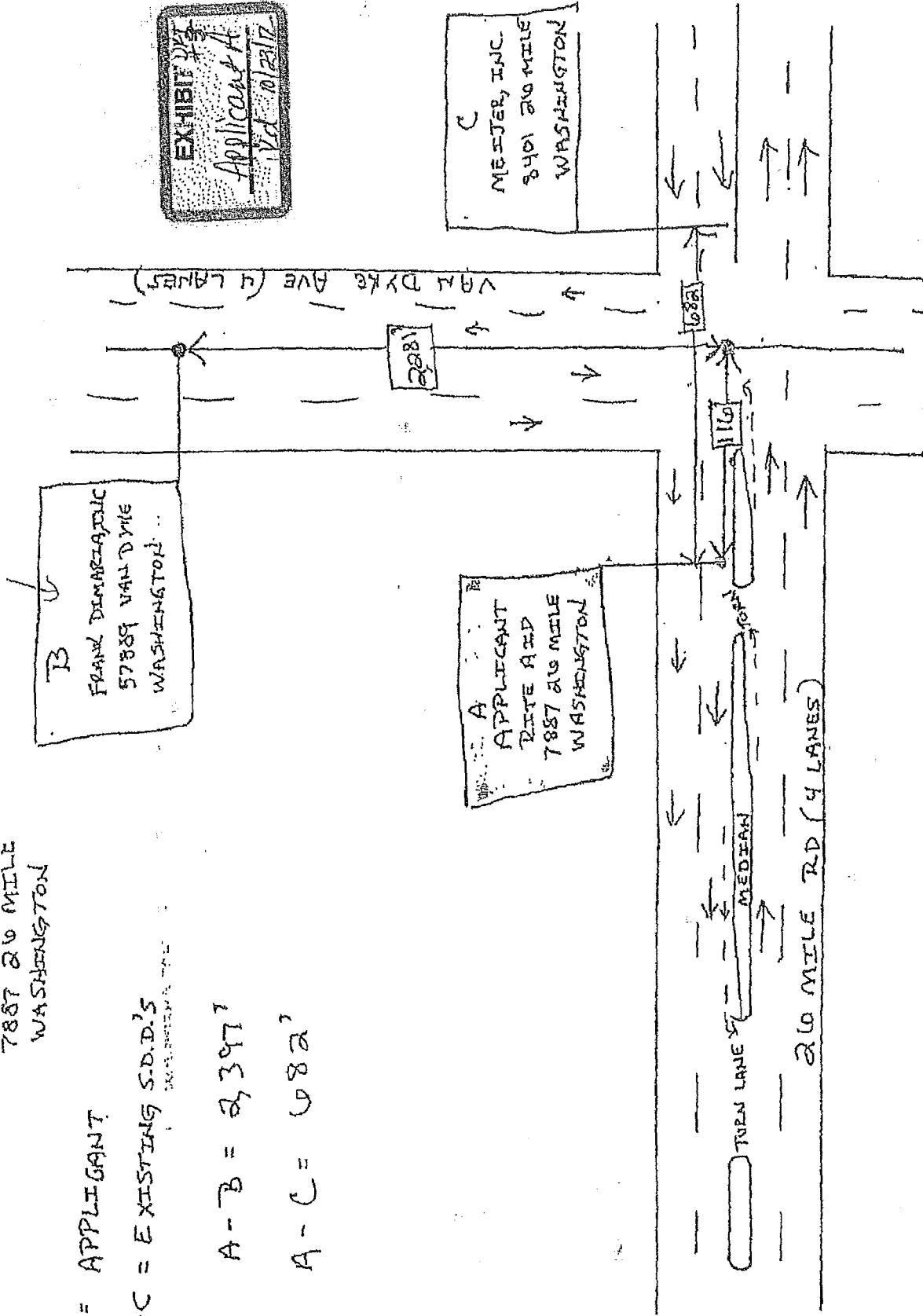
A-B = 2,397'

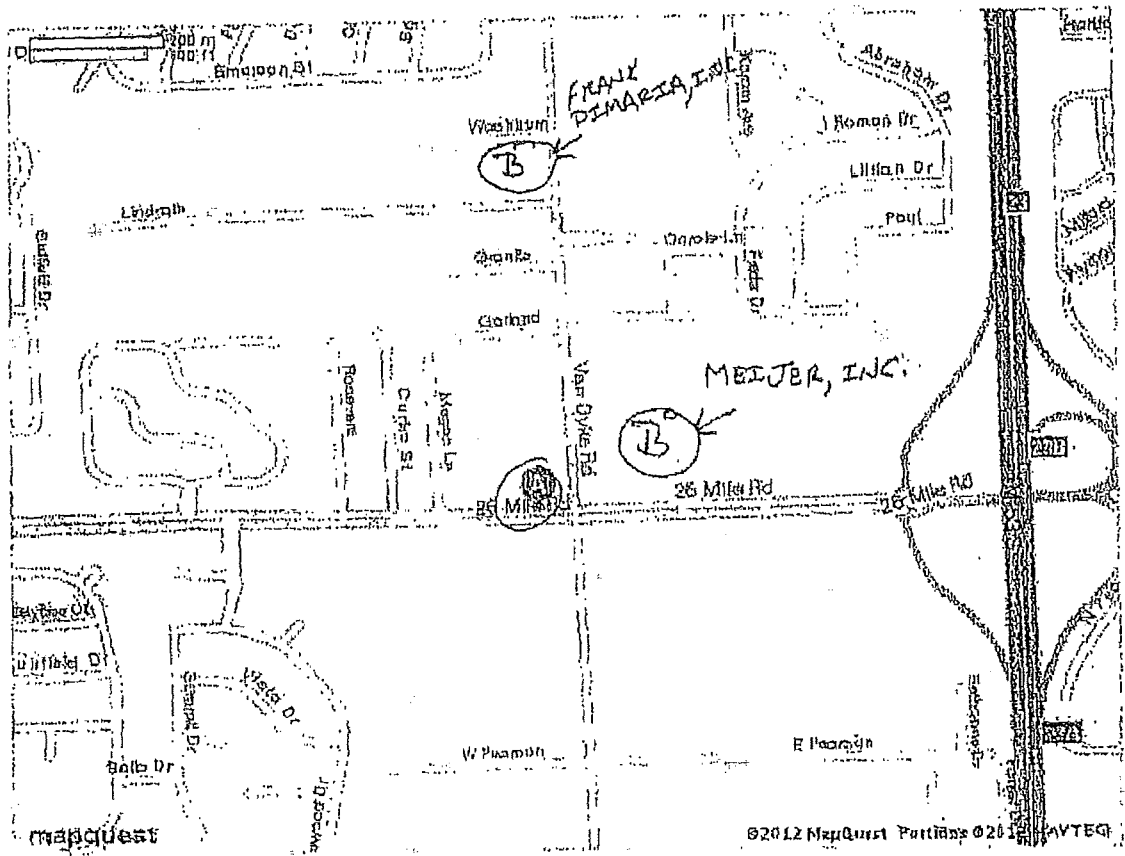
A-C = 682'

Business closed
license in escrow

①

N
↑





PROPOSED LOCATION = A
 EXISTING S.D.D.'S = B



REQ ID #: 613791
 7887 26 MILE
 WASHINGTON

- ... JUNE 7
 REQ ID #: 613791
 7887 20 MILE
 WASHINGTON

A = APPLICANT
 B + C = EXISTING S.D.D.'S
 A - B = 2,397'
 A - C = 682'

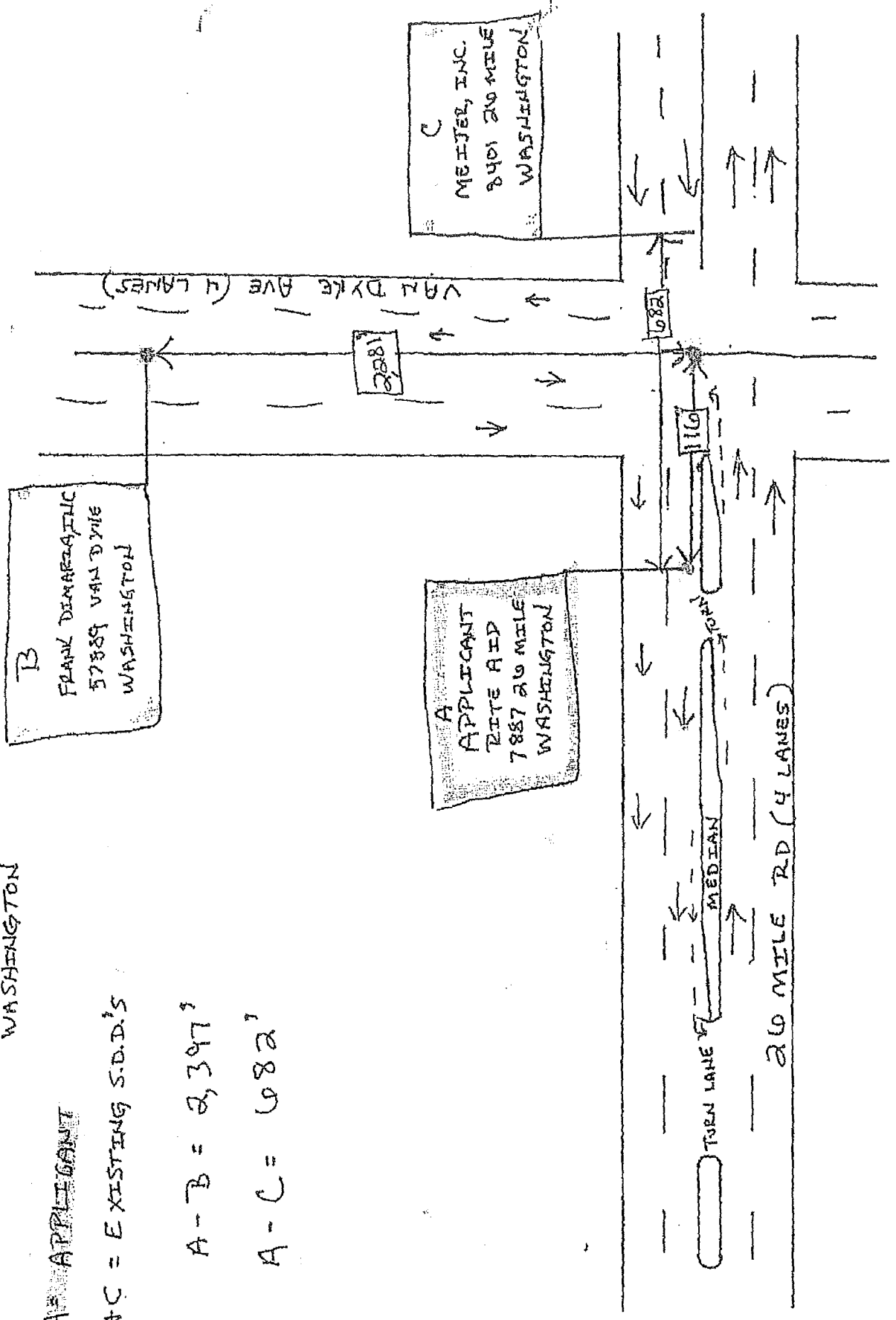


Exhibit 10

YOUR TRIP TO:

mapquest

689 Martin Luther King Jr Blvd, Pontiac, MI, 48342-1627

2 MIN | 1.0 MI 

Est. fuel cost: \$0.11

Trip time based on traffic conditions as of 9:01 AM on May 13, 2019. Current Traffic: Light



Print a full health report of your car with HUM vehicle diagnostics (800) 906-2501



1. Start out going south on Joslyn Ave toward 3Rd Ave.

Then 0.86 miles

0.86 total miles



2. Turn left onto E Montcalm St.

E Montcalm St is just past Lowell St.

If you reach Oliver St you've gone about 0.1 miles too far.

Then 0.15 miles

1.01 total miles



3. E Montcalm St becomes Martin Luther King Jr Blvd.

Then 0.04 miles


1.05 total miles



4. 689 Martin Luther King Jr Blvd, Pontiac, MI 48342-1627, 689 MARTIN LUTHER

KING JR BLVD is on the right.

If you reach Balboa Pl you've gone a little too far.

 Save to My MapsUse of directions and maps is subject to our [Terms of Use](#). We don't guarantee accuracy, route conditions or usability. You assume all risk of use.
$$\begin{array}{r}
 .86 \\
 .15 \\
 .04 \\
 \hline
 1.05 \text{ miles}
 \end{array}$$

5/13/2019

1124 Joslyn Ave, Pontiac, MI 48340-2867 to 689 Martin Luther King Jr Blvd, Pontiac, MI, 48342-1627 Directions - MapQuest

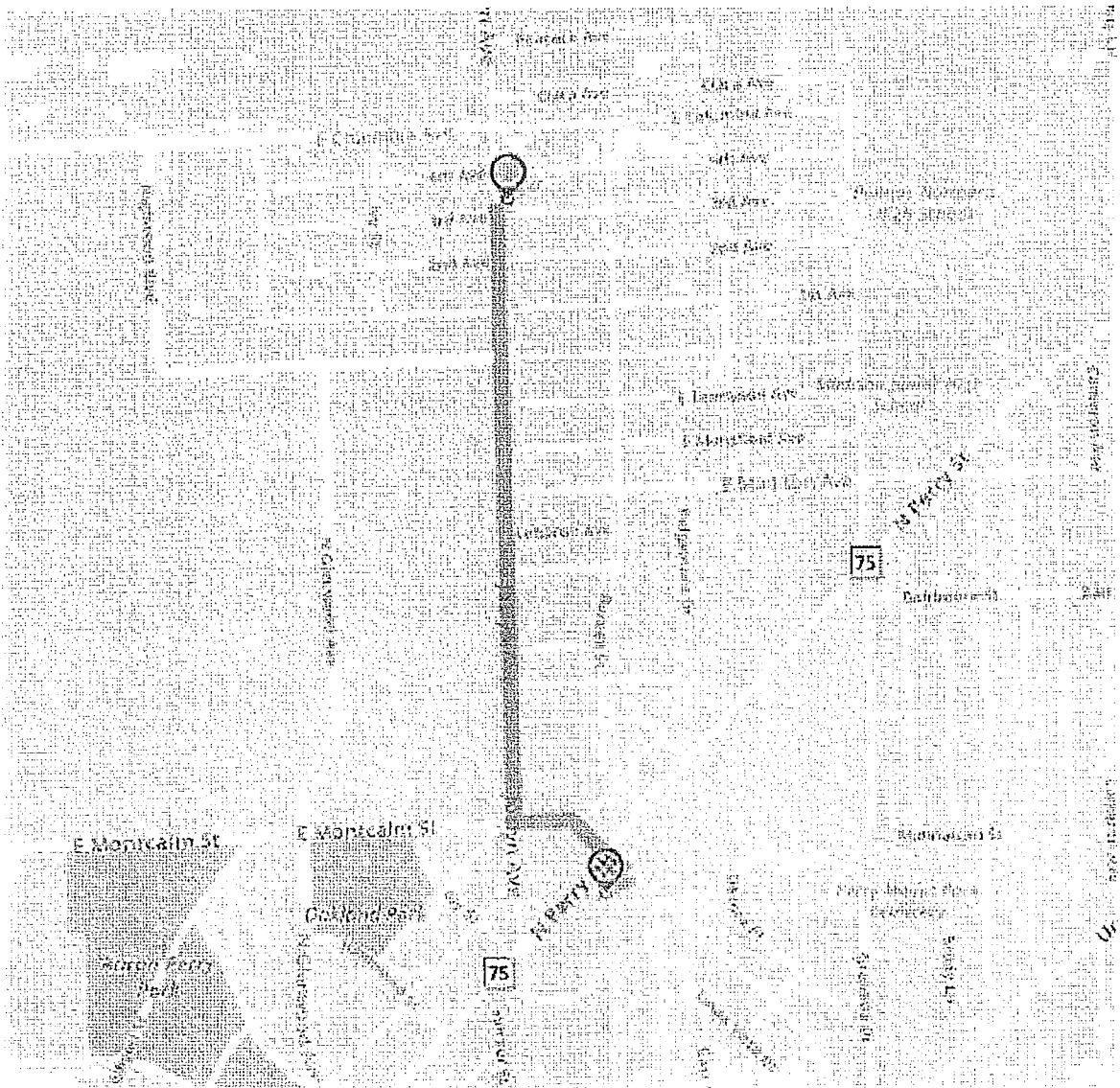


Exhibit 11

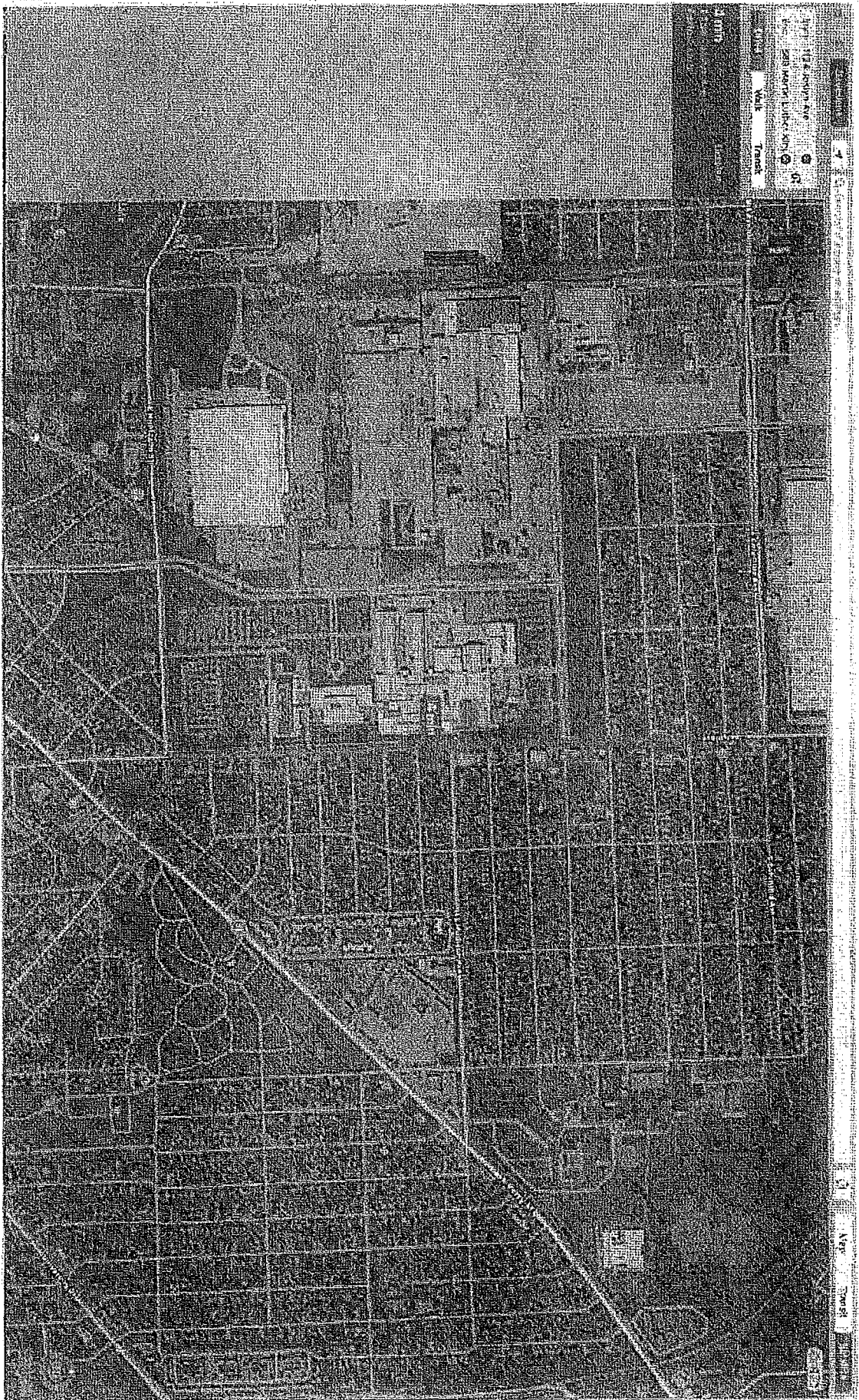


Exhibit 12

5/13/2019

1124 Joslyn Ave, Pontiac, MI 48340-2867 to 1220 N Perry St Directions - MapQuest

YOUR TRIP TO:

1220 N Perry St

mapquest

2 MIN | 1.0 MI 

Est. fuel cost: \$0.11

Trip time based on traffic conditions as of 9:06 AM on May 13,
2019. Current Traffic: Moderate



Print a full health report of your car with
vehicle diagnostics (800) 906-2501



1. Start out going south on Joslyn Ave toward 3Rd Ave.

Then 0.40 miles

0.40 total miles



2. Turn left onto E Madison Ave.

E Madison Ave is just past E Mansfield Ave.

If you reach Lebaron Ave you've gone a little too far.

Then 0.63 miles

1.03 total miles



3. Turn sharp right onto N Perry St/I-75 Bus Loop S.

N Perry St is 0.1 miles past Arlene Ave.

If you are on Madison Ave and reach Stirling St you've gone a little too far.


Then 0.01 miles

1.04 total miles



4. 1220 N Perry St, Pontiac, MI 48340-3134, 1220 N PERRY ST is on the left.

If you reach Robinwood St you've gone a little too far.

 Save to My Maps

Use of directions and maps is subject to our [Terms of Use](#). We don't guarantee accuracy, route conditions or usability. You assume all risk of use.

0.40
0.63
0.01

1.04 miles

1124 Joslyn Ave, Pontiac, MI 48340-2867 to 1220 N Perry St Directions - MapQuest

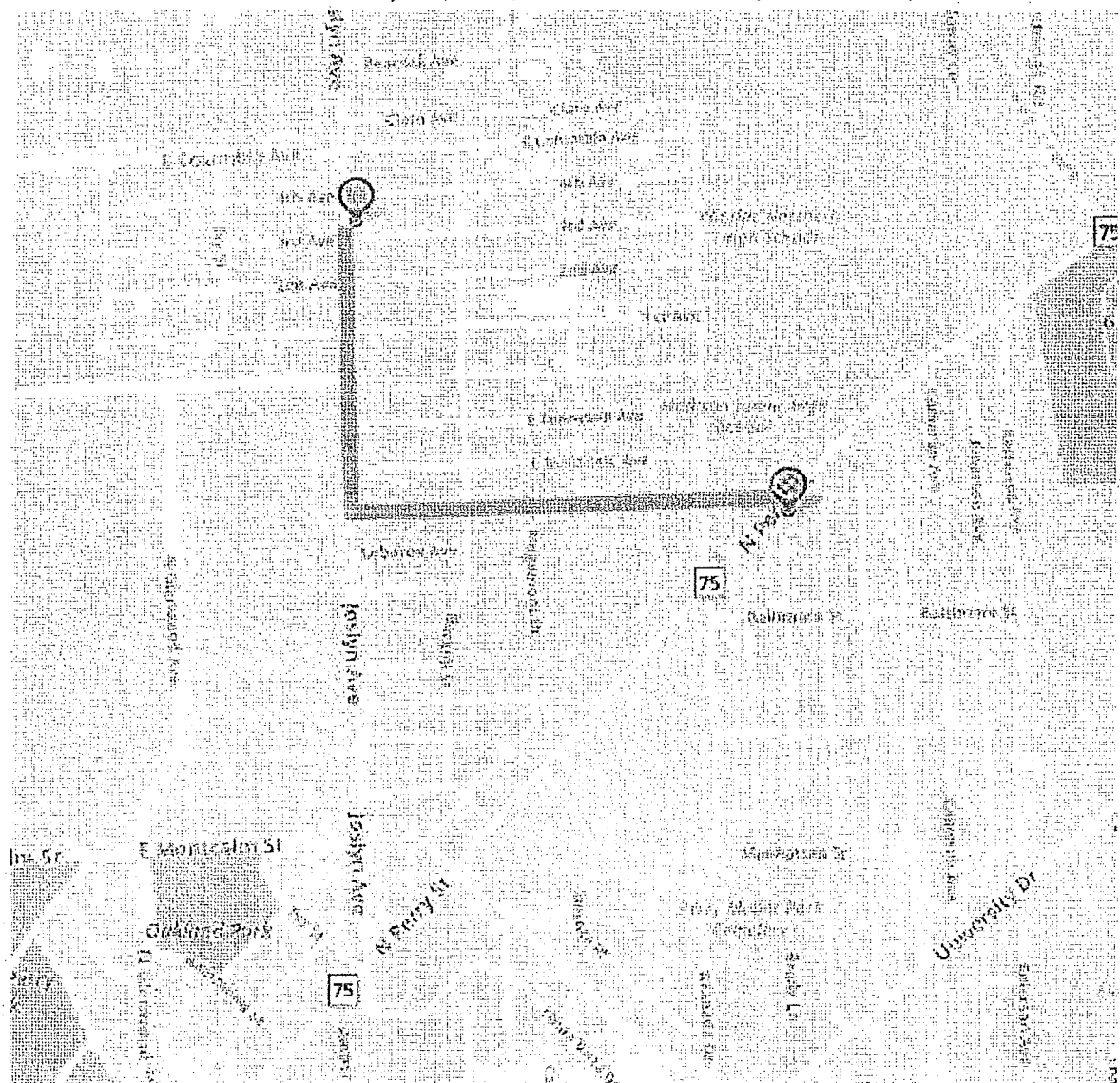


Exhibit 13

Exhibit 14

Alcohol Information Management System

Michigan Liquor Control Commission

Search Active/Escrowed Licensees

Licensee Details

Licensee Name	BALDWIN EXPRESS INC	Doing Business As (DBA)	BALDWIN EXPRESS
Business ID	233625	Local Governmental Unit (LGU)	PONTIAC CITY
Status	Active	County	OAKLAND
Address	1019 Baldwin Ave Pontiac, MI 48340-2609	Phone	(248) 541-0200

[Go Back](#)

Insurance / Financial Responsibility

Show 10 entries

[Copy](#) [CSV](#) [Print](#)

Name	Insurance Provider	Effective Date (From)	Status
IN-512143	Liquor Liability Insurance ANGUARD INSURANCE COMPANY	6/19/2018	Active

Showing 1 to 1 of 1 entries

Previous [1](#) Next

Subordinates

Show 10 entries


[Copy](#) [CSV](#) [Print](#)

Name	Relationship To Business	Status
USAMA PATTAN	Stockholder	Active

Showing 1 to 1 of 1 entries

Previous [1](#) Next

Licenses

To view details of a license, please click the  button to expand the license details.

Show 10 entries


[Copy](#) [CSV](#) [Print](#)

License #	Group	Type	Subtype	Status	Issue Date	Expiration Date	Statute	Statute; Location Transferable	Under Transfer Process
L-000231557	Retail - Off Premises	Specially Designated Merchant		Active	10/23/2013	4/30/2020		Y	
L-000262639	Retail - Off Premises	Specially Designated Distributor	Regular	Active	5/23/2016	4/30/2020		Y	

Showing 1 to 2 of 2 entries

Previous 1 Next

Permits

To view details of a permit or permission, please click the  button to expand the permit or permission details.Show 10 entries[Copy](#) [CSV](#) [Print](#)

Permit #	Type	Specific Purpose	Status	Issue Date	Expiration Date
+ 18-18965	Sunday Sales (AM)		Issued	5/23/2016	4/30/2020
+ 18-18966	Sunday Sales (PM)		Issued	5/23/2016	4/30/2020

Showing 1 to 2 of 2 entries

Previous 1 Next

Historical Sales Record

Show 10 entries[Copy](#) [CSV](#) [Print](#)

Year	Month	License	Sales Amount
2015		L-000262639	\$0.00
2016	01	L-000262639	\$0.00
2016	02	L-000262639	\$0.00
2016	03	L-000262639	\$0.00
2016	04	L-000262639	\$0.00
2016	05	L-000262639	\$12,041.37
2016	06	L-000262639	\$18,544.33
2016	07	L-000262639	\$12,773.18
2016	08	L-000262639	\$42,705.77
2016	09	L-000262639	\$35,660.37

Showing 1 to 10 of 40 entries

Previous 1 2 3 4 Next

Violations

Show 10 entries[Copy](#) [CSV](#) [Print](#)

Violation #	Date Violation Occured	Status	Violation Description	Event/Decision
CV-00168846	11/13/2014	Closed	SALE TO MINOR, X-312(19): (INV. GODLEW/X-312/CK LAWRENCE PATTON/NO ID)	2/25/2015 HEARING HELD LANSING CLEMENTE/HALL/DECLERQ RULE 15(E) 3/24/2015 (1)AS PENALTY, THE COMMISSIONER ORDERS THE LICENSEE TO PAY A FINE OF \$500 FOR THE SINGLE CHARGE CITED ABOVE. THE COMMISSIONER FURTHER ORDERS A SUSPENSION OF TWENTY-FIVE (25) CONTINUOUS DAYS IF THE TOTAL FINE OF \$500 IS NOT PAID WITHIN FORTY-FIVE (45) DAYS FROM THE DATE THIS ORDER IS MAILED. THIS SUSPENSION, IF SERVED, SHALL RUN CONSECUTIVELY AND NOT CONCURRENTLY WITH ANY OTHER SUSPENSION ORDERED BY THE MICHIGAN LIQUOR CONTROL COMMISSION (MLCC) FOR THIS LICENSEE. THE COMMISSIONER ALSO FINDS THAT THE ASSISTANT ATTORNEY GENERAL HAS CONSULTED WITH AND OBTAINED THE ACQUIESCENCE TO THE TERMS OF THIS NEGOTIATED SETTLEMENT FROM INVESTIGATOR JANET GODLEW ON BEHALF OF THE MLCC.

CV-00177201	5/5/2016	Closed	SOLD OR FURNISHED ALCOHOL TO UNNAMED MINOR X-335 (19) : (LCC INV MAUL/CLERK DANIEL ARTILLIS VICKARY/ID CHECKED)	8/24/2016 HEARING HELD SOUTHFIELD CLEMENTE/MCDOWELL/GIBSON NEG SETTLEMENT 8/31/2016 AS A PENALTY, THE COMMISSIONER ORDERS A FINE OF \$700 IN THIS MATTER. FURTHER, THE COMMISSIONER ORDERS THAT A SUSPENSION OF THIRTY-FIVE (35) CONTINUOUS DAYS SHALL BE IMPOSED, WITH THIS SUSPENSION TO RUN CONSECUTIVELY AND NOT CONCURRENTLY WITH ANY OTHER SUSPENSION ORDERED BY THE COMMISSION, IF THE FINE IS NOT PAID WITHIN FORTY-FIVE (45) DAYS FROM THE MAILING DATE OF THIS ORDER, 801-2 NEGOTIATED SETTLEMENT
CV-00179649		Closed		10/26/2016 PASSED CONTROL BUY OPERATION ON 9-1-16 (OAKLAND COUNTY SHERIFF)
CV-00180864		Closed		1/19/2017 PASSED CONTROL BUY OPERATION ON 12/22/16 (OAKLAND COUNTY SHERIFF)

Showing 1 to 4 of 4 entries

Previous 1 Next[ML.gov \(http://www.michigan.gov\)](http://www.michigan.gov)[Home \(/\)](#)[About \(http://www.michigan.gov/lcc\)](http://www.michigan.gov/lcc)[Contact](#)[Policies \(http://www.michigan.gov/policies\)](http://www.michigan.gov/policies)

Copyright 2019 State of Michigan

Exhibit 15



CITY OF PONTIAC
Department of Building Safety
PLANNING DIVISION

47450 Woodward Ave | PONTIAC, MICHIGAN 48342-5009
TELEPHONE: (248) 758-2800 | FAX: (248) 758-2827

Mayor Deirdre Waterman

TO: HONORABLE MAYOR, COUNCIL PRESIDENT AND CITY COUNCIL

FROM: VERN GUSTAFSSON PLANNING MANAGER
THROUGH THE OFFICE OF DEPUTY MAYOR, JANE BAIS-DISESSA

SUBJECT: SEP 19-03 REQUEST FOR APPEAL OF PLANNING COMMISSION DECISION
A & S KAJY ENTERPRISE, INC. | 1124 JOSLYN AVENUE
SDD LIQUOR LICENSE SPECIAL EXCEPTION PERMIT

DATE: APRIL 30, 2019

At the April 3, 2019 Planning Commission meeting, The Commission reviewed a Special Exception Permit request [SEP 19-03] for retail sale of packaged liquor at 1124 Joslyn Avenue and was denied. Following Section 6.303, [H. Appeals] of the Zoning Ordinance, the Applicant has the right to submit an appeal [see attached letter] to the Planning Manager within ten days of the Planning Commission decision requesting an appeal from City Council.

wrong (no gas station)
The establishment is a gas station, which currently sells packaged beer and wine. Zoning Ordinance requirements of Section 2.515 determines if packaged alcoholic beverages are compliant.

- A. The sale of packaged alcoholic beverages is prohibited to be located less than 500 feet from the property of a place of worship, park, playground, daycare facility, pre-school, or K thru 12 school.
- B. Not more than two properties upon which the retail sale of packaged alcoholic beverages is permitted shall be located within one mile.

Currently, St Paul Community Lutheran Church and Bible Fellowship Christian Church are located within 500 feet of the retail sale of packaged liquor and three convenience retail businesses [Joslyn Market, Trademark Liquor and King Liquor] sell packaged alcoholic beverages are within one mile of Joslyn Beverage.

We suggest the City Council confirm the Planning Commission decision and deny the appeal and support the following resolution.

WHEREAS, the City has received an application for a Special Exception Permit for parcel 64-14-16-402-030, also known as 1124 Joslyn Avenue from the Applicant, A & S Kaji Enterprise, Inc., and;

WHEREAS, the Planning Division as reviewed the applicant's Special Exception Permit request to sell packaged alcoholic beverages with a Special Designated Distributor [SDD] license, in addition to the existing Special Designated Merchant [SDM] license for the sale of beer and wine sales, and;

WHEREAS, the Planning Division has reviewed the requirements set forth in Section 2.515 of the Zoning Ordinance and Section 10.188 of the Pontiac Municipal Code and the Planning Division determined that aforementioned request and proposed sale of packaged liquor does not comply with the City of Pontiac Zoning Ordinance, and;

WHEREAS, in accordance with the procedures outlined in the Zoning Ordinance, Section 6.302 as it related to Special Exception Permit Review Procedures and Requirements, the request has undergone the required; technical review, Public Hearing, and Planning Commission decision, and;

WHEREAS, on April 3, 2019 a Public Hearing was held, the Planning Commission voted to deny the request the sale of packaged liquor at 1124 Joslyn Avenue.

WHEREAS, Following Section 6.303, [H. Appeals] of the Zoning Ordinance, the applicant submitted a letter to the Planning Manager Gustafsson within ten days of the Planning Commission decision requesting an appeal from City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Pontiac concur with the Planning Commission decision and deny the appeal to grant a Special Designated Distributor license at parcel 64-14-16-402-030, also known as 1124 Joslyn Avenue from the Applicant, A & S Kaji Enterprise, Inc.

Exhibit 16



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
A & S KAJY ENTERPRISE, INC.)	
1124 Joslyn Ave)	Request ID No. 1902-02552
Pontiac, MI 48340-2867)	
)	
)	
<u>Oakland County</u>)	

At the March 27, 2019 meeting of the Michigan Liquor Control Commission in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

LICENSING APPROVAL ORDER

A & S Kajy Enterprise, Inc. ("applicant") has filed an application to transfer ownership of a 2018 Specially Designated Distributor license only with Sunday Sales Permit (P.M.), from Johnny's Enterprise, Inc.; and transfer location (governmental unit) under MCL 436.1531(18) from 28244 John R Rd, Madison Heights, Oakland County to the above noted address, to be held in conjunction with existing 2018 Specially Designated Merchant license with Sunday Sales Permit (A.M.). This request to transfer ownership has been received as a result of the purchase agreement dated January 29, 2019.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor

within this state, including the manufacture, importation, possession, transportation and sale thereof.

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537, the licensee may sell the authorized alcoholic liquor products for consumption off the premises only.

The Commission finds that it has considered the provisions as required in administrative rule R 436.1105 in the consideration of this request.

MCL 436.1503(1) provides that a new application for a license to sell alcoholic beverages at retail or a request to transfer location of an existing license shall be denied if the contemplated location is within 500 feet of a church or school building. MCL 436.1503(4) provides that the Commission may waive this section. If an objection is not filed by the church or school, the Commission may issue the license pursuant to this act. If an objection is filed, the Commission shall hold a hearing pursuant to the rules established by the Commission before making a decision on the issuance of the license.

The Commission finds that the St Paul Community Lutheran Church located at 1133 Joslyn Avenue, Pontiac, MI 48340, Oakland County is located 0 feet away from the proposed location and that no objection has been received from the church. The Commission finds that the Bible Fellowship Christian Church located at 1106 Joslyn Avenue, Pontiac, MI 4830, Oakland County is located 272 feet away from the proposed location and that no objection has been received from the church.

The Commission finds that it has considered the provisions as required in administrative rule R 436.1105 in the consideration of this request.

After reviewing the file and discussion of the issues at the meeting, the Commission finds that the applicant qualifies for a waiver under MCL 436.1503(4) as no objection was received from St Paul Community Lutheran Church or Bible Fellowship Christian Church and this request should be approved.

THEREFORE, IT IS ORDERED that:

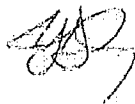
A. Approval and completion of this request is subject to receipt of the following:

1. Estimated Specially Designated Distributor license and/or permit fees in the amount of \$169.05, pursuant to MCL 436.1525(1)(k).

2. Documentary proof that applicant, A & S Kajy Enterprise, Inc., received a \$62,000.00 loan from applicant stockholder, Alaa Kajy.
 3. Form LCC-107 (Closing Form for New License or License Sale).
 4. The existing Specially Designated Distributor license being transferred shall be submitted to the Commission for escrow purposes pursuant to MCL 436.1531(18) before transfer of the Specially Designated Distributor license to the applicant. The existing Specially Designated Distributor license in escrow shall be subject to the provisions of administrative rule R 436.1107.
- B. The applicant's request to transfer ownership of 2018 Specially Designated Distributor license is APPROVED subject to the following:
1. The licensee shall pay all license fees by April 30th each year.
 2. The licensee shall maintain proof of financial responsibility, under MCL 436.1803.
- C. The applicant's request for transfer location (governmental unit) under MCL 436.1531(18) from 28244 John R Rd, Madison Heights, Oakland County, to the above noted location, is APPROVED.
- D. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) is APPROVED subject to the following:
1. A reference to the time of day includes daylight savings time, when observed.
 2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.
- E. The licensee shall sell the authorized alcoholic liquor products for consumption off the premises only, under MCL 436.1537.
- F. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.

- G. The licensee has a continuing duty to provide the commission with up-to-date contact information and must notify the commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).
- H. Under administrative rule R 436.1003(1), the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.
- I. The licensee's failure to comply with all laws and rules may result in the revocation of the approvals contained in this order.

MICHIGAN LIQUOR CONTROL
COMMISSION



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner

**OFFICIAL PROCEEDINGS
PONTIAC CITY COUNCIL**

A regular meeting of the City Council of Pontiac, Michigan was held in the City Hall, Thursday, March 18, 2010 at 6:30 p.m. Daylight Savings Time.

13th SESSION OF THE EIGHTH COUNCIL

Invocation by Pastor Metlock

Pledge of Allegiance

Present: President Jones and President Pro-Tem Waterman

Councilpersons: Carter, Pietila, Watkins, G. Williams, K. Williams

Clerk announced a quorum present

Present: Leon Jukowski-Mayor, Fred Leeb, EFM and Mark Hotz-City Attorney

Journals of March 4, 2010 and March 11, 2010 were approved.

Special Presentations –Report from the Emergency Financial Manager.

10-72 By Councilperson G. Williams, supported by Councilperson Carter, Resolved, that Myra K. Allen be made Acting City Clerk.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams, K. Williams

No: None

Motion carried.

10-73 By Councilperson Pietila, supported by Councilperson G. Williams, Resolved that the following Resolution be read by Title Only.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams, K. Williams

No: None

Motion carried.

10-74 Public Hearing was held relevant to appointments to Citizen District Councils. President opened the public hearing. Comments and questions were heard from the public and the City Council. President declared the Public Hearing closed.

WHEREAS, in accordance with MCLA 125.74, each City of Pontiac Citizen District Council shall consist of not less than 12 nor more than 25 members selected in a manner that ensures that to the maximum extent possible, the Council is representative of the

10-79 Report was received from the Mayor relevant to a request from : A & S KAJY Enterprise, Inc. request to transfer ownership of an escrowed 2009 SDM license from Joslyn Enterprises, Inc., located at 1124 Joslyn.

NOW, THEREFORE, BE IT RESOLVED, That the request from: A & S KAJY ENTERPRISE, INC., request to transfer ownership of an escrowed 2009 SEW license from JOSLYN ENTERPRISES, INC., located at 1124 Joslyn, Pontiac, MI 48340, Oakland County, be considered for approval.

Moved by Councilperson G. Williams, supported by Councilperson Carter

Ayes: Carter, Jones, Pietila, Watkins, G. Williams

No: None

Motion carried.

Councilpersons Waterman and K. Williams temporarily excused.

10-80 An Ordinance entitled, "An Ordinance to update the General Employees Retirement System Ordinance to add furlough day value to the definition of compensation for inclusion in Final Average Compensation", was read.

WHEREAS, the City of Pontiac Law Department has put forth an Ordinance for the City Council to consider to amend the Pontiac City Code, Section 93, "General Employees' Retirement System, Section 2.9 to allow that the definition of compensation include the value of furlough days for the calculation of Final Average Compensation (FAC), and;

WHEREAS, the First Reading of the proposed Ordinance was conducted on Thursday, March 4, 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council does hereby approve the Ordinance to amend the Municipal Code of Pontiac, Section 2.9 to allow that the definition of compensation include the value of furlough days for the calculation of Final Average Compensation (FAC);

Moved by Councilperson Pietila, supported by Councilperson Waterman

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams

No: None

Motion carried.

Councilperson K. Williams temporarily excused.

By Councilperson Jones, supported by Councilperson Waterman,
Resolved, that the meeting be adjourned.

Meeting adjourned at 8:16 p.m.

MYRA K. ALLEN, CMC
ACTING CITY CLERK



Michigan Department of Consumer and Industry Services

Liquor Control Commission RESOLUTION

FOR MLCC USE ONLY

Request ID # 529958

Business ID # 222044

At a regular meeting of the Pontiac City Council called to order by

President L. Jones on Thursday, March 18, 2010 at 7:00 p.m.

the following resolution was offered:

Moved by Councilperson:

Supported by Councilperson:

That the request from: A & S KAJY ENTERPRISE, INC., request to transfer ownership of an escrowed 2009 SDM license from JOSLYN ENTERPRISES, INC., located at 1124 Joslyn, Pontiac, MI 48340, Oakland County,

be considered for approval
(approval/disapproval)

APPROVAL

DISAPPROVAL

YEAS:

YEAS:

NAYS:

NAYS:

ABSENT:

ABSENT:

It is the consensus of this legislative body that the application

be Recommended or _____ for issuance.
Recommended Not Recommended

State of Michigan)

SS

County of Oakland)

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Pontiac City Council at a regular meeting held on the 18th day of March 2010, A.D.

SEAL

(Signed) _____
(Township, City, or Village)

Yvette Talley, City Clerk, CMC
Myra Allen, Acting City Clerk, CMC

47450 Woodward Avenue, Pontiac MI 48342
(Address of Township, City or Village Board)

FORMAL AGENDA ITEM REQUEST

Due in the Executive Office No Later Than 2:00 p.m., Tuesday, Nine (9) Days Prior to the Meeting Date.

Date Submitted: Tuesday, March 9, 2010 By: Fred Leeb, EFM

Council Meeting Date: Thursday, March 18, 2010 Action Deferred Until: _____

AGENDA CATEGORY

- | | |
|---|--|
| <input type="checkbox"/> Acknowledgments | <input type="checkbox"/> Litigations |
| <input type="checkbox"/> Agreements/Contracts | <input type="checkbox"/> Miscellaneous |
| <input checked="" type="checkbox"/> Applications/Petition | <input type="checkbox"/> Ordinances |
| <input type="checkbox"/> Appointments | <input type="checkbox"/> Public Hearings |
| <input type="checkbox"/> Communications/Correspondence | <input type="checkbox"/> Public Improvements |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Real Estate |

Suggested Wording:

- a.) Report from the Emergency Financial Manager relevant to a request from: A & S KAJYENTERPRISE, INC., request to transfer ownership of an escrowed 2009 SDM license from JOSLYN ENTERPRISES, INC., located at 1124 Joslyn, Pontiac, MI 48340, Oakland County.
- b.) Consideration of a Resolution to make a recommendation of approval/disapproval to the State of Michigan, Liquor Control Commission.

Supporting Documents Required:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Report/Transmittal Letter | <input type="checkbox"/> Contract Agreement |
| <input type="checkbox"/> Map/Chart/Graph | <input type="checkbox"/> EO/MCRO Approval |
| <input checked="" type="checkbox"/> Resolution/Proclamation | <input type="checkbox"/> Other |

Department, Contact Person, & Phone: DPW&U Dept., D. E. Lavalais, 758-3305

Date Received: _____



City of Pontiac, Michigan
Official Memorandum
Office of Building & Safety Engineering-Licensing

Executive Office

TO: Pontiac City Council

FROM: Fred Leeb,
Emergency Financial Manager

DATE: February 16, 2010

RE: 1124 Joslyn Pontiac, MI 48340, Oakland County,
Alaa Kajy, Applicant

Attached is a Resolution for: **A & S KAJY ENTERPRISE, INC.**, request to transfer ownership of an escrowed 2009 SDM license from **JOSLYN ENTERPRISES, INC.**, located at 1124 Joslyn, Pontiac, MI 48340, Oakland County.

All applicable investigations have been completed, and the applicant has been investigated and the investigating officer finds no criminal history for the said applicants.

The applicant has met all criteria and subject material has been submitted for Pontiac City Council review and a recommendation to the State of Michigan Liquor Control Commission for approval/disapproval of said transfer.

FL/del



Application for Special Exception Permit

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: A & S Kajy Enterprise, Inc.

Sidwell Number: 64-14-16-402-030

Date: 01/29/2019

Office Use Only

PF Number: 19-03

Instructions: Completed application with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least 30 days prior to the scheduled Planning Commission Meeting. Application must complete in all respects with supporting documents such as site plan, property survey, detailed description of the proposed use, etc. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	A & S Kajy Enterprise, Inc., c/o Alaa Kajy		
Address	1124 Joslyn Ave.		
City	Pontiac		
State	Michigan		
ZIP Code	48340		
Telephone	Main: 248-335-6317	Cell: 586-219-0838	Fax:
E-Mail	alkajy@aol.com		

Project and Property Information

Name of Proposed Development: Joslyn Beverage

The subject property is location at 1124 on the N / S / E / W side of Joslyn
between Columbia Ave. and Beverly Ave.

The property is zoned: C-1

It is proposed that the property will be used as: SDD & SDM licensed establishment

The subject property is legally described as follows (include sidwell numbers):

64-14-16-402-030

Property Owner Information

Name	A & B Joslyn, LLC c/o Alaa Kajj		
Address	1124 Joslyn Ave.		
City	Pontiac		
State	Michigan		
ZIP Code	48340		
Telephone	Main: 248-335-6317	Cell: 586-219-0838	Fax:
E-Mail	alkajj@aol.com		

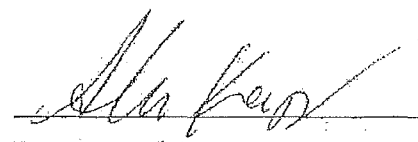
Are you the ☒ Owner _____ Agent/rep. of the owner _____ Other _____

The proposed will be used for the following purpose (provide as much detail as possible with photographs, sketches, site plans, written documents, etc.).

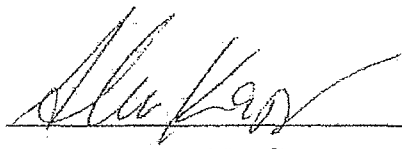
(be) The subject establishment is currently licensed as a Specially Designated Merchant ("SDM" & Wine) retailer applying for approval to add an Specially Designated Distributor ("SDD") (Liquor). No other changes to the "Use" of the store. Applicant will not expand the footprint of the store or property.

Supporting materials required:

- o Proof of ownership, purchase/lease agreement
- o Site plan, floor plan, elevations/photographs
- o Electronic copy of site plan associate planner



Signature of Owner



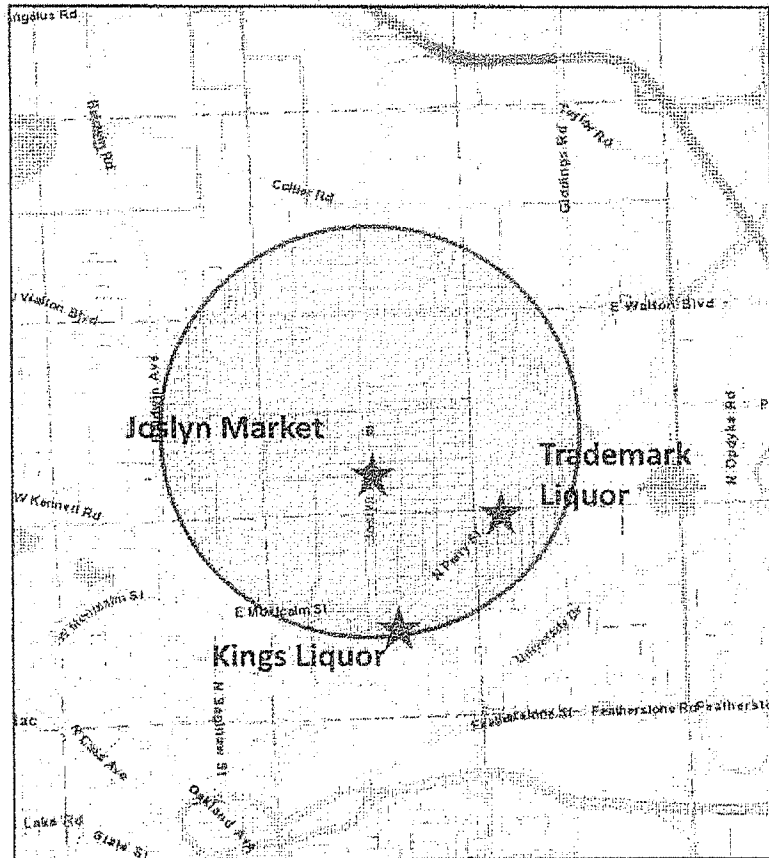
Signature of Applicant

State of Michigan
County of Oakland

On this _____ day of _____, A.D., 20____, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.

Notary Public, Oakland County, Michigan
My Commission Expires: _____

1124 Joslyn Ave - 1-Mile Buffer
Fri Mar 22 2019



1124 Joslyn Ave - 500-ft. Buffer
Fri Mar 22 2019



#13

RESOLUTION



CITY OF PONTIAC

Office of Development, Grants & Compliance

47450 Woodward Avenue • Pontiac, MI 48342
(248) 758-3000 • (248) 758-2827 Fax • www.Pontiac.Mi.Us

Dr. Deirdre Waterman
Mayor

MEMORANDUM

TO: Honorable Mayor Deirdre Waterman & City Council
FROM: Alexandria T. Riley, Chief Development Officer
THROUGH: Jane Bias-DiSessa, Deputy Mayor
DATE: June 18, 2019
SUBJECT: Approval Request Authorizing the Mayor to Accept a \$56,500 donation grant from KaBOOM! for the Good Fun & Sound Abounds Downtown project

Mayor Waterman & City Council:

Pontiac has been selected as a winner of a \$56,500 KaBOOM! Play Everywhere Challenge donation grant supported by the Ralph C. Wilson, Jr. Foundation through the KaBOOM! Built to Play Fund subject to execution of the attached Grant Agreement and adoption of a City Council Resolution accepting the grant award.

The Administration has aggressively pursued grants for the improvements of all aspects of our community. Approval of this request is another example of how the Administration is working to make the way of life better for our residents. This grant requires no match and is for the Good Fun & Sound Abounds Downtown project, to make it easier for families and kids to get the physical activity they need.

The objective of this donation is to introduce elements of play in unconventional spaces and acquire play and outdoor musical equipment for Hidden River Park.

I respectfully ask your approval to accept this donation in accordance with the accompanying recommendation and resolution.

RECOMMENDATION: Approval of request authorizing the Mayor to accept a \$56,500 KaBOOM! Play Everywhere Challenge donation grant for the Good Fun & Sound Abounds Downtown project and adoption of the following resolution:

WHEREAS, the City of Pontiac has been given preliminary notice of award of a donation grant from KaBOOM! in the amount of \$56,500 for the Good Fun & Sound Abounds Downtown project, and

WHEREAS, KaBOOM! is a national non-profit organization dedicated to ensuring that all kids get a childhood filled with the balanced and active play needed to thrive, and

WHEREAS, KaBOOM! facilitates projects through the Play Everywhere Challenge grant program to introduce elements of play in unconventional spaces, and

WHEREAS, the City of Pontiac desires to accept any such grants which may be awarded to the City.

NOW, THEREFORE, BE IT RESOLVED THAT the Pontiac City Council hereby authorize participation in the KaBOOM! Play Everywhere Challenge and on behalf of the City of Pontiac, authorizes Mayor Deirdre Waterman to provide this resolution indicating its approval to KaBOOM! and to submit and execute documents requested by KaBOOM! relating to the Play Everywhere Challenge grant requirements.

ATR

Attachments

PLAY EVERYWHERE CHALLENGE: GRANT RECIPIENT AGREEMENT

The Play Everywhere Challenge ("Challenge") funded with support provided by the Ralph C. Wilson, Jr. Foundation ("Funding Partner") from the Built to Play Fund, is a call for ideas organized by KaBOOM!, Inc., a District of Columbia non-profit corporation ("KaBOOM!"), designed to help uncover the best replicable, scalable innovations in city redevelopment and design that will make play easy, available and fun for all kids and families. It is an opportunity to reimagine what and where a playspace is and can be.

As a condition of receiving the Grant, the Grant Recipient, and if applicable, the Fiscal Sponsor collectively, hereby agree to the following:

1. USE OF FUNDS

a. The Grant Recipient will use the Grant to support the specific project described in the written application (the "Application") submitted to KaBOOM! by the Grant Recipient in connection with the Challenge (the "Purpose"). The Grant Recipient, through the Fiscal Sponsor shall, within 30 days after written notice from KaBOOM!, remit any portion of the Grant that KaBOOM!, in its sole discretion, has determined was used in violation of the Agreement, including but not limited to the parameters below, or was not used for the Purpose; provided, that prior to any such remittance by the Grant Recipient, KaBOOM! may, in its sole discretion, provide the Grant Recipient with a reasonable opportunity to cure the purported violation.

The Grant Recipient may not use any portion of the Grant for any of the following: to operate itself in any manner that is not exclusively related to the Purpose; for unreasonable administrative expenses or for other excessive expenses; to engage in any illegal, fraudulent or morally reprehensible (as determined by KaBOOM! and its supporting sponsors' sole discretion) behavior.

b. The Grant Recipient undertakes the project supported by the Grant funds on its own behalf and not on behalf of KaBOOM! or its Funding Partner, and the Grant shall in no way be construed as creating the relationship of principal and agent, of partnership or of joint venture as between KaBOOM! or its Funding Partner and the Grant Recipient or any other person involved in the project. By accepting the Grant, the Grant Recipient acknowledges that neither KaBOOM! nor its Funding Partner nor their affiliates, nor their respective officers, directors, employees or agents shall be liable for any acts, omissions, errors, injuries or damages, whether direct, indirect, incidental or consequential, associated with the use of the Grant or the Purpose.

c. The Grant Recipient shall accept the Grant and be the owner of the project funded thereby in its entirety and shall be responsible for all liability arising out of or otherwise relating to the ownership, use, maintenance and repair of anything related to the Grant.

2. THE TERM OF THE GRANT

a. The term of the Grant (the "Initial Term") commences on July 15, 2019 and continues through June 30, 2020. In the event the project is not completed by the end of the Initial Term or, any unused portion of the Grant exists at the end of the Initial Term, the Grant Recipient must notify KaBOOM! in writing within 30 days of the end of the Initial Term to request a 30-day extension on the same terms and conditions as the Agreement (the "Extension"). Except as set forth in this Section 2(a), promptly upon written notice from KaBOOM!, the Grant Recipient through the Fiscal Sponsor shall return any unused portion of the Grant at the end of the Initial Term or the Extension, if applicable.

b. If the Agreement is not signed by the Grant Recipient and Fiscal Sponsor and evidence of liability as required in Clause 10 below and returned to KaBOOM! by June 28, 2019 by the Grant Recipient, the Agreement will be deemed null and void.

c. The Grant Recipient is and shall remain in full compliance and agree to be bound by the terms of The Play Everywhere Challenge Official Rules and Conditions.

3. PAYMENT OF THE GRANT

a. The grant ("Grant") can only be paid to qualifying entities that are registered United States 501(c)(3) public charities, government agencies, schools, and tribal entities. If Grant Recipient is not a qualifying entity, they must partner with a Fiscal Sponsor and confirm that, under the United States Internal Revenue Code of 1986, the Fiscal Sponsor is exempt from federal income tax under section 501(c)(3) or is a school, municipality, or tribal entity.

b. Subject to the conditions set forth herein, KaBOOM! will pay the Grant Recipient, or if applicable, the Fiscal Sponsor in one (1) installment equal to the Grant within 15 days after receiving a fully executed copy of the Agreement signed by an authorized person of the board/staff of the Grant Recipient and Fiscal Sponsor to accept the Grant on the terms and conditions set forth herein.

4. TAX STATUS

If applicable, the Grant Recipient has partnered with a Fiscal Sponsor and confirms that, under the United States Internal Revenue Code of 1986, the Fiscal Sponsor is exempt from federal income tax under section 501(c)(3) or is a school, municipality, or tribal entity. The Grant Recipient agrees to advise KaBOOM! immediately if there is any change in the Fiscal Sponsor's status during the Initial Term or the Extension, as applicable.

5. REPORTING

The Grant Recipient agrees to provide (a) interim reports as needed during the Initial Term and, if applicable, during the Extension, (b) a final report to KaBOOM!, using the final report format provided, no later than 30 days from the installation date, which includes: describing the goals and outcomes achieved to date, challenges and lessons learned, collaboration with external organizations, number of volunteers who assisted with project implementation, actual expenditures reported as of the date of the report against the approved line item budget, per budget form provided; and a maintenance plan detailing how the project will be maintained after the term of the grant.

6. RIGHT TO EVALUATION

KaBOOM! has the right to evaluate the Grant Recipients project and grant expenditures through the services of an evaluation agency (the "Evaluation Agency") during the Initial Term, the Extension, and for up to four years after the Initial Term or Extension of the project, if applicable, at no extra cost to the Grant Recipient. The Evaluation Agency shall provide reasonable notice to the Grant Recipient of any proposed evaluation and its evaluation activities will not unreasonably interfere with Grant Recipients normal operation of business. The Grant Recipient shall afford to the Evaluation Agency reasonable access, during normal business hours, to all of its properties, books, and records, and all other information concerning the Grant Recipient's business, properties and personnel as the Evaluation Agency may reasonably request; however, in no event will the Grant Recipient be required to furnish the Evaluation Agency with any confidential documents or information.

7. GRANT ANNOUNCEMENTS; PUBLIC REPORTS AND USE OF KaBOOM! NAME AND LOGO

a. KaBOOM! and its Funding Partner may include information about the Challenge and the Grant Recipient in its periodic reports and may make information about the Challenge and the Grant Recipient public at any time on its web page and as part of press releases, public reports, speeches, newsletters, and other public documents. The Grant Recipient may include the KaBOOM! name on lists of the Grant Recipient's funders, contributors and/or supporters (the "Grant Recipient Contributor Lists"), and that in each instance in which the Grant Recipient discloses the KaBOOM! name, it shall refer to KaBOOM! as "KaBOOM!" and not by any other name or variation of that name. The Grant Recipient Contributor Lists may include information about the amount of the Grant, and the goals of the Challenge.

b. Grant Recipient shall not use the name, logo or trademarks of KaBOOM! or its Funding Partner or otherwise refer KaBOOM! or its Funding Partner in any capacity without the prior written consent of KaBOOM! or its Funding Partner, as applicable.

8. FUNDER RECOGNITION

If requested by KaBOOM!, Grant Recipient will recognize KaBOOM! and its Funding Partner (including name and logo) in any media announcements issued by the Grant Recipient concerning the Grant and the Purpose and will permit representatives of KaBOOM! and/or its Funding Partner to participate in site unveiling events, including by wearing branded clothing and posting banners with their name and logo at the site.

9. REQUESTS FROM KaBOOM!

KaBOOM! and its Funding Partner may also from time to time request site visits of Grant Recipient's operations, with appropriate lead-time and planning. The intent of such visits will be to view the progress of the project included in the Purpose. Except as otherwise provided in this Agreement, permitting such site visits is neither mandatory nor a condition of the Grant.

10. LIABILITY INSURANCE

The Grant Recipient represents and warrants to KaBOOM! that they are a self-insured entity or hold commercial general liability insurance with coverage in an amount not less than one million dollars (\$1,000,000) per occurrence during (1) the Initial Term and the Extension and, (2) at minimum up to four years or the life of the project. Upon request, the Grant Recipient shall provide evidence of such insurance to KaBOOM! and must include KaBOOM! and Ralph C. Wilson, Jr. Foundation as additional insured.

11. WARRANTY AND INDEMNITY

The Grant Recipient represents and warrants that the Application is its original work and, as such, the Grant Recipient is the sole and exclusive owner and rights holder of the submitted Application and that it has the right to submit the Application in the Challenge and grant all required licenses. The Grant Recipient further represents and warrants that the Application does not (1) infringe any third party proprietary rights, intellectual property rights, industrial property rights, personal or moral rights or any other rights, including, without limitation, copyright, trademark, patent, trade secret, privacy, publicity or confidentiality obligations; or (2) otherwise violates applicable state, federal or local laws. By accepting the Grant, the Grant Recipient acknowledges that neither KaBOOM! nor its Funding Partner nor their respective subsidiaries and affiliates, and their officers, directors, employees or agents shall be liable for any acts, omissions, injuries, errors or damages, whether direct, indirect, incidental or consequential, associated with the use of the Grant. The Grant Recipient irrevocably and unconditionally agrees, to the fullest extent

permitted by law, to defend, indemnify, and hold harmless KaBOOM!, its Funding Partner, their respective subsidiaries and affiliates, and their respective officers, directors, employees and agents, from and against any and all losses, liabilities, investigations, inquiries, claims, suits or damages (including incidental, consequential, special and punitive damages) and expenses (including reasonable attorneys' fees) directly, indirectly, wholly, or partially arising from or in connection with any act or omission of the Grant Recipient, its employees, or agents, in applying for or accepting the Grant, in expending or applying funds furnished pursuant to the Grant or in carrying out the Purpose, except to the extent arising from the gross negligence or willful misconduct of KaBOOM!, its Funding Partner or their respective subsidiaries and affiliates, and their respective officers, directors, employees or agents. The provision of this section 11 shall survive the termination or expiration of the Agreement.

12. MISCELLANEOUS

The Agreement constitutes the entire agreement between KaBOOM! and the Grant Recipient and supersedes any prior oral or written agreements or communications between the parties regarding the subject matter herein. The Agreement may not be amended, modified or supplemented in any manner, except by a written amendment hereto signed by an authorized signatory of both parties. No failure or delay of either party in exercising any right or remedy hereunder shall operate as a waiver thereof; any such waiver shall be valid only if set forth in writing by such party. All notices and other communications hereunder shall be in writing and delivered to the addresses set forth on the signature pages. The Agreement and all disputes or controversies arising out of or relating to the Agreement or contemplated hereby shall be governed by, and construed in accordance with, the internal laws of the District of Columbia. Neither the Agreement nor any of the rights, interests or obligations hereunder, may be assigned, in whole or part, by operation of law or otherwise, by either party without the prior written consent of the other party. Subject to the preceding sentence, the Agreement will be binding upon the parties and their respective successors and assigns. If any provision or portion of any provision of the Agreement is held to be invalid, illegal or unenforceable in any respect under any applicable law, such invalidity, illegality or unenforceability shall not affect any other provision hereof. The Agreement may be executed in counterparts, including by facsimile or PDF (which shall constitute an original), all of which shall be considered one and the same instrument and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, KaBOOM!, the Grant Recipient, and Fiscal Sponsor have caused this Agreement to be executed as of the date first written above by their authorized signatories.

Please return a signed copy of this Grant Letter electronically to dmortensen@kaboom.org

Prize funds can only be paid to qualifying entities that are registered United States 501(c)(3) public charities, government agencies, schools, and tribal entities. If Grant Recipient is not a qualifying entity, they must partner with a Fiscal Sponsor and confirms that, under the United States Internal Revenue Code of 1986, the Fiscal Sponsor is exempt from federal income tax under section 501(c)(3) or is a school, municipality, or tribal entity.

Good Fun & Sound Abounds Downtown

	\$ 56,500.00
Play Everywhere Project Title	Grant Amount Awarded

Qualifying Entity Organization Name	Authorized Signatory Job Title
-------------------------------------	--------------------------------

Authorized Signature for Qualifying Entity	Date	Printed Name
--	------	--------------

Phone Number	E-mail Address
--------------	----------------

Mailing Address	City	State	Zip
-----------------	------	-------	-----

Federal Tax ID # (9 Digit EIN)	Non-profit Status (e.g. 501(c)(3))
--------------------------------	------------------------------------

Grant Recipient (If applying with Fiscal Sponsor)

Authorized Signature	Date	Printed Name
----------------------	------	--------------

Authorized Signature Title	Organization Name
----------------------------	-------------------

Phone Number	E-mail Address
--------------	----------------

Mailing Address	City	State	Zip
-----------------	------	-------	-----

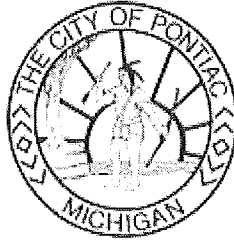
KaBOOM! CFO	Date	George T. Megas
-------------	------	-----------------

KaBOOM! 4301 Connecticut Ave. NW Suite ML-1 Washington DC 20008

#14

RESOLUTION

Pontiac City Council Resolution



WHEREAS, the Pontiac City Council will hold a Special Meeting regarding the Community Benefits Ordinance on _____ in the Council Chambers of City Hall, 47450 Woodward Ave., Pontiac, Michigan 48342.

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council schedules a Special Meeting on _____ in the Council Chambers of City Hall, 47450 Woodward Ave., Pontiac, Michigan 48342.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 42, "COMMUNITY DEVELOPMENT", TO ADD ARTICLE VII, ENTITLED "COMMUNITY BENEFIT AGREEMENTS".

THE CITY OF PONTIAC ORDAINS:

Section 1. Short Title; Purpose.

- (a) This Ordinance shall be known and may be cited as the "Pontiac Community Benefit Ordinance".
- (b) This Ordinance shall require developers of certain types of developments, herein referred to as "Qualified Developments", to enter into agreements, herein referred to as "Community Benefit Agreements", that identify potential negative aspects of developments and identify proportional community benefits to the City of Pontiac to rectify those negative aspects as a condition for development subsidies and other considerations by the City of Pontiac.

Section 2. Definitions

As used in the Chapter 42, Article VII, the following words and phrases shall mean the following:

- (a) Community Benefit Agreement: An Agreement between the City of Pontiac and Developer providing mutual consideration intended to rectify mutually acknowledged potential negative aspects associated with the proposed Qualified Development.
- (b) Developer: The person, firm, partnership, company, corporation, cooperative, or any other entity that is the recipient of a Development Subsidy.
- (c) Development Subsidies: Any economic incentives of value granted on a discretionary basis by the City of Pontiac to attract or retain a Qualified Development or jobs associated therewith; may include federal, state, or local economic incentives; and include but are not limited to economic incentives associated with, as amended: the Brownfield Redevelopment Financing Act, Commercial Development Act, Commercial Rehabilitation Act, Corridor Improvement Authority Act, Historical neighborhood Tax Increment Financing Act, Local Development Financing Act, Plant Rehabilitation and Industrial Development Districts Act, Principal Shopping Districts and Business Improvement Districts Act. Additionally, the lease or transfer of a city-owned building or property shall constitute a Development Subsidy.
- (d) Qualified Development: Shall be classified as either a Tier 1 or Tier 2. Tier 1 Qualified Developments shall be those developments granted license to operate under City

Ordinance 2357. Tier 2 Qualified Developments shall be those developments being granted Development Subsidies by the City of Pontiac with a total economic incentive, as determined in the sole discretion of the City of Pontiac, of greater than \$50,000.00.

Section 3. Community Benefits

A Community Benefit agreed upon by the Developer of the Qualified Development and the City of Pontiac is a benefit conferred upon the community of the City of Pontiac intended to ameliorate the potential negative aspects imposed upon the City of Pontiac by the Qualified Development. Although Community Benefits may differ based upon the Qualified Development, and this is not intended to be an exhaustive list, the City of Pontiac recognizes amenities, benefits, or commitments for the following purposes as Community Benefits, by Tier of Qualified Development:

Tier 1: Infrastructure, Youth Recreation, Police and Fire Services, Job Training

Tier 2: Designated Projects, Infrastructure, Youth Recreation, Police and Fire Services, Parks

Section 4. Community Benefits Agreement

The Community Benefits Agreement shall be entered into between the City of Pontiac and the Developer of the Qualified Development.

The Community Benefits Agreement shall set forth the Community Benefit proposed by the Developer of the Qualified Development and, if applicable, the interval of such Community Benefit.

Community Benefit Agreements shall be timely recorded on the deed, and shall run with the land, on Qualified Developments for the duration of the Community Benefit Agreement.

The term of a Community Benefit Agreement for a Tier 1 Qualified Development shall be not less than the term of its License to operate under City Ordinance 2357, including any extension or renewal thereof. The term of a Community Benefit Agreement for a Tier 2 Qualified Development shall be not less than the length of the Development Subsidy, including any extension or renewal thereof.

Community Benefits Agreements are not transferrable by the Developer without approval through a City Council Resolution.

Section 5. Community Benefits Agreement Required for Every Qualified Development

All Qualified Developments are subject to a Community Benefit Agreement. All Qualified Developments must be approved by the Mayor and City Council, and such approval may only be

subject to the execution of a valid Community Benefits Agreement with the Developer of that Qualified Development.

Section 6. Exemptions

If a Qualified Development and/or Developer believe they should be exempt from a Community Development Agreement, they may file an exemption request with the City Clerk. An Exemption requires approval of the Mayor and City Council.

Section 7. Annual Reporting and Compliance

A Developer shall provide a comprehensive, audited report detailing compliance with obligations under its Community Benefit Agreement for the prior year (or partial year) by January 1 of each year. The report shall include backup documentation for all donations made or funds expended related to the Community Development Agreement.

Section 8. Breach of Community Benefits Agreement; Termination; Appeal

If the City Department of Economic Development finds a Qualified Development and/or its Developer to be in breach of its (their) Community Development Agreement, it shall send a written Notice of Breach of Community Benefits Agreement to the Qualified Development and its Developer by certified mail. If the Breach of Community Benefits Agreement is not cured within fourteen (14) days after the date the Notice of Breach of Community Benefits Agreement was sent, the Mayor may terminate the Agreement.

If the Qualified Development and/or Developer believe that the termination was made in error, it (they) may Appeal in writing to the City Council within thirty (30) days after the date the Notice of Breach of Community Benefits Agreement was sent. The City Council shall only overturn a decision of the Mayor if it finds the decision was arbitrary or capricious. The determination of the City Council may only be reviewed by the Court of competent jurisdiction within the state of Michigan.

Section 9. Severability.

This ordinance and the various parts, sections, and clauses are hereby declared severable. If any clause, sentence, or paragraph or part of this ordinance shall, for any reason, be adjudged or decreed to be invalid by any Court of competent jurisdiction, such judgment or decree shall not effect, impair, or invalidate the remainder of this ordinance, but such judgment or decree shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment or decrees shall have been entered.

Section 10. Repealer.

That all ordinances or parts of ordinances, of the City of Pontiac in conflict herewith are hereby repealed.

Section 11. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation prior to its effective date.

Section 12. Effective Date.

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

I hereby certify this ordinance was brought for a first reading at a meeting of the City Council of the City of Pontiac on the _____ day of _____, 2019.

Garland Doyle, Interim City Clerk

I further hereby certify this ordinance was adopted at a second reading of the ordinance by the City Council of the City of Pontiac on the _____ day of _____, 2019.

Garland Doyle, Interim City Clerk

I further hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council and was published verbatim in a publication of general circulation on the _____ day of _____, 2019.

Garland Doyle, Interim City Clerk

#15

RESOLUTION

**City of Pontiac Resolution for Family of the Year
Mr. and Mrs. Gordon May**

WHEREAS, It is the sense of this legislative body to honor an outstanding couple of remarkable character, who are inspirational and who empower the community; and,

WHEREAS, Zeta Phi Beta Sorority, Inc., Lambda Rho Zeta Chapter, in partnership with the Pearls of Hope Foundation celebrates the 36th Annual Finer Womanhood Scholarship Luncheon; and,

WHEREAS, this year, recognition is bestowed upon “Family of the Year,” Mr. and Mrs. Gordon May; and,

WHEREAS, Mr. and Mrs. Gordon May are the proud parents of two adult daughters, Amira and Carissa; and,

WHEREAS, Mr. and Mrs. Gordon May are truly a breath of fresh air, as their fun loving spirit, deep-rooted faith, respect for others and affection for friends and extended family, place them in a class all by themselves; and,

WHEREAS, Mr. and Mrs. Gordon May both selflessly devoted their careers to higher education; and

WHEREAS, Mr. and Mrs. Gordon May both retired from Oakland Community College where Pat was an Academic and Professional Counselor and Gordon after leaving management in the private sector, became an administrator and Campus President and subsequently, President of Baltimore City Community College; and,

WHEREAS, Mr. and Mrs. Gordon May have touched the lives of many students, had a profound impact on the community and have been distinguished as outstanding professionals.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council, and members of this great community, honor and salute Zeta Phi Beta Sorority, Inc.’s, 2019 “Family of the Year,” Mr. and Mrs. Gordon May. Congratulations.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

Don Woodward, Councilman

Mary Pietila, Councilwoman

Gloria Miller, Councilwoman

Doris Taylor-Burks, Councilwoman

#16

RESOLUTION

**City of Pontiac Resolution for Community Service Honoree
Attorney Elbert L. Hatchett**

WHEREAS, It is the sense of this legislative body to honor an outstanding individual of remarkable character, who is inspirational and who empowers the community; and,

WHEREAS, Zeta Phi Beta Sorority, Inc., Lambda Rho Zeta Chapter, in partnership with the Pearls of Hope Foundation celebrates the 36th Annual Finer Womanhood Scholarship Luncheon; and,

WHEREAS, this year, recognition is bestowed upon “Community Service Honoree,” Attorney Elbert L. Hatchett; and,

WHEREAS, Attorney Albert L. Hatchett is one of the nation’s leading trial lawyers and for forty years has been dedicated to excellence in the practice of law and the pursuit of justice for all; and,

WHEREAS, Attorney Elbert L. Hatchett is a founding partner of the original Law Firm, Hatchett, Brown, Waterman and Campbell, which made history, when it filed suit, represented and won the segregation case against the Pontiac School District in 1971, as this momentous case, made it to the United States Supreme Court and established a legal precedent for busing as a remedy for segregated school systems in the North; and,

WHEREAS, Attorney Elbert L. Hatchett’s law firm located in Pontiac, Michigan, has contributed extensively to the community; and,

WHEREAS, Attorney Elbert L. Hatchett is an advocate and a defender of human rights as his commitment is evident in his leadership roles; and,

WHEREAS, Attorney Elbert L. Hatchett has served as past President of the Northern Oakland County Branch of the NAACP, has received countless awards for his outstanding work and commitment which include; the Detroit Human Rights Committee for Outstanding Contributions, Community Service Award- National Association of Business and Professional Women, Distinguished Alumni-Florida A & M University and Trailblazer Awards- D. Augustus Straker Bar Association; and,

WHEREAS, Attorney Elbert L. Hatchett is married to Laurestine and they are the proud parents of three adult children, two grandchildren and a great-grand.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council, and members of this great community, honor and salute Zeta Phi Beta Sorority, Inc.’s, 2019 “Community Service Honoree,” Attorney Elbert L. Hatchett. Congratulations.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

Don Woodward, Councilman

Mary Pietila, Councilwoman

Gloria Miller, Councilwoman

Doris Taylor-Burks, Councilwoman

#17

RESOLUTION

**City of Pontiac Resolution for Woman of the Year
Anita Barksdale, RN**

WHEREAS, It is the sense of this legislative body to pay proper tribute to individuals of great character and whose lives have been dedicated to uplifting, inspiring and empowering the community; and,

WHEREAS, Zeta Phi Beta Sorority, Inc., Lambda Rho Zeta Chapter, in partnership with the Pearls of Hope Foundation celebrates the 36th Annual Finer Womanhood Scholarship Luncheon; and,

WHEREAS, this year, recognition is bestowed upon “Woman of the Year,” Anita Barksdale, RN; and,

WHEREAS, Anita Barksdale is married to Nicholas Barksdale and the couple has two children, Christopher and Nicole; and,

WHEREAS, Anita Barksdale is a Registered Nurse and a Nurse Educator at St. Joseph Mercy Oakland; and,

WHEREAS, Anita Barksdale is a faithful and committed health care professional who routinely holds seminars and workshops regarding safety and health issues; and,

WHEREAS, Anita Barksdale is the Advisor of the Stork’s Nest of Zeta Phi Beta Sorority, Lambda Rho Zeta Chapter and is truly a trailblazer, as her tenacity and vision led to not only the Stork’s Nest having a permanent location at St. Joseph’s Medical Building, but evolved into a collaboration of health care professionals all assisting young mother’s while visiting the Stork’s Nest for pre-natal education, free baby layettes and other needed baby items; and,

WHEREAS, Anita Barksdale is a dedicated community activist as she is an Advisor for the Pearlettes, the youngest auxiliary group of Zeta Phi Beta, she oversees and ensures that the Pearlettes are involved in various community projects, crafts and other activities, volunteers with other community agencies, and along with her husband and children, promotes awareness of Autism and provides guidance, special services and assistance to families as to the Autism spectrum.

THEREFORE BE IT RESOLVED, that the members of the Pontiac City Council and members of this great community honor and salute Zeta Phi Beta Sorority, Inc.’s, 2019 “Woman of the Year,” Anita Barksdale, RN, for her exemplary contributions of leadership, selflessness and commitment to our community.

Kermit Williams, President

Randy Carter, President Pro-Tem

Patrice Waterman, Councilwoman

Don Woodward, Councilman

Mary Pietila, Councilwoman

Gloria Miller, Councilwoman

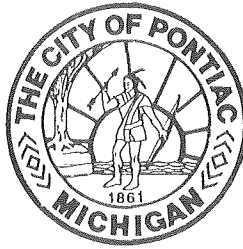
Doris Taylor-Burks, Councilwoman

#19

COMMUNICATION

GARLAND S. DOYLE, M.P.A.
Interim City Clerk
FOIA Coordinator

SHEILA GRANDISON
Deputy City Clerk



OFFICE OF THE CITY CLERK
47450 Woodward Avenue
Pontiac, Michigan 48342
Phone: (248) 758-3200
Fax: (248) 758-3160

MEMORANDUM

TO: Honorable City Council

FR: Garland S. Doyle, Interim City Clerk

DA: June 21, 2019

RE: The Regional Transit Authority of Southeast Michigan

The Regional Transit Authority of Southeast Michigan would like to utilize the City Council Chambers to host its September meeting in Oakland County on Thursday, September 19, 2019. The following is the meeting schedule:

- Executive and Policy Committee (12PM - 1PM)
- Finance and Budget Committee (1PM - 2PM)
- Board of Directors (2PM - 4PM)
- Public Open House (4PM - 6PM)

Please be advise that all RTA meetings are open to the public and they look forward to interacting with citizens of Oakland County through public comment and discussion after the Board of Directors Meeting.