

August 27, 2019 Approved Minutes

**Official Proceedings
Pontiac City Council
112th Session of the Tenth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, August 27, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Invocation

Pledge of Allegiance

Roll Call

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

Members Absent: Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-425 **Excuse Councilperson Don Woodward for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: Miller.

Motion Carried.

19-426 **Motion to make item #5 (General Employees Retirement System) as an action item.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-427 **Motion to move items #3-6 before item #2 (Closed Session.)** Move by Councilperson Taylor-Burks and second by Councilperson Waterman. **Discussion: Councilwoman Pietila wants to add item #8 (ZMA 19-05) as an action item to be included.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

Motion Carried.

19-428 **Motion to add-on second reading for Adoption of an Ordinance to Amend Chapter 42” Community Development” to add Article VII, Entitled” Provisioning Center Community Benefits Agreements as an action item.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-429 **Approval of the agenda as amended.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

Discussion

Office of the City Clerk Update on Medical Marihuana

- A. Appointments to the Medical Marihuana Commission
- B. RFP for Professional Expert-Financial Advisor to the City Clerk
- C. RFP for Hearing Officer

Hiring for the Office of the City Clerk

- A. Customer Service Representative
- B. Assistant City Clerk

19-430 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-431 **Adoption of an Emergency Ordinance to amend Emergency Ordinance #2346 for the General Employee Retirement System.** Moved by Councilperson Taylor Burks and second by Councilperson Pietila. **Discussion: Interim Clerk stated that the Ordinance is not in proper form as it has resolution “whereas” phrases in it that need to be omitted from the Emergency Ordinance.** Councilperson Taylor-Burks withdrew her move and Councilperson Pietila withdrew her second.

19-431(b) **Adoption of an Emergency Ordinance to amend Emergency Ordinance #2346 for the General Employee Retirement System as amended (without the resolution whereas language).**
Moved by Councilperson Taylor Burks and second by Councilperson Pietila.

THE CITY OF PONTIAC ORDAINS:

An Ordinance to provide for a limited increase in pension payments for certain members of the General Employee Retirement System.

Section 1. Amendments.

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

- a. Section 17.6 shall be amended to add the following language:

Temporary Pension Increase

"All persons who are receiving retirement benefits as of August 1, 2018 and who enter pay status through August 1, 2019, shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning September 1, 2019 through August 31, 2020, or when the CPREA litigation is resolved and health insurance will be provided to retiree class, whichever comes first."

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 3. Repealer.

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

Section 4. Publication.

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

Section 5. Emergency Declaration and Effective Date.

This Ordinance is declared an emergency to allow the pension recipients to collect the increase authorized in this Ordinance on the date identified in this Ordinance and shall be effective immediately upon adoption by the City Council. This ordinance must be approved by the City Council by August 31, 2019.

19-432 **Suspend the Rules.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

19-433 **Motion on a Resolution regarding Moratorium on Acceptance of Applications for Medical Marihuana Facilities until November 6, 2019.** Moved by Councilperson Waterman and second by Councilperson Miller.

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

19-434 **Suspend the Rules.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

19-435 **Resolution to refer An Ordinance amending Chapter 2363 entitled Pontiac Code of Ordinances for the City of Pontiac to Amended Article 3 to Chapter 11-Medical Marihuana Districts to the Planning Commission for consideration.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

THE CITY OF PONTIAC ORDAINS:

An Ordinance amending Chapter 2363 entitled Pontiac Code of Ordinances for the City of Pontiac to Amended Article 3 to Chapter 11-Medical marihuana Districts.

Section 1. Buffer Distance Restrictions Amended.

Article 3, Chapter 11, Section 3.11010, Paragraph B of Pontiac Code of Ordinance is hereby Amended in its entirety to read as follows:

B. Such distance between the school, childcare center, public park, or religious institution and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles, to the centerline, from the primary point of ingress to the school, childcare center, or religious institution, or from the playground equipment in a public park, and from the primary point of ingress to the contemplated location.

1. Ingress shall mean the closest vehicular ingress of the school, childcare center, or religious institution to the closest vehicular ingress to the contemplated location. In the event a vehicular ingress is not available, then the point of ingress shall mean the primary entrance associated with the address of the building.

2. Playground equipment shall mean an apparatus, including, but not limited to slides, climbers, seesaws, and swings designed for the recreational use of children and owned and operated by the

City of Pontiac as defined in State of Michigan “Playground Equipment Safety Act of 1997” and for purposes of this Section 3.11010, the area known as Hidden River Park shall not be deemed a park with playground equipment.

3. Vacant residential-zoned lots shall be measured to the side yard setback as defined in Article 2, Chapter 3, and Section 2.301 Summary of Dimension Standards of the Pontiac Zoning Ordinance.

Section 2. 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 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 3. Repealer.

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

Section 4. Effective Date.

This Ordinance shall take immediate effect upon publication thereof after its adoption by the City Council.

Section 5. Publication

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

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

No: None

Resolution Passed.

19-436 **Adoption of an Ordinance to Amend Chapter 42” Community Development” to add Article VII, Entitled” Provisioning Center Community Benefits Agreements. (Agenda item Ad-on)**
Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

THE CITY OF PONTIAC ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 42, “COMMUNITY DEVELOPMENT”, TO ADD ARTICLE VII, ENTITLED “PROVISIONING CENTER COMMUNITY BENEFITS AGREEMENTS”.

Section 1. Short Title; Purpose.

(a) This Ordinance shall be known and may be cited as the “Pontiac Provisioning Center Community Benefits Ordinance”.

(b) This Ordinance shall allow developers of provisioning centers, herein referred to as “Qualified Developments”, to enter into agreements, herein referred to as “Community Benefits Agreements”, that identify potential negative aspects of such developments and identify proportional community benefits to

the City of Pontiac to rectify those negative aspects. The pledges of community benefits that would be incorporated into Community Benefits Agreements will be used in part to assist the City Clerk with the scoring and ranking of provisioning center applications pursuant to City Ordinance 2357(B).

Section 2. Definitions

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

- (a) Community Benefits 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: Any person, firm, partnership, company, corporation, cooperative, or any other entity (other than the City of Pontiac) that is a party to a Community Benefits Agreement.
- (c) Qualified Development: Persons or entities submitting an application for a provisioning center permit during the 21-day period for provisioning center applications pursuant to City Ordinance 2357(B).

Section 3. Community Benefits; Pledged 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:

- (a) Roads; Infrastructure; Road Repair; Potholes; Road Matching
- (b) Parks; Park Safety (cameras); Law Enforcement
- (c) High School Pool; Hawthorne Park (Water Park); Neighborhood Revitalization Plan
- (d) Job Training and Employment; Transitional Programs (previously incarcerated)
- (e) Library and Literacy; Health Initiative Education
- (f) Business Development Fund (to assist City of Pontiac residents with funding for businesses and with starting and growing businesses)

As part of its scoring and ranking of provisioning center applications pursuant to City Ordinance 2357(B), the City Clerk may consider those community benefits pledged to the City of Pontiac as part of such application. Any such pledges would be incorporated into a binding Community Benefits Agreement with the City of Pontiac.

It is preferred, and the City Clerk may require, that applicants show that there is a reasonable amount of

support in the community for an applicant's pledged community benefits. It is the applicant's responsibility to show community support for its pledged community benefits.

In using pledged community benefits as part of its scoring and ranking of provisioning center applications pursuant to City Ordinance 2357(B), the City Clerk will evaluate the commitment, quality, duration, community support and amount of the pledged community benefits. If an applicant does not pledge community benefits, such applicant will receive a zero (0) score in certain key segments of the provisioning center application scoring.

If an applicant has pledged community benefits as part of its provisioning center application, before receiving a provisioning center permit, such applicant must enter into a Community Benefits Agreement with the City incorporating such pledged community benefits. The negotiation and completion of such Community Benefits Agreements may occur after the 21-day submission period for provisioning center applications pursuant to City Ordinance 2357(B), but, as it relates to each Developer, such Community Benefits Agreement must be finalized within thirty (30) days after written notice ("Notice") is sent to such Developer by the City indicating that such Developer is entitled to a provisioning center permit with the City, subject only to such Developer finalizing its Community Benefits Agreement regarding such Developer's pledged community benefits with the City. The Mayor may negotiate such Community Benefits Agreements (incorporating the pledged community benefits therein) on behalf of the City of Pontiac. All final Community Benefits Agreements must be approved by the City Council to be effective.

Section 4. Community Benefits Agreement

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

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

Community Benefits Agreements shall be timely recorded on the deed for the real property applicable to the Qualified Development, and shall run with the land, on Qualified Developments for the duration of the Community Benefits Agreement.

The term of a Community Benefits Agreement shall be not less than the term of the permit to operate under City Ordinance 2357(B), including any extension or renewal thereof.

If a Developer is in breach or violation of a Community Benefits Agreement, such breach or violation shall constitute a breach of applicable law for purposes of City Ordinance 2357(B). If such breach or violation occurs, the City may exercise all rights and remedies against such Developer available under applicable law (subject to any notice and/or hearing rights of such Developer), including any rights and remedies pursuant to City Ordinance 2357(B) (including in relation to the suspension, revocation or renewal of a provisioning center permit), including Section 15 of City Ordinance 2357(B).

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

Section 5. Community Benefits Agreement Approval

All Community Benefits Agreements must be approved by the City Council to be effective.

Section 6. Exemptions Application

If a Qualified Development and/or Developer believe they should be exempt from a Community Development Agreement, they may file an exemption application with the City Clerk (“Exemption”). An Exemption requires approval of the City Council and may be approved or denied by the City Council in its sole discretion.

Section 7. Annual Reporting and Compliance

A Developer shall provide a comprehensive, audited report detailing compliance with obligations under its Community Benefits Agreement for the prior year (or partial year) by January 1 of each year. Further, prior to any extension or renewal of a permit to operate under City Ordinance 2357(B), a Developer shall provide a comprehensive, audited report detailing compliance with obligations under its Community Benefits Agreement. Each 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 Clerk finds a Qualified Development and/or its Developer to be in breach of its (their) Community Development Agreement (including if discovered as part of the City Clerk’s review of the Qualified Development and/or Developer for purposes of a permit renewal), it may send a written Notice of Breach of Community Benefits Agreement to the 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 City Clerk, after a hearing (as necessary), may suspend or terminate the Community Development Agreement.

If the Developer believes that the suspension or termination was made in error, the Developer may appeal such decision in accordance with its appeals rights under City Ordinance 2357(B).

Termination of the Community Benefits Agreement through this process shall result in the suspension of the underlying City Ordinance 2357(B) provisioning center permit; subject to any permitted administrative, legislative or judicial appeal of that termination. Upon the exhaustion of any appeals through the City of Pontiac creating a final determination that the termination of the Community Benefits Agreement was proper, the City Ordinance 2357(B) provisioning center permit shall be permanently revoked, subject to any further statutory appeal process for such permit outside of the City of Pontiac.

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, as permitted by law.

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.

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

No: None

Ordinance Passed.

19-437 **Resolution to go into Closed Session.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, Michigan Open Meetings Act Section 8(h), MCL 15.268(h), allows a public body to go into closed session to consider material exempt from discussion or disclosure by state or federal statute; and Whereas, Michigan Freedom of information Act Section 13(g) exempts from disclosure records subject to the attorney-client privilege;

Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss an attorney-client privileged memorandum regarding the Phoenix Center Settlement, information exempt from disclosure by statute, specifically an attorney-client privileged memorandum exempt from disclosure pursuant to MCL 15.243(1)(g).

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

No: Williams

Resolution Passed.

Council President Williams excused from the meeting, Council Pro-Tem Carter proceeds over the meeting.

19-438 **Motion to come out of Closed Session.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Waterman and Carter

No: None

Motion Carried.

Councilperson Miller was absent during the vote.

19-439 **Resolution to approve the Zoning Map Amendment [ZMS 19-05] request for 382 Cesar Chavez, also known as PIN 64-14-20-381-010, 64-14-20-381-003, 64-14-20-381-004, & 64-14-20-381-005 to amend the current site zoning R-1 One Family Dwelling to C-1 Local Business with CR**

Conditional Rezoning and authorize the execution of a Conditional Rezoning Agreement with the applicant. Moved by Councilperson Miller and second by Councilperson Taylor-Burks. Discussion: Clerk wants to suspend the rules first before voting on item #8. Councilperson Miller withdrew her move and Councilperson Taylor-Burks withdrew her second.

19-440 **Suspend the Rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

Motion Carried.

19-441 **Resolution to approve the Zoning Map Amendment [ZMS 19-05] request for 382 Cesar Chavez, also known as PIN 64-14-20-381-010, 64-14-20-381-003, 64-14-20-381-004, & 64-14-20-381-005 to amend the current site zoning R-1 One Family Dwelling to C-1 Local Business with CR Conditional Rezoning and authorize the execution of a Conditional Rezoning Agreement with the applicant.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, The City has reviewed an application for a Zoning Map Amendment for 382 Cesar Chavez, identified as PIN 64-14-20-381-010, 64-14-20-381-003, 64-14-381-004, & 64-14-20-381-005 from Zaremba Group LLC 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 26, 2019, a Public Hearing was held, the Planning Commission denied the Conditional Rezoning request for 382 Cesar Chavez. However, following sound, solid planning and zoning practices the Planning Division suggest the City Council approve the change from R-1 One Family Dwelling zoning district to C-1 Local Business with CR Conditional Rezoning; and

Now, therefore, Be It Resolved, that the City Council for the City of Pontiac approve the Zoning Map Amendment [ZMA 19-05] request from the Zaremba Group, LLC for 382 Cesar Chavez, also known as PIN 64-14-20-381-010, 64-14-20-381-003, 64-14-20-381-004, & 64-14-20-381-005 to amend the current site zoning R-1 One Family Dwelling to C-1 Local Business with CR Conditional Rezoning.

Be It Further Resolved, that the City Council for the City of Pontiac authorize the execution of a Conditional Rezoning Agreement with the applicant.

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

No: None

Resolution Passed.

19-442 **Suspend the rules. (To hear items #7, #9-#12 before public comment)** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-443 **Suspend the rules to vote on item #9.** (Resolution to approve the Planning Commission's recommendation for the Zoning Map Amendment [ZMS 19-07] for 1025 ½ Cesar Chavez, also known as PIN 64-14-19-129-034, to amend the current site zoning from C-3 Corridor Commercial to M-1 Light Manufacturing zoning district.) Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Carter, Pietila, Taylor-Burks and Waterman

No: Miller

Motion Carried.

19-444 **Resolution to approve the Planning Commission's recommendation for the Zoning Map Amendment [ZMS 19-07] for 1025 ½ Cesar Chavez, also known as PIN 64-14-19-129-034, to amend the current site zoning from C-3 Corridor Commercial to M-1 Light Manufacturing zoning district.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, The City has reviewed an application for a Zoning Map Amendment for 1025 ½ Cesar Chavez, identified as PIN 64-14-19-129-034 from James Leach 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 August 7, 2019, a Public Hearing was held, and in the consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map amendment request for 1025 ½ Cesar Chavez, approving the change from the current C-3 Corridor Commercial zoning district to M-1 Light Manufacturing zoning 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 19-07] request for 1025 ½ Cesar Chavez, also known as PIN 64-14-19-129-034 to amend the current site zoning from C-3 Corridor Commercial to M-1 Light Manufacturing zoning district.

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Ayes: Pietila, Taylor-Burks, Waterman and Carter

No: Miller

Resolution Passed.

19-445 **Suspend the rules. (To vote on item #11 & #12 resolutions to adopt and implement Michigan local pavement warranty and agency payment warranty programs.)** Moved by Councilperson Taylor-Burks and second by councilperson Pietila.

Ayes: Pietila, Taylor-Burks, Waterman and Carter

No: Miller

Motion Carried.

19-446 **Resolution to adopt the Michigan Local pavement Warranty Program and accompanying documents in accordance with the requirements of MCL 247.633.** (This item was tabled for one week at the August 20, 2019 Council Meeting.) Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

Whereas, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty task force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

Whereas, the Michigan Department of Transportation has reviewed and approved the Michigan local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Locations, Pass-Through Warranty Bond); a Warranty Bond Form and Contract form; and Guidelines for Local Agency Pavement Warranty Programs;

Now, Therefore Be It Resolved, the City of Pontiac hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of Pontiac City Council meeting on August 27, 2019.

Ayes: Taylor-Burks, Waterman, Carter and Pietila

No: Miller

Resolution Passed.

19-447 **Resolution to implement the Local Agency Payment Warranty Program and annually report in accordance with the law.** (This item was tabled for one week at the August 20, 2019 Council Meeting.) Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

Whereas, the City of Pontiac adopted the Michigan Local Agency Pavement Warranty Program on August 27, 2019;

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Whereas, the City of Pontiac agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items and includes any state or federal funds;

Whereas, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items and includes any state or federal funds, whether or not a warranty was utilized in the project;

Whereas, the City of Pontiac agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which City of Pontiac adopted Implementation Policy defines the City of Pontiac's intent of its pavement warranty program;

Now, Therefore Be It Resolved, the City of Pontiac hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

Ayes: Waterman, Carter, Pietila and Taylor-Burks

No: Miller

Resolution Passed.

Five (5) individuals addressed the body during public comment.

Council President Pro-Tem Randy Carter adjourned the meeting at 8:30 p.m. Three (3) more individuals addressed the body with public comments after the first adjournment then Councilwoman Mary Pietila adjourned at 8:50 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK