

NOTICE OF PONTIAC CITY COUNCIL MEETING

August 25, 2020

at 6:00 p.m.

THE MEETING WILL BE HELD ELECTRONICALLY

The City Council of the City of Pontiac will hold a Study Session on August 25, 2020 at 6:00 p.m. This meeting will be held electronically pursuant to the Open Meetings Act and Governor Whitmer's Executive Order 2020-154. The agenda of the Study Session is attached. Pursuant to Executive Order 2020-129, the Pontiac City Council gives notice of the following:

1. **Reason for Electronic Meeting.** The Pontiac City Council is meeting electronically because of Executive Order 2020-154.
2. **Procedures.** The public may view the meeting electronically through the following method.
http://pontiac.mi.us/council/pontiac_tv/index.php
3. **Public Comment.** For individuals who desire to make a public comment, please submit your name and comment in writing to publiccomments@pontiac.mi.us. Additionally, you may submit your public comment in writing directly to the Office of the City Clerk during regular business hours. All public comments must be received no later than 5:30 p.m. on August 25, 2020. Public comments are limited to three (3) minutes. The City Clerk will read your comments during the public comment section of the meeting.
4. **Persons with Disabilities.** Persons with disabilities may participate in the meeting through the methods set forth in paragraph 2. Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the Interim City Clerk, Garland Doyle at (248) 758-3200 or clerk@pontiac.mi.us at least 24 hours in advance of the meeting.

Dated 8-21-2020, 5:00 p.m.

Garland S. Doyle, Interim City Clerk

City of Pontiac

47450 Woodward Ave. Pontiac, MI 48342 Phone: (248) 758-3200

PONTIAC CITY COUNCIL

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



Patrice Waterman, District 1
Megan Shramski, 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."

Website: http://pontiac.mi.us/council/meeting_agendas_and_minutes/index.php

STUDY SESSION

August 25, 2020

6:00 P.M.

186th Session of the 10th Council

Call to order

Roll Call

Authorization to Excuse Councilmembers

Amendments to and Approval of the Agenda

Approval of the Minutes

1. August 11, 2020

Subcommittee Report

2. Finance- August 21, 2020

Public Comment

Closed Session

3. Closed session to discuss an attorney-client privileged memorandum regarding the Phoenix Center that is exempt from disclosure by statute, specifically an attorney client privileged memorandum exempt from disclosure pursuant to MCL 15.243(1) (g).

Discussion

4. Survey Report on the Ewalt Center Repairs (The City Council allocated funds in the Fiscal Year 2020-21 Budget for the survey.)

Agenda Items

City Council

5. Resolution for Willie Frank "Peabody" Moore, Sr.
6. Status update from the Mayor on the names of the appointed members of the Medical Marihuana Commission. The City Council requested this information at its meeting on August 6, 2020.

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

Office of the City Clerk 47450 Woodward Pontiac, Michigan 48342 Phone (248) 758-3200

Website: <http://pontiaccityclerk.com>

7. Status update on the agreement to engage Bonadio & Co, LLP, Certified Public Accounts to conduct an audit of Fiscal Year 2020 budget. The City Council approved a resolution on June 17, 2020 to engage Bonadio & Co, LLP and the \$10,000 retainer for their services.
8. Status update from the Mayor on the request that the Mayor provide to the City Council a list of outstanding bills. The City Council approved the resolution on July 18, 2020.
9. Status update from the Mayor on the request to provide census information. The City Council approved the resolution on August 11, 2020.
10. Status update on the flooring repairs at 50th District Court. The City Council discussed this matter at its meeting on August 18, 2020.

Community Development

11. Resolution to support Letter of Apology to Detroit Regional Parking Authority.

Mayor's Office

12. Resolution to adopt the Pontiac Medical Marihuana Commission Rules and Regulations as set forth on the attached Exhibit 1 to this Resolution. **(Note: Ordinance 2357B "City of Pontiac Medical Marihuana Facilities Ordinance" Section 6(a) states "The medical marihuana commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations." (b) "The rules and regulations adopted by the medical marihuana commission shall be subject to approval by the council." Therefore, the commission must meet and establish its rules before the Council can approve them.)**
13. Joint Proclamation between Mayor and City Council to Proclaim through October 31, 2020, as Pontiac Social Distance Restaurant Dining Season.

Planning

14. Resolution to deny a Zoning Map Amendment request [ZMA 20-02] for Parcel 64-14-31-381-027 to amend the current site zoning C-1 Local Business to M-1 Light Manufacturing zoning district with CR Conditional Rezoning.
15. Resolution to approve a Zoning Map Amendment request [ZMA 20-03] for Parcel 64-14-08-356-001 to amend the current site zoning R-1 One Family Dwelling to M-1 Light Manufacturing zoning district with CR Conditional Rezoning. **(Note: Ordinance 2363 the Zoning Ordinance for Medical Marihuana Section 2.544 E Licensing 2. "Medical Marihuana Grower uses are not permitted outside the Cesar Chavez and Walton Blvd Medical Marihuana Overlay Districts." Section 2.545 E Licensing 2. "Medical Marihuana Processor uses are not permitted outside the Cesar Chavez and Walton Blvd Medical Marihuana Overlay Districts." The City Council submitted a proposed zoning map amendment to the Planning Commission to allow grower and processor facilities to locate outside of the Walton Blvd and Cesar Chavez Overlay Districts in January 2020. The Planning Commission has not submitted a recommendation to the City Council.)**
16. Resolution to approve a Zoning Map Amendment request [ZMA 20 -04] for Parcel 64-14-31-226-020 to amend the current site zoning C-1 Local Business to C-3 Corridor Commercial zoning district.

Adjournment

Upcoming Special Presentations

September 1, 2020

1. Medical Marihuana Monthly Application Review Process Update from the Office of the City Clerk
2. Election 2020 Update

3. Village at Bloomfield Development Update

September 15, 2020

City of Pontiac Retired Employees Association (CPREA) Status Update

#1

MINUTES

August 18, 2020 Formal

**Official Proceedings
Pontiac City Council
185th Session of the Tenth Council**

Call to order

A Formal Meeting of the City Council of Pontiac, Michigan was called to order electronically on Tuesday, August 18, 2020 at 6:00 p.m. by Council President Kermit Williams.

Roll Call

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

Members absent: Doris Taylor-Burks.

Clerk announced a quorum.

Authorization to Excuse Councilmembers

20-381 **Excuse Councilperson Doris Taylor-Burks for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Carter.

Ayes: Miller, Pietila, Waterman, Williams and Carter

No: None

Motion Carried

Councilwoman Shramski left the meeting

Amendments to the Agenda

20-382 **Motion to refer Audit Report to the Finance Subcommittee.** Moved by Councilperson Carter and second by Councilperson Pietila.

Ayes: Pietila, Waterman, Williams, Carter and Miller

No: None

Motion Carried

20-383 **Motion to allow Matt Gibb to speak on Phoenix Center.** Moved by Councilperson Pietila but no second.

20-383 **Motion to add communication sent to Council President from Mike Stevens about Phoenix Center on agenda.** Moved by Councilperson Miller and second by Councilperson Carter.

Ayes: Waterman, Williams, Carter, Miller and Shramski

No: Pietila

Motion Carried

20-384 **Motion to add School Board President Mike McGuiness presentation about the opening of Pontiac Schools.** Moved by Councilperson Pietila and second by Councilperson Miller.

Ayes: Waterman, Williams, Carter, Miller and Pietila

August 18, 2020 Formal

No: None

Motion Carried

Approval of the Amended Agenda

20-385 **Motion to approve the amended agenda.** Moved by Councilperson Carter and second by Councilperson Pietila.

Ayes: Williams, Carter, Miller, Pietila and Waterman

No: None

Motion Carried

Council President Williams read the Communication he received from Mike Stevens about the Phoenix Center.

Approval of the Minutes

20-386 **Approval study session meeting minutes for August 11, 2020.** Moved by Councilperson Carter and second by Councilperson Waterman.

Ayes: Carter, Miller, Pietila, Waterman and Williams

No: None

Motion Carried

Subcommittee Report

Received Public Safety for July 2020

Special Presentation

Opening of Pontiac Schools.

Presentation Presenter: Mike McGuiness, School Board President

President McGuiness stated that the first quarter of the school year would be remotely through October 30, 2020.

Census Update with Statistics & Census Events

Presentation Presenter: Mayor Waterman

Update: Parks & Recreation, Neighborhood Empowerment Projects (NEP) and Other Program Partnerships.

Presentation Presenters: Mayor Waterman, Vern Gustafsson, Planning Manager, Gavin McGuire and Russell Harris, Boys and Girls Club.

Reopening of Schools,

Presentation Presenter: Mike McGuiness, Pontiac School Board President

Councilwoman Doris Taylor-Burks arrived in meeting

Resolutions

City Clerk

20-387 **Motion to refer to the Finance Subcommittee the Resolution to Approve the Salary Change for the Part-Time Customer Service Representative (CSR)-City Clerk's Office from \$5000.00 to \$16,762. The increase is due to increasing the number of work hours for the CSR to accommodate having to allocate the majority of the Special Assistant to the Clerk time to the Medical Marihuana application review process Moved by Councilperson Pietila and second by Councilperson Waterman.**

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

No: Miller

Motion Carried

Resolutions

Finance Department

20-388 **Adoption of an Emergency Ordinance to Amend Emergency Ordinance 2346 to extend \$400 Supplemental Payment for Health to General Employees Retirement System- GERS retirees until August 31, 2021 (The Retirement Administrator has requested that a correction be made to the ordinance that both Finance and the City Attorney presented to the City Council for approval on August 6, 2020.) Moved by Councilperson Taylor-Burks and second by Councilperson Miller.**

Ordinance #2377

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

Whereas, the temporary increase to certain members of the GERS pension system is set to expire on August 31, 2020; and,

Whereas, the City Council desires that this temporary increase continues for at least one more year; and, Whereas, such ordinance if approved will take effect from September 1, 2020 and expire on August 31, 2021, or when the CPREA health care litigation is resolved and health insurance will be provided to retiree class, whichever comes first, and,

Whereas, the Pontiac City Council considers this an emergency.

The City of Pontiac ordains:

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, 2020 and who enter pay status through August 1, 2021, shall be entitled to receive an increase in their monthly allowance of***

four hundred dollars (\$400.00) per month beginning September 1, 2020 through August 31, 2021, or when the CPREA litigation is resolved and health insurance will be provided to the 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 of health and safety 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.

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

No: None

Council Members Waterman and Miller disclosed that they were City retirees and will benefit from the ordinance.

Emergency Ordinance Approved

Note: Council President Williams requested that it be noted that the ordinance would have passed without the two members who will benefit from the ordinance.

20-389 **Adoption of an Emergency Ordinance to Amend Emergency Ordinance 2357 to extend \$400 Supplemental Payment for Health to Police and Fire retirees until August 31, 2021(The Retirement Administrator has requested that a correction be made to the ordinance that both Finance and the City Attorney presented to the City Council for approval on August 6, 2020.) Moved by Councilperson Miller and second by Councilperson Waterman.**

Ordinance #2378

An ordinance to provide for a limited increase in pension payments for certain members of the Police and Fire Retirement System (PFRS).

The City of Pontiac ordains:

Section 1. Amendments.

August 18, 2020 Formal

The Code of Ordinances shall be amended to read as follows: a. Section 92-122.2 shall be amended to add the following language: Temporary Pension Increase: **“All persons who are receiving retirement benefits as of August 1, 2020 and who enter pay status through August 1, 2021, shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning September 1, 2020 through August 31, 2021, or when the CPREA litigation is resolved and health insurance will be provided to the 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 of health and safety 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.

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

No: None

Emergency Ordinance Approved

Public Comment

Six (6) individuals submitted a public comment read by the City Clerk

Mayor, Clerk and Council Closing Comments

Mayor Waterman, Interim Clerk Garland Doyle, Councilwoman Gloria Miller, Councilwoman Mary Pietila, Councilwoman Patrice Waterman, Council President Pro-tem Randy Carter and Council President Kermit Williams made closing comments.

Adjournment

Council President Kermit Williams adjourned the meeting at 8:22 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK

#2

SUB

COMMITTEE

REPORT

FINANCE SUBCOMMITTEE SPECIAL MEETING

August 21, 2020

In attendance:

Council members: Chair Patrice Waterman, Council President Kermit Williams and Gloria Miller

Mayor: Deirdre Waterman

Deputy Mayor: Jane Bais-DiSessa

Finance Director: Irwin Williams

Interim City Clerk Garland Doyle

Start time: 10:04 a.m.

I. Discussion of the Clerk's Resolution

- The Clerk presented a resolution to approve the proposed budget amendment to increase account 101-255-702.000 Salaries & Wages from \$15,000 to \$30,00. The increase is to allocate the majority of the Special Assistant to the Clerk's time of (2/3) to the medical marihuana application review process and (1/3) for other clerical responsibilities. With no change in salary.
- The second resolution is to approve the salary change for the part-time Customer Service Representative (CSR) position from \$5,000.00 to \$16,762. The increase is due to the increased number of work hours that would be required due to the reallocating of responsibilities of the Special Assistant to the Clerk.
- An additional \$20,000 was received from grower and processor application fees.
- The City of Pontiac Medical Marihuana Facilities Ordinance 2357(B) Section 8d states, that all applications must be accompanied by an appropriate fee to help defray administrative costs associated with the application, the cost shall be set by resolution adopted by the Council and shall not exceed \$5,000.00. Council passed the resolution setting the fees in 2019.

A. Spending

The City Clerk returned \$282,621.42 to the General Fund for the 2019-2020 Fiscal Year.

Dept 191 Elections the approved budget: \$202,485.00 spent \$128,876.93 returned: **\$73,608.07**

Dept 215 City Clerk the approved budget \$338,189.00 spent: \$286,187.70 returned: **\$52,001.30**

Dept 255 Medical Marihuana the approved budget \$218,895.00 spent: \$61,882.95 returned: **157,012.05**

B. Reimbursements

- The City Clerk received \$29,749.62 in reimbursements for costs incurred for the 2019 OCC election
- Pending reimbursements are:

The State of Michigan reimbursement for March 2020 Presidential Primary \$45,404.42

Oakland County reimbursement for August 2020 Poll Worker Hazard Pay \$5,950.00

\$51,354.42

Total reimbursements (\$29,749.62 + \$51,354.42)

\$81,104.04

C. The Presidential Election

- There is a controversial election coming up, so the City wants to be prepared.
- The Governor and Secretary of State referred to Pontiac as having the 3rd worst Postal Service sorting capacity.
- The community needs to address and come up with some possible solutions.
- Workers received their primary election pay prior to the promised date of August 27, 2020 and were informed that they could pick their checks up, to avoid possible mail delivery delays.
- There were questions as to whether additional part-time workers will be needed or is just the one worker sufficient.
- There are currently four (4) temporary staff workers in the Clerk's office.
- The objective is to provide the Clerk with the resources he needs to be successful with the election and to avoid any future budget amendments. Whatever is needed, is to be presented for Council approval.
- The Clerk can only issue ballots forty five (45) days prior to the election. Drop boxes will be placed throughout the City. The Mayor stated that the boxes could be tampered with, so to ensure that the boxes are safe and secure, the City could provide support.
- The Clerk's office hours will be extended starting October 5, 2020, from 8:00 am-8:00 pm Mon-Thur. and the last two (2) weekends before the election the office will be open. The Clerk added an additional weekend to the state mandated one weekend.
- The Clerk will be giving a presentation to the Council on Sept 1, 2020.
- All information provided today is to be distributed to the attendees at today's meeting.
- The Clerk has an Election Advisory Committee. The Mayor volunteered to be on the committee and requested the names of the people that are a part of the committee.
- Oakland Forward and other organizations that are providing support.
- The Clerk is to discuss his resolutions with Mr. Williams and Ms. Sharpe.

D. Medical Marihuana Review Process

- There was a brief discussion as to refunds as some applicants have requested a refund.
- It was stated previously that there would be no refunds.

Adjourned: 10:53

#3

**CLOSED
SESSION**

Pontiac City Council Resolution



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 that is exempt from disclosure by statute, specifically an attorney client privileged memorandum exempt from disclosure pursuant to MCL 15.243(1) (g).

#5

RESOLUTION

City of Pontiac Resolution for Willie Frank "Peabody" Moore, Sr.

WHEREAS, it is the sense of this legislative body to pay proper tribute to individuals of notable character and whose lives have been dedicated to uplifting, inspiring and empowering the community; and;

WHEREAS, it is feelings of the deepest regret, that the Pontiac City Council mourns the passing of Willie Frank Moore, Sr. a giving and loyal member of this community; and,

WHEREAS, Willie Moore, Sr. was born on February 6, 1937 in the town of Chester, Georgia to the late Clarence Newman and Lena Mae Moore; and,

WHEREAS, Willie Moore, Sr. at the age of 18, empowered to protect and serve his country, enlisted in the U.S. Navy as a deckhand in Macon, Georgia and within two months, received his first Good Conduct Award; and,

WHEREAS, Willie Moore, Sr. married the love of his life, Julie Mae Fleming on January 23, 1959 and from this union the couple had four children, Crystal, Willie Jr., Cyrus and Tarrant; and,

WHEREAS, Willie Moore, Sr. transferred to the US Navy Reserve and left Macon, Georgia to move to Pontiac, Michigan in 1963; and,

WHEREAS, Willie Moore, Sr. served as a general manager at O' Jays Lounge in Pontiac, Michigan in the 70's and became more affectionately known as "Peabody" due to his outgoing personality and fun-loving nature; and

WHEREAS, Willie Moore, Sr. decided to make a radical career change and pursue a job in which he had no experience, with Stinson Construction, pouring cement; and,

WHEREAS, Willie Moore, Sr. learned the cement business while working side by side with Johnny Stinson of Stinson Construction; and,

WHEREAS, Willie Moore, Sr. excelled in laying cement, and while realizing his talent, developed an entrepreneurial spirit; and,

WHEREAS, Willie Moore, Sr. set his sights on a bright, successful future working for himself, so he parted ways with Stinson Construction; and left his humble beginnings behind him, focusing only a promising and prosperous future, thereby, founding Moore Cement in 1968; and,

WHEREAS, Willie Moore, Sr. remarkably served the community for 52 years; and,

WHEREAS, Willie Moore, Sr. was a born-again believer in the Lord, Jesus Christ, and a devoted and faithful member of Family Victory Fellowship Church in Southfield, Michigan for almost 30 years, where he served as head usher; and,

WHEREAS, Willie Moore, Sr. was a long-term member of the 761st Tank Battalion & Allied Vets Association in Pontiac, Michigan and; and

WHEREAS, Willie Moore, Sr. was a die hard Lions fan and could often times be found watching the Lions play on Thanksgiving, watching a western movie or firing-up the grill, but his greatest pleasure, was motivating and supporting his children to become successful.

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

Kermit Williams

Kermit Williams, President

Randy Carter

Randy Carter, President Pro-Tem

Patrice Waterman

Patrice Waterman, Councilwoman

Megan Shramski

Megan Shramski, Councilwoman

Doris Taylor-Burke

Gloria Miller, Councilwoman

Doris Miller

Doris Taylor-Burke, Councilwoman

ITEM #7

**Official Proceedings
Pontiac City Council
171st Session of the Tenth Council**

Call to order

A Special Meeting on the Budget of the City Council of Pontiac, Michigan was called to order electronically on Wednesday, June 17, 2020 at 9:00 a.m. by Council President Kermit Williams.

Roll Call

Members Present: Carter, Miller (arrived after roll call), Pietila, Shramski, Taylor-Burks, Waterman (arrived after roll call) and Williams.

Mayor Waterman was present.

Clerk announced a quorum.

Discussion

City Council Proposed Changes to the Mayor's Proposed 2020-2021 Annual Budget

The discussion focused on the following departments:

Youth Recreation; Clerk, Elections and Medical Marihuana; Finance; Human Resources; Information Technology (I.T.); Income Tax; Treasury; Economic/Community Development; Mayor; Council and Law (Giarmarco, Mullin and Horton)

Suspend the rules

20-279 **Suspend the Rules.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Shramski, Tylor-Burks, Waterman, Williams and Carter

No: None

Motion Carried.

Resolution

City Council

20-280 **Resolution to engage Bonadio & Co, LLP, Certified Public Accounts to conduct an audit of Fiscal Year 2020 budget for the City Council and approve the \$10,000 retainer the services of Bonadio & Co, LLP.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, during budget discussion for FY 2020-2021, the Pontiac City Council has determined that as prudent and fiscally responsible fiduciaries, it is necessary to retain an outside professional certified public accounting firm, to assist the Council in analyzing financial matters of the City; and,
Whereas, retaining an outside professional certified public accounting firm would be in the best interest of the citizens of Pontiac and would be consistent with the Pontiac City Council's duty to maintain integrity and transparency; and,

Whereas, Bonadio & Co., LLP, Certified Public Accounts, submitted an engagement letter to the Pontiac City Council on June 14, 2020 (*letter and professional biographies are attached*); and,
Whereas, section 3.115 of the Pontiac City Charter provides, "Council may, within appropriations provided in the budget, appoint staff or contract for services. Staff or persons engaged pursuant to contract serve at the pleasure of the Council.

Now, Therefore, Be It Resolved that the Pontiac City Council hereby acknowledges and agrees to the standard terms of the Professional Consulting Services contained in the engagement letter provided by Bonadio & Co, LLP, Certified Public Accountants, and further agrees to proceed with phase I of the proposed phase approach and also agrees to submit the requested retainer of ten thousand (\$10,000) Dollars upon passage of this resolution.

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

No: None

Resolution Passed.

****See Exhibit A for attachments****

No Public Comment

Adjournment

Council President Kermit Williams adjourned the meeting at 12:17 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK

O: 585-249-2836 | F: 585-381-3131

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Statement of Confidentiality

This electronic message may contain privileged or confidential information. If you are not the intended recipient of this e-mail, please delete it.

From: Anthony Chubb <achubb@gmhlaw.com>

Sent: Wednesday, July 8, 2020 13:51

To: Kenneth J. Pink <kpink@bonadio.com>; Aaron J. Hiller <ahiller@bonadio.com>

Subject: RE: Bonadio & Co, LLP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen,

See attached proposed changes in redline. Please also make further changes in redline.

Anthony Chubb

Giarmarco, Mullins & Horton, P.C.
Tenth Floor Columbia Center
101 West Big Beaver Road
Troy, Michigan 48064-5280
Phone: (248) 457-7054
Fax: (248) 404-6334
Email: achubb@gmhlaw.com
www.gmhlaw.com

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From: Kenneth J. Pink <kpink@bonadio.com>

Sent: Wednesday, July 8, 2020 11:49 AM

To: Aaron J. Hiller <ahiller@bonadio.com>; Anthony Chubb <achubb@gmhlaw.com>

Subject: Re: Bonadio & Co, LLP

Gentlemen, my hope is that this matter can be attended to and resolved today.

Thank you both very much,
Ken

Kenneth J. Pink, CPA | Partner

The Bonadio Group

CPAs, Consultants & More

Metro Region
488 Madison Ave., 23rd Fl. New York, NY 10022
O: 212-600-2854 | M: 212-897-9524

Upstate NY
171 Sully's Trl. Pittsford, NY 14534

negligence, fraud, etc., rather than finally deemed to be the same. Likewise, if an inaccurate report was provided that resulted in lowering the bond or credit rating of the City, it could cost tens of millions in interest -- as such, a limitation of liability to the total value of the contract is improper.

Please see the attached. I know we have a few rounds of redlines, so let me know if my modifications aren't clear. Thank you for your consideration.

Anthony Chubb

Giarmarco, Mullins & Horton, P.C.

Tenth Floor Columbia Center

101 West Big Beaver Road

Troy, Michigan 48064-5280

Phone: (248) 457-7054

Fax: (248) 404-6334

Email: achubb@gmhlaw.com

www.gmhlaw.com

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From: Aaron J. Hiller <ahiller@bonadio.com>

Sent: Wednesday, July 8, 2020 3:08 PM

To: Anthony Chubb <achubb@gmhlaw.com>

Cc: Kenneth J. Pink <kpink@bonadio.com>

Subject: RE: Bonadio & Co, LLP

Mr. Chubb:

Thanks for your comments. I'll be tied up tomorrow and mostly unavailable except by email, but understand you are working against a meeting deadline. Therefore, I've modified your draft and provided comments below for your consideration.

I also understand that there is potential for this matter to involve differing opinions between involved entities. As such, it is critical that we are indemnified and have a corresponding limitation of liability, especially for third-party claims. It's not difficult to envision a scenario whereby the city chooses to take a certain course of action based on our deliverables and as a result, we get dragged into litigation. In that scenario, without indemnity and limitation, the risk to us would be greater than the value of the agreement. Again, if we are negligent in our work product, the indemnity obligation would not apply.

As a compromise, I've changed the indemnity standard from gross negligence to negligence. I hope this alleviates some of your concern.

Happy to discuss more by email, or if you prefer to talk after hours my cell is 585-766-8577.

Thanks.

Aaron

Aaron J. Hiller | General Counsel and Secretary

The Bonadio Group

CPAs, Consultants & More

171 Sully's Trl., Pittsford, NY 14534

From: Aaron J. Hiller <ahiller@bonadio.com>
Sent: Thursday, July 9, 2020 11:41 AM
To: Anthony Chubb <achubb@gmhlaw.com>
Cc: Kenneth J. Pink <kpink@bonadio.com>
Subject: RE: Bonadio & Co, LLP

Thanks for your comments.

As you know, in a claim for professional malpractice, New York is a comparative fault state.

So, we are taking information *provided by the city* to create the deliverables. If that information is later found to be incorrect, whether due to the city's good faith error or fraud, a mere allegation that our work product was negligent in order to invalidate the indemnity would be inherently unfair. Of course, the basis for any professional malpractice claim is by its nature, negligence. That's why we ask for a final determination. Any initial demand would assert negligence. It's also why a limitation of liability does make sense, especially if you insist on excluding representations and warranties.

Happy to entertain your suggestions based on those comments.

Aaron

Aaron J. Hiller | *General Counsel and Secretary*

The Bonadio Group
CPAs, Consultants & More
171 Sully's Trl., Pittsford, NY 14534
O: 585-249-2836 | F: 585-381-3131

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From: Anthony Chubb <achubb@gmhlaw.com>
Sent: Thursday, July 9, 2020 10:56
To: Aaron J. Hiller <ahiller@bonadio.com>
Cc: Kenneth J. Pink <kpink@bonadio.com>
Subject: RE: Bonadio & Co, LLP

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Aaron,

I understand your concerns, of course. But a responsibility for the work product and claims it is fraudulent or negligent are imperative. I have accepted some of your changes including indemnification, but not extending to claim asserting

Mr. Chubb:

Revised letter attached. We will agree to venue and elimination of the limitation of liability but the exclusion of the City's indemnity obligation will need to be triggered by a final determination of negligence, not alleged as you proposed. Also note that the retainer is being increased to \$20K.

Thanks.

Aaron

Aaron J. Hiller | *General Counsel and Secretary*

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Statement of Confidentiality

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From: Anthony Chubb <achubb@gmhlaw.com>
Sent: Tuesday, July 14, 2020 09:56
To: Aaron J. Hiller <ahiller@bonadio.com>
Cc: Kenneth J. Pink <kpink@bonadio.com>
Subject: RE: Bonadio & Co, LLP

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Gentlemen,

I have not heard anything further on this. Please see the updated attachment, that adds a governing law provision at the end.

Anthony Chubb
Giarmarco, Mullins & Horton, P.C.
Tenth Floor Columbia Center
101 West Big Beaver Road
Troy, Michigan 48064-5280
Phone: (248) 457-7054
Fax: (248) 404-6334
Email: achubb@gmhlaw.com
www.gmhlaw.com

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Your revised language is not acceptable. We will not agree to indemnify the city. I'm not sure how you came to that conclusion after our several conversations and drafts about alleged/final determination of negligence being an exclusion to the city's indemnity obligation.

Revised, attached.

Aaron J. Hiller | General Counsel and Secretary

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From: Anthony Chubb <achubb@gmhlaw.com>
Sent: Monday, August 3, 2020 14:07
To: Aaron J. Hiller <ahiller@bonadio.com>
Cc: Kenneth J. Pink <kpink@bonadio.com>; Timothy W. Ball <tball@bonadio.com>
Subject: RE: Bonadio & Co, LLP

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Good Afternoon Mr. Hiller,

I have attached a revised indemnity clause for your review.

Anthony Chubb

Giarmarco, Mullins & Horton, P.C.
Tenth Floor Columbia Center
101 West Big Beaver Road
Troy, Michigan 48064-5280
Phone: (248) 457-7054
Fax: (248) 404-6334
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From: Aaron J. Hiller <ahiller@bonadio.com>
Sent: Tuesday, July 14, 2020 3:46 PM
To: Anthony Chubb <achubb@gmhlaw.com>
Cc: Kenneth J. Pink <kpink@bonadio.com>; Timothy W. Ball <tball@bonadio.com>
Subject: RE: Bonadio & Co, LLP

Aaron J. Hiller | General Counsel and Secretary

The Bonadio Group

CPAs, Consultants & More

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From: Anthony Chubb <achubb@gmhlaw.com>

Sent: Friday, August 7, 2020 11:34

To: Aaron J. Hiller <ahiller@bonadio.com>

Cc: Kenneth J. Pink <kpink@bonadio.com>; Timothy W. Ball <tball@bonadio.com>

Subject: RE: Bonadio & Co, LLP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Mr. Hiller,

I simply used the indemnification clause Bonadio previously agreed upon for audit services for Suffolk Community College (see relevant pages attached). It is unclear to me why there are such disparate requirements for Pontiac and Suffolk.

Anthony Chubb

Giarmarco, Mullins & Horton, P.C.

Tenth Floor Columbia Center

101 West Big Beaver Road

Troy, Michigan 48064-5280

Phone: (248) 457-7054

Fax: (248) 404-6334

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From: Aaron J. Hiller <ahiller@bonadio.com>

Sent: Tuesday, August 4, 2020 11:46 AM

To: Anthony Chubb <achubb@gmhlaw.com>

Cc: Kenneth J. Pink <kpink@bonadio.com>; Timothy W. Ball <tball@bonadio.com>

Subject: RE: Bonadio & Co, LLP

Mr. Chubb:

From: Aaron J. Hiller <ahiller@bonadio.com>
Sent: Tuesday, August 18, 2020 12:19:31 PM
To: Anthony Chubb <achubb@gmhlaw.com>
Cc: Kenneth J. Pink <kpink@bonadio.com>; Timothy W. Ball <tball@bonadio.com>
Subject: RE: Bonadio & Co, LLP

Mr. Chubb:

I am unpersuaded by your message.

- 1) Using an example of an engagement letter from 2017 is irrelevant. The scope of work for that engagement was an audit. The services we are proposing to perform is a consulting engagement. Further, as you are aware, engagement letters and contracts evolve over time.
- 2) If you insist on looking at prior engagement letters as the basis for our agreement, I suggest you look at the attached. That scope of work (consulting) is more consistent with what we have proposed to do. The language in Section 10 is nearly identical to what we originally proposed including gross negligence, and a final determination being necessary to invalidate the city's indemnity obligation.



May 19, 2015

Plante & Moran, PLLC
27400 Northwestern Highway
P.O. Box 307
Southfield, MI 48037-0307
Tel: 248.352.2500
Fax: 248.352.0018
plantemoran.com

Joseph M. Sobota, City Administrator
City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48341

Dear Mr. Sobota:

We continue to be complimented by your selection of our firm to assist you. We are sending this letter and the accompanying Professional Services Agreement and Additional Services Addendum, which are hereby incorporated as part of this engagement letter, to confirm our understanding of the nature, limitations, and terms of the services we will provide to The City of Pontiac.

Scope of Services

We will provide temporary financial assistance from July 1, 2015 to June 30, 2018 at your discretion. Our work product will be in the form of preparing and reviewing financial schedules and analysis created under the direction and supervision of Joseph Sobota, City Administrator and Nevrus Nazarko, Finance Director. Our consulting services will be provided to assist you with the following activities:

1. Controller's Office:

- A. Controller's Office Monthly Activities –The work we perform will include the review of certain activity and schedules prepared other departments. The work performed by other departments has been noted when applicable. We will work with other departments to make corrections and adjustments when necessary.
- Reconciliation of bank and investment account activity from the General Ledger (GL) to the bank statements. Cash receipts and disbursements are recorded in the GL by other departments.
 - Record the City's property tax receivable and revenue in the GL from the tax warrant summary prepared by Treasury.
 - Record property tax distributions to the City and reconcile City property tax activity from the GL to supporting documentation provided by the Treasurer's office. The Treasurer's office records property tax receipts and calculates the amount to be disbursed to the City.
 - Reconcile property tax disbursements to other entities from the GL to supporting documentation provided by Treasury. The Treasurer's office records property tax receipts and disbursements to other entities.



May 19, 2015

- Reconcile the City's delinquent property tax activity from the GL to supporting documentation. The receipts and disbursements are recorded by other departments.
- Reconcile the tax settlement with Oakland County to the City's GL. The tax settlement is prepared by the Treasurer's office.
- Reconcile other miscellaneous receivables, including due from other governmental units, from the GL to the subsidiary ledger. Other departments record the receivable and subsequent cash collection.
- Record and reconcile receivables not processed through the City's billing system such as state-shared revenue and Act 51 receivables. Other departments record the subsequent cash collection.
- Reconcile accounts payable from the GL to the subsidiary ledger. Other departments record the payable and the subsequent cash disbursement.
- Record and reconcile other liability and debt activity. Other departments record the subsequent cash disbursement.
- Record grant related accruals and deferred inflow of resources per governmental accounting rules. Other departments approve and record the expenditures, request and record the grant reimbursements and comply with grant specific requirements. We will work with the departments to properly report their grant activity in the general ledger.
- Reconcile City interfund receivable, payable and transfer balances.
- Review and reconcile all other significant balance sheet and income statement accounts as deemed necessary. Work with City departments to correct and adjust activity in their department as necessary.
- Record recurring and other adjusting journal entries and provide to Finance Director for review
- Journalize and post Court invoices and checks in BS&A. The Court approves all invoices and checks. We will work with the Court to correct posting errors to the GL.
- Create monthly schedule of income tax ACH bank deposits and send to Income Tax department.
- Update Fire Escrow Fund schedule with monthly GL activity and reconcile to GL. Other departments collect and disburse the funds.
- Review Insurance Fund activity and adjust insurance deposits and liabilities as necessary. Review cost reimbursement allocations to other City Funds versus actual expenses and budget. Other departments record and process insurance

May 18, 2015

Invoices and cost reimbursements from Non-City Funds. We will work with the City to correct over/shortage of cost reimbursements needed from the City.

- Meet with City Administrator and Finance Director to discuss financial reports and other financial matters

B. Receivership Transition Advisory Board Items

- Prepare monthly balance sheet, income statement and cash balance reports for all City Funds
- Prepare quarterly General Fund cash flow statements and prepare monthly as deemed necessary for internal purposes

C. Other Annual Items

- Prepare forms to escheat old, outstanding accounts payable and payroll checks to the State of Michigan annually. The Court and Income Tax department perform their escheatment process independent of the Controller's office.
- Assist with filing the Act 51 report
- Assist with filing the Metro Authority report each
- Assist with filing the F-65 report
- Assist with filing the Qualifying Statement

D. Audit Preparation Assistance

- Preparing "prepared by client" (PBC) schedules as requested by auditors
- Obtain audit schedules as necessary from other departments
- Calculate and record year end accruals
- Assist in the accumulation of data for audit report footnotes
- Prepare GASB 34 entries and related reconciliations
- Record litigation and lawsuit activity brought to our attention by Management
- Record final transfers between City Funds at Management's direction
- Assistance with implementation of new GASB requirements
- Prepare the Schedule of Expenditures of Federal Awards

May 19, 2015

- ♦ Assist the City in the year end close of BS&A after the audit is complete

2. Budget Assistance:

- ♦ Review budget amendments submitted by other departments
- ♦ Assist Finance Director with creating budget amendments
- ♦ Provide budgetary level approval of departmental requisitions and purchase orders with available budgets
- ♦ Review personnel change forms for impact on budget
- ♦ Update budget amendment form for changes in policy administration and distribute to departments
- ♦ Perform general review of annual budget prepared by the Finance Director, City Administrator and Mayor
- ♦ Prepare schedules for the budget including administrative cost allocations, telephone and internet cost allocations and debt service payments

The above tasks list is based on the current operations of the City but is not all-inclusive of the work we will provide. Specific additional tasks may be requested by the City and performed by Plante Moran as contractual time permits.

It should be noted that we will not be responsible for making investment decisions, signing checks, making bank transfers, initiating ACH or wire transfers, and handling cash in any way. We also will not be responsible for the preparation, printing, or submitting to the State of Michigan the audited financial statements as this is the responsibility of the City's external auditors.

Timing of Services

PM Staff will be available, on average, 8 days per week for this project. We may increase staffing during certain busy times such as the annual audit and decrease staffing at other times depending on the City's needs. Absences for vacations, holidays and training will be communicated to you in advance and arrangements will be made to ensure all necessary financial tasks are completed.

We are available to provide assistance with preparing the City's budget according to the GFOA Distinguished Budget Presentation Awards Program and preparing the City's financial statements according to the GFOA Certificate of Achievement for Excellence in Financial Reporting Program. An addendum stating our fees for these additional services accompanies this engagement letter.

May 19, 2015

Fees and Payment Terms

Our fee for this engagement, subject to the terms and conditions of the accompanying Professional Services Agreement, will be as follows:

Controller's Office Work:

July 1, 2015 – June 30, 2016	\$250,000
July 1, 2016 – June 30, 2017	\$256,250
July 1, 2017 – June 30, 2018	\$262,655

The fee for the Controller's Office work in the previous contract from July 1, 2012 – June 30, 2016 was \$250,000 annually which was a \$20,000 reduction from the prior contract prior.

Budget Assistance:

July 1, 2015 – June 30, 2016	\$10,000
July 1, 2016 – June 30, 2017	\$10,250
July 1, 2017 – June 30, 2018	\$10,505

The fee for the Budget Assistance in the previous contract from July 1, 2014 – June 30, 2015 was \$10,000 which was a \$30,000 reduction from the prior contract due to the City preparing more of the annual budget. The fee for July 1, 2012 – June 30, 2014 was \$40,000 annually (which included preparation of the annual budget assistance) and was a \$20,000 reduction from the prior contract.

Our invoices will be rendered monthly and are due upon receipt.

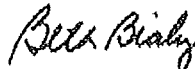
Termination – The City can terminate the contract only for cause with 60 days written notice. If the City is operating under the supervision of a Transition Advisory Board or other form of monitoring by the State of Michigan, contract termination if initiated by the City shall not be effective until such termination is confirmed by the Transition Advisory Board or State of Michigan.

If you are in agreement with our understanding of this engagement, as set forth in this engagement letter and the accompanying Professional Services Agreement, please sign the enclosed copy of this letter and return it to us with the accompanying Professional Services Agreement.

Thank you for the opportunity to serve you.

Very truly yours,

PLANTE & MORAN, PLLC



Beth A. Bialy

plante
moran

Joseph Sobota, City Administrator
City of Pontiac

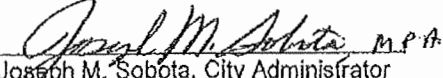
6

May 19, 2015

Agreed and Accepted

We accept this engagement letter and the accompanying Professional Services Agreement and Other Services Addendum, which set forth the entire agreement between The City of Pontiac and Plante & Moran, PLLC with respect to the services specified in the Scope of Services section of this engagement letter.

The City of Pontiac


Joseph M. Sobota, City Administrator

6/18/15
Date

Title

plante

moran

Professional Services Agreement – Temporary Finance Assistance
Addendum to Plante & Moran, PLLC Engagement Letter

This Professional Services Agreement is part of the engagement letter for our temporary finance assistance services dated May 19, 2015 between Plante & Moran, PLLC (referred to herein as "PM") and The City of Pontiac (referred to herein as "the City of Pontiac").

1. **Management Responsibilities** – The services PM will provide are inherently advisory in nature. PM has no responsibility for any management decisions or management functions. Further, the City of Pontiac acknowledges that the City of Pontiac is responsible for all such management decisions and management functions; for evaluating the adequacy and results of the services PM will provide and accepting responsibility for the results of those services; the City of Pontiac is responsible for the design, implementation, and maintenance of internal controls, including monitoring ongoing activities in connection with our engagement. Accordingly, PM accepts no responsibility as a responsible party for the payment of taxes of any nature, including, but not limited to income, withholding, sales, excess of other taxes assessed at the Federal, State or local levels that may be owed or otherwise arise. The City of Pontiac has designated Joseph Sobota, City Administrator and Nevrus Nazarko, Finance Director to oversee the services PM will provide. Oversight includes evaluating the adequacy and the results of the services PM will provide and accepting responsibility for the results of those services.
2. **Review and Supervision** – The City of Pontiac understands and acknowledges that all PM staff assigned to this project are working solely at the City of Pontiac's direction and agree that all work performed will be subject to the same supervision, review and approval practices that the City of Pontiac undertakes with its own staff. It is further understood that the work of PM staff assigned to this project is not being reviewed by any other person at PM and that the City of Pontiac supervision, review and approval practices will include review and approval of any journal entries prepared by PM staff after posting in order to facilitate the workflow. Any entries not approved by the City of Pontiac will be reversed.
3. **Nature and Limitations of Services** – PM's project activities will be based on information and records provided by the City of Pontiac. PM will rely on such underlying information and records and PM's project activities will not include audit or verification of the information and records provided to PM in connection with PM's project activities.

The project activities PM will perform will not constitute an examination or audit of any the City of Pontiac financial statements or any other items, including the City of Pontiac's internal controls. If the City of Pontiac requires financial statements or other financial information for third-party use, or if the City of Pontiac requires tax preparation or consulting services, a separate engagement letter will be required. Accordingly, the City of Pontiac agrees not to associate or make reference to PM in connection with any financial statements or other financial information of the City of Pontiac. In addition, PM's engagement is not designed and cannot be relied upon to disclose errors, fraud or illegal acts that may exist. However, PM will inform the City of Pontiac of any such matters that come to its attention.
4. **Project Deliverables** – At the conclusion of PM's project activities and periodically as the project progresses, PM will review the results of the project work with the City of Pontiac and provide the City of Pontiac with any observations related to PM's services that PM believes warrant the City of Pontiac's attention. PM also will provide the City of Pontiac with copies of analyses, tax filings, or other materials that PM may develop in the course of this engagement upon the City of Pontiac's request. PM will not issue a written report as a result of this engagement and the City of Pontiac agrees that the nature and extent of the work product that PM will provide, as outlined in this agreement, are sufficient for the City of Pontiac's purposes.
5. **Confidentiality, Ownership, and Retention of Workpapers** – During the course of this engagement, PM and PM staff may have access to proprietary information of the City of Pontiac, including, but not limited to, information regarding trade secrets, business methods, plans, or projects. PM acknowledges that such information, regardless of its form, is confidential and proprietary to the City of Pontiac, and PM will not use such information for any purpose other than our consulting engagement or disclose such information to any other person or entity without the prior written consent of the City of Pontiac.

In some circumstances, PM may use third-party service providers to assist with our engagement. PM will inform the City of Pontiac if it intends to use a third-party service provider. In order to enable these service providers to assist PM in this capacity, PM must disclose information to these service providers that is relevant to the services they provide. Disclosure of such information shall not constitute a breach of the provisions of this agreement.

In the interest of facilitating PM's services to the City of Pontiac, PM may communicate or exchange data by internet, e-mail, facsimile transmission, or other method. While PM will use its best efforts to keep such communications and transmissions secure in accordance with PM's obligations under applicable laws and professional standards, the City of Pontiac recognizes and accepts that PM has no control over the unauthorized interception of these communications or transmissions once they have been sent, and consent to PM's use of these electronic devices during this engagement.

Professional Services Agreement – Temporary Finance Assistance

Professional standards require that PM create and retain certain workpapers for engagements of this nature. All workpapers created in the course of this engagement are and shall remain the property of PM. PM will maintain the confidentiality of all such workpapers as long as they remain in PM's possession.

Both the City of Pontiac and PM acknowledge, however, that PM may be required to make its workpapers available to regulatory authorities or by court order or subpoena in a legal, administrative, arbitration, or similar proceeding in which PM is not a party. Disclosure of confidential information in accordance with requirements of regulatory authorities or pursuant to court order or subpoena shall not constitute a breach of the provisions of this agreement. In the event that a request for any confidential information or workpapers covered by this agreement is made by regulatory authorities or pursuant to a court order or subpoena, PM agrees to inform the City of Pontiac in a timely manner of such request and to cooperate with the City of Pontiac should it attempt, at the City of Pontiac's cost, to limit such access. This provision will survive the termination of this agreement. PM's efforts in complying with such requests will be deemed billable to the City of Pontiac as a separate engagement. PM shall be entitled to compensation for its time and reasonable reimbursement of its expenses (including legal fees) in complying with the request.

PM reserves the right to destroy, and it is understood that PM will destroy, workpapers created in the course of this engagement in accordance with PM's record retention and destruction policies, which are designed to meet all relevant regulatory requirements for retention of workpapers. PM has no obligation to maintain workpapers other than for its own purposes or to meet those regulatory requirements.

Upon the City of Pontiac's written request, PM may, at its sole discretion, allow others to view any workpapers remaining in its possession if there is a specific business purpose for such a review. PM will evaluate each written request independently. The City of Pontiac acknowledges and agrees that PM will have no obligation to provide such access or to provide copies of PM's workpapers, without regard to whether access had been granted with respect to any prior requests.

6. **Fee Quotes** – In any circumstance where PM has provided estimated fees, fixed fees, or not-to-exceed fees ("Fee Quotes"), these Fee Quotes are based on responsibilities under the scope of services. This assistance includes availability and cooperation of those the City of Pontiac personnel relevant to PM's project activities and providing needed information to PM in a timely and orderly manner. In the event that undisclosed or unforeseeable facts regarding these matters causes the actual work required for this engagement to vary from PM's estimates, the estimated fees will be adjusted for the additional time PM incurs as a result.

In any circumstance where PM's work is rescheduled due to the City of Pontiac's failure to provide information necessary for the engagement, PM offers no guarantee, express or implied, that PM will be able to meet any previously established deadline related to the completion of the work. Because rescheduling work imposes additional costs on PM, in any circumstance where PM has provided estimated fees, those estimated fees may be adjusted for additional time PM incurs as a result of rescheduling its work. PM will endeavor to advise the City of Pontiac in the event any circumstances occur which would require PM's work to be rescheduled. However it is acknowledged that the exact impact on the Fee Quote may not be determinable until the conclusion of the engagement. Such fee adjustments will be determined in accordance with the Fee Adjustments provision of this agreement.

7. **Payment Terms** – PM's invoices for the services provided are due on the agreed-upon dates. In the event any of PM's invoices are not paid in accordance with the terms of this agreement, PM may elect, at PM's sole discretion, to suspend work until PM receives payment in full for all amounts due or terminate this engagement. In the event that work is suspended, for nonpayment or other reasons, and subsequently resumed, PM offers no guarantee, express or implied, that PM will be able to meet any previously established deadlines related to the completion of our consulting work. The City of Pontiac agrees that in the event PM stops work or terminates this Agreement as a result of the City of Pontiac's failure to pay fees on a timely basis for services rendered by PM as provided in this Agreement, or if PM terminates this Agreement for any other reason, PM shall not be liable for any damages that occur as a result of PM ceasing to render services.
8. **Fee Adjustments** – Any fee adjustments for reasons described elsewhere in this agreement will be determined based on the actual time expended by PM staff at PM's current hourly rates, plus all reasonable and necessary travel and out-of-pocket costs incurred, and included as an adjustment to PM's invoices related to this engagement. The City of Pontiac acknowledges and agrees that payment for all such fee adjustments will be made in accordance with the payment terms provided in this agreement.
9. **Termination of Engagement** – The City can terminate the contract only for cause with 60 days written notice. If the City is operating under the supervision of a Transition Advisory Board or other form of monitoring by the State of Michigan, contract termination if initiated by the City shall not be effective until such termination is confirmed by the Transition Advisory Board or State of Michigan.

Professional Services Agreement – Temporary Finance Assistance

10. **Hold Harmless and Indemnification** – As a condition of this engagement, The City of Pontiac agrees to hold PM, and all of its partners and staff, harmless against any losses, claims, damages, or liabilities, to which PM may become subject in connection with services performed in the engagement, unless a court having jurisdiction shall have determined in a final judgment that such loss, claim, damage, or liability resulted primarily from the willful misconduct or gross negligence of PM, or one of its partners or staff. This hold harmless includes the agreement to reimburse PM for any legal or other expenses incurred by PM, as incurred, in connection with investigating or defending any such losses, claims, damages, or liabilities. This provision shall survive any termination of this engagement.
11. **Conflicts of Interest** – PM's engagement acceptance procedures include a check as to whether any conflicts of interest exists that would prevent acceptance of this engagement. No such conflicts have been identified. The City of Pontiac understands and acknowledges that PM may be engaged to provide professional services, now or in the future, unrelated to this engagement to parties whose interests may not be consistent with the City of Pontiac. If PM becomes aware of any conflicts of interest during the course of the engagement, PM will immediately disclose that fact to the City of Pontiac upon discovery.
12. **Agreement Not to Influence** – The City of Pontiac and PM each agree that each respective organization and its employees will not endeavor to influence the other's employees to seek any employment or other contractual arrangement with it, during this engagement or for a period of one year after termination of the engagement. The City of Pontiac agrees that PM employees are not "contract for hire." PM may release the City of Pontiac from these restrictions if the City of Pontiac agrees to reimburse PM for its recruiting, training, and administrative investment in the applicable employee. In such event, the reimbursement amount shall be equal to two hundred hours of billings at the current hourly rate for the PM employee.
13. **Governing Law** – This agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

End of Professional Services Agreement – Temporary Finance Assistance Services

Additional Assistance -- Temporary Finance Assistance

**Additional Services
Addendum to Plante & Moran, PLLC Engagement Letter**

We are available to provide requested additional assistance for the City's budget and annual financial statements. The assistance for these fees is as follows:

Assistance with preparing the City's budget according to the GFOA Distinguished Budget Presentation Awards Program - \$25,000 annually

Assistance with preparing the City's financial statements according to the GFOA Certificate of Achievement for Excellence in Financial Reporting Program - \$5,000 annually

Approved,
Joseph M. Adante, M.P.A.
6/18/15

ITEM #8

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

No: None

Motion Carried

Public Comment

Six (6) individuals submitted a public comment read by the City Clerk

Special Presentation

Update: Department of Public Works (DPW) Plan for Increased Park Maintenance and Clean-up to accommodate summer usage.

Presentation Presenter: Dan Ringo, Interim DPW Director

Suspend the Rules

20-359 **Motion to Suspend the Rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

No: None

Motion Carried.

Resolution

City Council

20-360 **Resolution that request the Mayor to provide to the City Council, a list of all outstanding bills and or invoices that are ninety (90) days old or older, with explanations as to why payments have not been made to be included in the Thursday, August 6, 2020 Council Agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

WHEREAS, the City Council has been informed by the Parliamentarian, Eleanor Siewert that she has outstanding invoices that date back to the beginning of the New Year; and,

WHEREAS, Clark Hill PLC despite being told they were going to receive payment by the City Attorney Anthony Chubb, also has outstanding invoices that date back to October of 2019; and,

WHEREAS, the outstanding invoices for both the Parliamentarian and Clark Hill, total close to Sixty Thousand (\$60,000.00) Dollars; and,

WHEREAS, the Council passed a resolution on June 17, 2020 to engage the Bonadio Group, a certified public accounting firm to perform a forensic audit and agreed to submit a retainer of Ten Thousand (\$10,000.00) Dollars; and,

WHEREAS, despite the Council having allocated the necessary funds in last year's budget and in this current fiscal year's budget, the Executive has not paid any of Council's contractors; and,

WHEREAS, this creates some serious concern and raises several questions including, how many other contractors have not been paid? How many other bills are outstanding and is the Executive not paying bills in hopes of reflecting an inaccurate fund balance?

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council hereby requests that the Executive provide to the City Council, a list of all outstanding bills and or invoices that are ninety

(90) days old and older, with explanations as to why payments have not been made, all to be included in the Thursday, August 6, 2020 Council Agenda.

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

No: None

Resolution passed.

Suspend the Rules

20-361 **Motion to Suspend the Rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Shramski.

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

No: None

Motion Carried.

Resolution

City Council

20-362 **Resolution for Charles Harold Moody.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

WHEREAS, It is the sense of this legislative body to pay proper tribute to individuals of remarkable character and whose lives have been dedicated to uplifting, inspiring and empowering the community; and;
WHEREAS, it is feelings of the deepest regret that the Pontiac City Council mourns the passing of Charles Harold Moody, a giving and loyal member of this community; and,
WHEREAS, Charles Harold Moody was born on March 4, 1946 in Mobile, Alabama to the late George Moody and Minnie-Bell Allen Moody; and,
WHEREAS, Charles Harold Moody in his early years was reared in the Mobile, Alabama school system where he attended Josephine Allen Elementary School and Central High School, later attended Bishop State Community College in 1966 and earned a Bachelor's Degree in Education in 1968 from Alabama State University; and,
WHEREAS, Charles Harold Moody, a recipient of the prestigious Kellogg Foundation Scholarship and destined for success, moved to Michigan where he was awarded a Master's in Education Administration from Oakland University in Rochester Hills, Michigan in 1980; and,
WHEREAS, Charles Harold Moody had a unwavering passion for the sciences and mechanics which propelled him to become a Certified Driver Education Instructor at Wayne State University in 1987; and,
WHEREAS, Charles Harold Moody continued to excel in academics and in 1992, graduated from Michigan State University with a unique, honor and designation, a Master's + 30 in School Administration which symbolized the attainment of 30 hours of university credit beyond the first Master's Degree; and,
WHEREAS, Charles Harold Moody embarked on an extraordinary 40 year career as an educator in Pontiac, Michigan which started with his joining the Pontiac School District in 1968 where he taught at Bethune Elementary School and ended with his retirement as a Principal from Whitmer Human Resources Center in 2008; and,
WHEREAS, Charles Harold Moody was a phenomenal educator and trail blazer who had the privilege of serving as a Title 1 Administrator, a District Science Consultant, a Regional Coordinator for the Hands on

Pontiac City Council Resolution



18-476 **RESOLUTION for COMPENSATION for the PONTIAC CITY COUNCIL'S PROFESSIONAL PARLIAMENTARIAN ELEANOR A. SIEWERT.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, on December 4, 2018, the Pontiac City Council amended the 10th Council's Rules and Procedures that removed the City Attorney as parliamentarian and appointed a Professional Registered Parliamentarian with the National Association of Parliamentarians effective January 1, 2019; and,

WHEREAS, the Pontiac City Council appointed Eleanor A. Siewert as the Pontiac City Council's Parliamentarian; and,

WHEREAS, provision 3.115 of the Pontiac City Charter provides that the Council may, within appropriations provided in the budget, appoint staff or contract for services. Staff or persons engaged pursuant to contract serve at the pleasure of the Council; and

WHEREAS, the Pontiac City Council has money in the budget to hire additional staff or contract for services; and,

WHEREAS, Eleanor A. Siewert shall be paid on a per diem basis and compensated \$75.00/hour for attending Council meetings, \$150.00/hour for any training workshops, \$75.00/ hour for consultation regarding parliamentary procedure and preparation and \$50.00/hour for study of meeting materials; and,

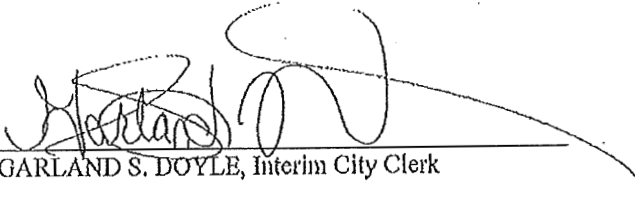
WHEREAS, the Pontiac City Council will not obtain worker's compensation on behalf of the Parliamentarian, withhold FICA or make FICA payments, make state or federal unemployment compensation contributions nor is Eleanor A. Siewert eligible to participate in any employee pension, health, vacation pay, sick pay or other fringe benefit plan of the City of Pontiac; and,

WHEREAS, Eleanor A. Siewert shall submit an invoice for services rendered on the first Monday of every month.

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council upon receipt of invoices received, hereby authorizes payments to be made to Eleanor A. Siewert for Professional Parliamentarian services rendered to the Pontiac City Council.

Ayes: Waterman, Williams, Carter, Miller and Taylor-Burks
No: Pietila
Resolution Passed.

I, Garland S. Doyle, Interim Clerk of the City of Pontiac, hereby certify that the above Resolution is a true and accurate copy of the Resolution passed by the City Council of the City of Pontiac on December 11, 2018.


GARLAND S. DOYLE, Interim City Clerk

Dated: January 8, 2019



CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR

This Contract is made between the City of Pontiac (hereinafter "City"), whose address is 47450 Woodward Avenue, Pontiac, Michigan, and Eleanor A. Siewert, (hereinafter "Contractor"), whose address is 576 Abbey, Birmingham, MI 48009; collectively the "Parties".

Contractor agrees to provide services to City under the terms and conditions set forth in this Contract. In consideration of the mutual promises set forth herein, it is agreed by and between City and Contractor as follows:

SECTION 1 DUTIES AND RESPONSIBILITIES

The parties agree that the Contractor shall be employed in the capacity of Parliamentarian for the City Council meetings of the City of Pontiac and shall attend the meetings, provide an oral or written response to requests and questions posed by the President or other Councilmembers, shall assist in preparation for City Council meetings regarding procedural issues, shall conduct training sessions as requested, and shall coordinate with other consultants as requested.

SECTION 2 TERM OF CONTRACT

This contract had been authorized by a City Council Resolution passed on December 4, 2019. The term of this Contract shall continue until written notice of termination is provided by either party.

SECTION 3 COMPENSATION

Hourly Fee

The City agrees to pay Contractor according to the following fee schedule:

- | | | |
|----|---|--------------|
| a. | Attendance at meetings of the City Council: | \$75.00/hr. |
| b. | Training workshops: | \$150.00/hr. |

- c. Consultation regarding parliamentary procedure: \$75.00/hr.
- d. Preparation and study of meeting materials: \$50.00/hr.

Invoicing

Contractor shall submit billings to the City, in a format approved by the City, no more frequently than monthly.

SECTION 4 NON-DISCLOSURE OF INFORMATION

Contractor agrees that all Attorney-Client Communications are privileged and shall not be disclosed by Contractor, unless ordered to do so by law.

SECTION 5 RELATIONSHIP OF PARTIES

The parties agree that an independent contractor relationship is created by this contract. The City of Pontiac is interested only in the results to be achieved, and the conduct and control of the work will lie solely with Contractor. Contractor understands that the City does not agree to use Contractor exclusively, and the City understands that Contractor is free to contract for similar services to be performed for other entities while under contract with the City of Pontiac. Contractor agrees that it will perform all the work described in this Agreement and will not use subcontractors or employees to perform the work.

SECTION 6 INDEMNIFICATION

The Contractor shall defend, indemnify, hold harmless and insure the City from any and all potential damages, expenses or liabilities including attorneys' fees, which may result from or arise out of any negligence or misconduct on the part of the Contractor, or from any breach or default of this Agreement which may be caused or occasioned by the acts of the Contractor.

SECTION 7
ENTIRE AGREEMENT

This Contract contains the entire agreement of the Parties with respect to the matters provided for herein, and no change, modification or waiver of any provision will be valid unless in writing and signed by the parties. This Contract supersedes and annuls any and all former agreements, contracts, promises or representations, whether oral or written, express or implied, between the City and Contractor, except as specifically provided for in this Contract.

IN WITNESS WHEREOF, the parties have executed this Contract and caused it to be in full force and effect.

CONTRACTOR:

CITY OF PONTIAC:

Eleanor Siewert
Eleanor Siewert

BY: Deirdre Waterman
ITS: Mayor

Date: 5/6/20

Date:

ITEM #9

August 11, 2020 Approved Minutes

Ayes: Pietila and Waterman
No: Carter, Miller, Shramski and Williams
Resolution Failed.

Communications from the Mayor

20-377 **Received item 5 William's International Development Agreement - Student Scholarships and item 6 Update: CARES Act.** Moved by Councilperson Waterman and second by Councilperson Miller.

Ayes: Miller, Pietila, Shramski, Waterman, Williams and Carter
No: None

Suspend the Rules

20-378 **Motion to Suspend the Rules to vote on item 7 & 8.** Moved by Councilperson Pietila and second by Councilperson Shramski.

Ayes: Pietila, Shramski, Waterman, Williams, Carter and Miller
No: None
Motion Carried.

Resolutions

20-379 **Resolution for Census.** Moved by Councilperson Shramski and second by Councilperson Pietila.

WHEREAS, during the Council meeting on Thursday, August 6, 2020, the Mayor indicated that there will be a series of four (4) outdoor concerts every Friday for the month of August, promoting census registration with the first being held on Friday, August 7, 2020 in the parking lot of Pontiac City Hall; and, WHEREAS, the Council as well as the residents of the City of Pontiac need to be apprised as to the number of registrants, the monetary sources and the expenditures.
NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council requests that the Mayor provide a written weekly census update, to be submitted to the Interim Clerk and included in Council's Agenda. The first census report shall be included in the Tuesday, August 18, 2020 Council Agenda. All census reports are to include; the number of patrons that attended the event, the number of citizens that registered for the census during the event, the total amount of dollars expended for each census event, the amount of any and all overtime paid to City employees, and a breakdown of all funding sources including sponsors, reflecting the monetary allocation of each.

Ayes: Shramski, Waterman, Williams, Carter, Miller and Pietila
No: None
Resolution Passed.

20-380 **Resolution for Cleaning.** Moved by Councilperson Shramski and second by Councilperson Carter.

WHEREAS, during the Council meeting on Thursday, August 6, 2020, the Mayor indicated that there will be a series of four (4) outdoor concerts every Friday for the month of August, promoting census registration with the first being held on Friday, August 7, 2020 in the parking lot of Pontiac City Hall; and,

WHEREAS, it was discovered that the concert event on August 7, 2020 did not have portable restrooms and if needed, the patrons were directed to use the restroom facilities inside City Hall; and,

WHEREAS, in light of COVID-19, this was not and is not safe and increases the possible spread of the virus; and,

WHEREAS, on April 14, 2020, the Pontiac City Council was presented with an emergency resolution (an Agenda Ad-on) to engage RNA RM, Elite Cleaning Team LLC and Restoration 1, and to *Immediately Authorize the Mayor to Deep Clean and Sanitize All City Buildings at a Cost Not to Exceed \$15,000.00* and,

WHEREAS, Council passed the emergency motion overwhelmingly with six ayes and no nays; and,

WHEREAS, the resolution stressed, that in an effort to mitigate the spread of COVID-19, Mayor Waterman directed that all City facilities be deep cleaned, disinfected and sanitized; and,

WHEREAS, the following City owned facilities were to be professionally cleaned, disinfected and sanitized: 50th District Court, Ruth Peterson Senior Center, Bowens Senior Center, Pontiac Youth Recreation and Enrichment Center (PYREC) and City Hall offices; and,

WHEREAS, since the re-opening of City Hall on July 1, 2020, there has been an influx of traffic in all of the City buildings with the exception of the Pontiac Youth Recreation and Enrichment Center (PYREC); and,

WHEREAS, the Council chambers and the Council's conference room have been used by other groups, there was voting traffic in several City buildings and again, the restrooms in City Hall were available for public use during the concert last Friday.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council in an attempt to reduce the spread of the COVID-19, authorizes the Mayor to contract with Restoration 1 in an amount not to exceed \$15,000.00 for the cleaning, sanitizing and disinfecting of City Hall, 50th District Court and Ruth Peterson Senior Center and Bowens Senior Center.

BE IT FURTHER RESOLVED that if future concerts or events are held at City Hall within the next three (3) weeks and or anytime during the pandemic, City Hall is to be closed to the public and portable restrooms are to be provided for public use.

Ayes: Waterman, Williams, Carter, Miller and Shramski

No: Pietila

Resolution Passed.

Adjournment

Council President Kermit Williams adjourned the meeting at 7:07 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK

Financial Summary

Funding Source	Total Budget	YTD Expenditures	Combined Total Budgets	Combined Amounts Spent	Total Expenditures	Projected Expenditures	Remaining Amount	Combined Remaining Amounts
Community Foundation Grant	\$ 65,000.00	\$ 15,410.53	\$ 110,000.00	\$ 21,374.65	\$ 88,625.35	\$ 2,647.11	\$ 46,942.36	\$ 82,982.20
Michigan Municipal League Grant	\$ 25,000.00	\$ 4,441.50				\$ 1,981.56	\$ 18,068.96	
City of Pontiac	\$ 20,000.00	\$ 1,522.62				\$ 506.50	\$ 17,970.88	

Community Foundation of Southeast Michigan Grant Budget to Actual

Line Item	Budgeted Amount	YTD Expenditures	Projected Expenditures	Remaining Amount
Salary and Benefits	\$ 33,600.00	\$ 3,975.75	\$ 480.00	\$ 29,144.25
Consultant and Professional Fees	\$ 3,000.00	\$ 2,250.00	\$ 750.00	\$ -
Travel	\$ 500.00	\$ -	\$ -	\$ 500.00
Equipment	\$ 4,000.00	\$ 3,522.64	\$ -	\$ 477.36
Program supplies	\$ -	\$ -	\$ -	\$ -
Printing and copying	\$ 4,742.00	\$ 2,026.65	\$ 1,259.56	\$ 1,455.79
Postage and delivery	\$ 8,500.00	\$ 1,180.39	\$ -	\$ 7,319.61
Advertising	\$ 1,500.00	\$ 20.16	\$ 157.55	\$ 1,322.29
Events	\$ 3,958.00	\$ 2,434.94	\$ -	\$ 1,523.06
Fiduciary Fee	\$ 5,200.00	\$ -	\$ -	\$ 5,200.00
Totals	\$ 65,000.00	\$ 15,410.53	\$ 2,647.11	\$ 46,942.36

Michigan Municipal League Grant Budget to Actual

Line Item	Budgeted Amount	YTD Expenditures	Projected Expenditures	Remaining Amount
Equipment	\$ 3,736.00	\$ 2,482.96	\$ -	\$ 1,253.04
Census Advertising	\$ 2,500.00	\$ 1,358.67	\$ -	\$ 1,141.33
Census Day Events	\$ 5,500.00	\$ -	\$ -	\$ 5,500.00
Other Census Events	\$ 6,064.00	\$ 614.85	\$ 1,165.56	\$ 4,283.59
Salaries	\$ 7,200.00	\$ 493.00	\$ 816.00	\$ 5,891.00
Total	\$ 25,000.00	\$ 4,441.50	\$ 1,981.56	\$ 18,068.96

City of Pontiac Budget to Actual

Line Item	Budgeted Amount	YTD Expenditures	Projected Expenditures	Remaining Amount
Salary and Benefits	\$ -	\$ -	\$ -	\$ -
Consultant and Professional Fees	\$ -	\$ -	\$ -	\$ -
Travel	\$ -	\$ -	\$ -	\$ -
Equipment	\$ 2,000.00	\$ -	\$ -	\$ 2,000.00
Program supplies	\$ 14,000.00	\$ 1,522.62	\$ 506.50	\$ 11,970.88
Printing and copying	\$ -	\$ -	\$ -	\$ -
Postage and delivery	\$ 2,000.00	\$ -	\$ -	\$ 2,000.00
Advertising	\$ 2,000.00	\$ -	\$ -	\$ 2,000.00
Events	\$ -	\$ -	\$ -	\$ -
Fiduciary Fee	\$ -	\$ -	\$ -	\$ -
Totals	\$ 20,000.00	\$ 1,522.62	\$ 506.50	\$ 17,970.88



Pontiac Response Rates

as of 08/11/2020

<u>Census Tract Number</u>	<u>Current Response Rate</u>	<u>Internet Response Rate</u>	<u>2010 Response Rate</u>	<u>2020 Response Rate vs. 2010</u>
1409	63.3%	52.9%	61.4%	1.9%
1410.01	65.9%	56.1%	67.7%	-1.8%
1410.02	57.7%	47.0%	55.6%	2.1%
1411	60.1%	49.0%	62.9%	-2.8%
1412	58.7%	29.4%	56.6%	2.1%
1413	65.8%	31.9%	64.7%	1.1%
1414	56.6%	46.5%	58.0%	-1.4%
1415	61.7%	31.6%	66.0%	-4.3%
1416	56.8%	31.3%	56.8%	0.0%
1417	48.2%	26.1%	52.8%	-4.6%
1420	52.7%	28.4%	51.7%	1.0%
1421	45.8%	24.2%	44.0%	1.8%
1422	56.9%	27.3%	60.2%	-3.3%
1423	63.3%	28.6%	66.3%	-3.0%
1424	56.1%	28.7%	59.4%	-3.3%
1425	68.9%	32.9%	72.1%	-3.2%
1426	66.9%	57.3%	67.9%	-1.0%
1427	63.3%	30.0%	60.0%	3.3%

<u>Event</u>	<u>Date</u>	<u>Census Sign Ups</u>
All Saints COVID Testing Event	17-Jul	5
St Damien Event	19-Jul	0
Pontiac Universal Crime	25-Jul	2
07/25 Census Rally 10-12	25-Jul	10
07/25 Census Rally 2-4	25-Jul	20
08/01 Census Rally 10-1	1-Aug	8
08/01 Census Rally 2-4	1-Aug	5
Census Virtual Concert	2-Aug	5,900 Facebook Views
08/07 Census Concert	7-Aug	2
Pastor Tolbert's Census Event	7-Aug	17
08/08 Census Rally 10-12	8-Aug	7
08/08 Census Rally 2-4	8-Aug	15
Debra Ehrmann's Carnival Event	8-Aug	32

#11

RESOLUTION



**EXECUTIVE OFFICE
CITY OF PONTIAC**

47450 Woodward Ave | PONTIAC, MICHIGAN 48342-5009

Mayor Deirdre Waterman

TO: HONORABLE COUNCIL PRESIDENT WILLIAMS AND CITY COUNCIL MEMBERS

FROM: MAYOR DEIRDRE WATERMAN

DATE: JULY 23, 2020

CC: JANE BAIS DISESSA, DEPUTY MAYOR; ANTHONY CHUBB, CITY ATTORNEY; DAN RINGO, DPW DIRECTOR; JOHN BALINT, CITY ENGINEER, HRC; AND IRWIN WILLIAMS, INTERIM FINANCE DIRECTOR.

SUBJECT: RESOLUTION TO SUPPORT LETTER OF APOLOGY TO DETROIT REGIONAL CONVENTION PARKING AUTHORITY.

In early March 2020, the Executive Office presented the City Council with a unique proposal from the Detroit Regional Convention Parking Authority to help us operate and maintain the parking deck of the Phoenix Center.

Unlike past contracts, their proposal sought to promote and generate new excitement for the Phoenix Center and our downtown businesses. A partnership with the Detroit Regional Convention Parking Authority would have saved the City a total of \$96,720.00 annually in operational expenditures. Additionally, any profit derived from the operation of the parking lot would have been split 50/50 with the City. As parking professionals, they were anticipating a profit of \$290,000.00 annually, which if realized, would have ultimately provided the City with a revenue of \$124,000.00 annually.

In an effort to further strengthen the City's relationship with the business community, I respectfully invite the City Council to join me by signing the attached letter of apology to the Detroit Regional Convention Parking Authority.

The following resolution is presented for your consideration:

Whereas, the City of Pontiac embraces a positive business environment that encourages new businesses to build in our community; and

Whereas, the City of Pontiac is committed to professional integrity and sound business relationships; and

Whereas, the City of Pontiac understands the importance of building good partnerships with the business community.

Now therefore, the City Council joins the Mayor of Pontiac by supporting the attached letter of apology to the Detroit Regional Convention Parking Authority.

Attachment

July 28, 2020

Mr. Patrick S. Bero
C.E.O/C.F.O.
Detroit Regional Convention Facility Authority
One Washington Blvd.
Detroit, MI 48226

Dear Mr. Bero:

It is with great regret that we received the news that the Detroit Regional Convention Facility Authority was standing down in the offer to operate and maintain the Phoenix Center Parking Structure in Pontiac. Without a doubt, we see this as a result of the City Council Meeting that was attended via Zoom on Tuesday, March 24th.

The manner in which the Pontiac City Council treated you and your attorney Ebony Duff was appalling. This is not how the City of Pontiac wants to conduct business. The Mayor's office and the executive staff, specifically the Department of Public Works, was extremely excited to be working with the caliber of employees and managers your organization brings. We were also excited about bringing the Phoenix Center back to an asset vs. a liability for the City.

We would like to thank you and your staff for your interest in this project and well as for the time spent to date investigating and preparing work plans and contracts. If there is any way to resurrect this opportunity, the City Administration would like to push forward and work to get the agreement approved by our City Council. I may be reached directly at (248) 758-3181.

Sincerely,

Mayor Deirdre Waterman
City of Pontiac

CC: Dan Ringo, Interim Director DPW
John Balint, Special DPW Consultant

#12

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Mayor Deirdre Waterman

DATE: August 20, 2020

RE: Medical Marijuana Update and Resolution to adopt the Pontiac Medical Marijuana Commission Rules and Regulations

Attached to this memorandum is a timeline showing the status an effort as to where the medical marihuana process started and now stands.

The administration has diligently completed all requests of the interim clerk, including all statements of confidentiality, conflict of interest and review standards. The legal issues regarding the Glenwood conditional rezoning have been resolved, as have all other legal questions raised by the City Attorney.

The Mayor has identified all members of the Medical Marihuana Commission and the proposed rules attached hereto have been approved by the City Attorney.

RESOLUTION ON FOLLOWING PAGE



CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO ADOPT THE PONTIAC MEDICAL MARIHUANA COMMISSION RULES AND REGULATIONS .

AT A REGULAR meeting of the Pontiac City Council of the City of Pontiac, Michigan, held at Pontiac City Hall on _____, 2020, the following resolution was offered by _____ and supported by _____.

WHEREAS, The City of Pontiac passed a referendum authorizing medical marihuana uses within the City, and that referendum set forth an application process that requires a Commission to be appointed by the Mayor to act as an appellate board following the review and action of the Clerk's office upon the submitted applications; and

WHEREAS, the Mayor of Pontiac has appointed the appropriate number of members and alternates to the Commission and the Commission now requires rules and regulations to guide its standing and operation.

NOW THEREFORE, BE IT RESOLVED that the City of Pontiac does hereby adopt the Pontiac Medical Marihuana Commission Rules and Regulations as set forth on the attached Exhibit 1 to this Resolution.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this ____ day of _____, 2020.

AYES: _____

NAYS: _____

I, Garland Doyle, Interim Clerk of the City of Pontiac, hereby certify that the above Resolution is a true copy and accurate copy of the Resolution passed by the City Council of the City of Pontiac on _____, 2020.

GARLAND DOYLE, City Clerk

Dated: _____, 2020

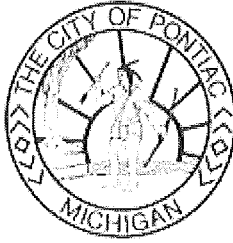


EXHIBIT 1

Pontiac Medical Marihuana Commission Rules and Regulations

All meetings of the Medical Marihuana Commission ("Commission") will be held in compliance with all applicable statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules and regulations.

Commission Membership Requirements

Members of the Commission shall be residents of the City of Pontiac and shall serve without pay.

Commission Powers and Duties

The Commission shall review and decide all appeals that are forwarded to it by the City Clerk pursuant to Ordinance 2357(B). The Commission shall review all appeals de novo. The Commission may overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Meeting Schedule

The Committee shall post a meeting notice in a manner consistent with applicable law subsequent to receiving an appeal forwarded to it by the City Clerk pursuant to City Ordinance 2357(B). Due to the timing irregularity of the receipt of appeals, the Commission may not schedule Regular Meetings as set forth in the Michigan Open Meetings Act, Michigan Public Act 267 of 1976, at MCL 15.265. If the Commission does adopt a regular meeting schedule, it shall be posted in a manner consistent with MCL 15.265.

Minutes of meetings

Minutes of all meetings of the Commission shall be kept in a manner consistent with applicable law. A copy of the minutes of meetings shall be available for public inspection at the City Clerk's Office during regular business hours.

Conduct of meetings

All meetings of the Commission shall be open to the public except as permitted by applicable law. All open meetings shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

Commission meeting agenda

Meeting agendas will be as follows

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Amendments to and approve of the agenda
5. Approval of the Minutes (As needed)
6. Agenda Items
7. Public Comment (3 Minute Limit)
8. Adjournment

Quorum

A majority of the Commission shall constitute a quorum for the review of appeals.

Chairperson and Vice Chairperson

At its first meeting, the Commission shall select, by majority vote, a Chairperson and Vice Chairperson.

Presiding Officer

The Presiding Officer shall be responsible for enforcing these Rules and Regulations and for enforcing orderly conduct at meetings. The Chairperson shall be the Presiding Officer. If the Chairperson is absent, the Vice Chairperson shall act as the Presiding Officer. In the event of a resignation or other permanent absence of the Chairperson or Vice Chairperson position, it shall be filled by nomination and majority vote of the Commission members serving.

Disorderly conduct

The Presiding Officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the Presiding Officer determines the person is in order.

Closed sessions

Closed sessions may be held only for the reasons consistent with applicable law, as determined by the City Attorney.

Calling closed sessions

The Commission by a two-thirds roll call vote may call a closed session subject to the conditions herein. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

Minutes of closed meetings

A separate set of minutes shall be taken at the closed session. These minutes will be retained by the City Clerk and shall not be available to the public.

Discussion and voting

Rules of parliamentary procedure

The rules of parliamentary practice, as contained in the 11th edition of Robert's Rules of Order, shall govern the council in all cases to which they are applicable, provided they are not in conflict with these rules, city ordinances or applicable state statutes. The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members. If a point of order is given it should not exceed two (2) minutes.

Conduct of discussion

During the council discussion and debate, no member shall speak until recognized for that purpose by the Presiding Officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

Public comment

Each meeting agenda shall provide reserved time for public comment participation. During public comment, each individual shall be limited to three (3) minutes, and shall not engage in conduct or language that disrupts, makes fun of, or otherwise impedes the orderly conduct of the meeting. In addition, members of the audience shall not engage in disorderly or boisterous activity including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language, cheering, whistling, or any other acts that disturb, disrupt, or impede, or otherwise interfere with the orderly conduct of the meeting.

Suspension of rules

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that council actions shall conform to applicable law.

#13

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: City Council President and City Council Members

FROM: Mayor Dierdre Waterman

DATE: August 19, 2020

RE: **Proclamation: PONTIAC'S OUTDOOR DINING PROGRAM**

As restaurants in Pontiac continue to work towards re-opening, finding staff, and restoring their customer base, it is important to support those efforts by working within the limits of the various executive orders and finding ways to help those establishments by expanding their capacity and seating through using outdoor spaces.

In accord with my authority under our charter I have issued the attached Executive Order which implements a program where restaurants may obtain administrative approval of outdoor dining options to expand their capacity, meet customer's needs, and enhance their potential volume of customers.

The process includes the submission of basic site drawings outlining where the new seating is, how they will keep social distancing guidelines, and how the seating will comply with fire codes and other building standards. This program is available for all restaurants and eateries that are currently licensed and registered in the City of Pontiac.

As such, it is respectfully requested that the City Council join me in supporting the attached proclamation for the City's outdoor dining season.

Attachment

#14

RESOLUTION



CITY OF PONTIAC
Department of Building Safety & Planning
PLANNING DIVISION

47450 Woodward Ave • PONTIAC, MICHIGAN 48342

TELEPHONE: (248) 758-2800

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 20-02 ZONING MAP AMENDMENT WITH CONIDITIONS
VINCENT SERIO
645 S. TELEGRAPH | PIN 64-14- 31-381-027
C-1 LOCAL BUSINESS TO M-1 LIGHT MANUFACTURING
PROPOSED MEDICAL MARIHUANA FACILITIES

DATE: AUGUST 14, 2020

The City of Pontiac is in receipt of application ZMA 20-02 for a Zoning Map Amendment with Conditions. of parcel 64-14-31-381-027. The site has access to S. Telegraph Road and Golf Drive. At the August 5, 2020 meeting the Planning Commission recommended to City Council the denial of this Zoning Map Amendment with Conditions.

Vincent Serio, the Applicant proposes a Conditional Rezoning from C-1 Local Business to M-1 Light Manufacturing. According to the application, the Applicant proposes to redevelop the parcel into a Medical Marihuana Grower and Processor facility, a cell phone warehouse, and a medical marihuana provisioning center. A Medical Marihuana Grower, Processor or a Provisioning Center is not allowed in M-1 zoning district outside the three Medical Marihuana Overlay Districts.

If the rezoning with conditions are approved, the Applicant is required to obtain an approved Medical Marihuana permit for each Medical Marihuana facility from the City and state of Michigan. Complete a site plan per Section 6.204 to obtain a preliminary and final site plan review from the Planning Commission. Since this parcel is located outside the Medical Marihuana Overly Districts, the Applicant will also need to obtain a Special Exception Permit approval from the Planning Commission.

Conditional Rezoning Agreement

The Applicant has volunteered conditions as part of their Conditional Rezoning Agreement [see attachment] that will restrict the uses developed on the subject site and we determined that the Conditional Rezoning Agreement to be consistent with Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, specifically Section 405. As conditions to this rezoning:

- Will revert back to the current zoning district if a properly licensed cannabis facility is not operating and not open to the public within three years from the date of the Pontiac City Council approval of the Zoning Map Amendment with Conditions.
- The Landlord may operate a Medical Marihuana Grower and Processor license at this site under the M-1 zoning District. If the landlord is awarded a Medical Marihuana Provisioning Center license for this site that use as C-1 zoning shall be allowed to operate on the site;
- Further as a condition of this rezoning the landlord shall commit to installing new outdoor workout equipment and update areas of Rotary Park for a total not to exceed \$70,000;
- The landlord to establish a maintenance fund to help with upkeep of the equipment and of Rotary Park with \$50,000 initial payment, and;
- Install new sidewalks on S. Telegraph Road and Golf Drive at a cost not to exceed \$30,000.

The Pontiac City Council must evaluate the request with these conditions in mind. It is important to note that the City cannot request or suggest modifications to these conditions. Per the Michigan Zoning Enabling Act, such conditions must be made voluntarily of the Applicant.

In accordance with Section 6.807 of the City Zoning Ordinance, the request for Zoning Map Amendment with Conditions requires a technical review, Public Hearing and recommendation by the Planning Commission, and final decision by City Council.

Existing Development Pattern

The subject site, is a single parcel with two vacant buildings with paved parking areas. To the east contains another vacant building. West are commercial and service uses along Orchard Lake Road. North of the site is an established urban residential neighborhood. The subject site has an approximate depth of 100 ft. from residential properties. To the south are business services along the S. Telegraph Road corridor.

Existing Zoning Pattern

The subject site and abutting properties to the east and west are C-1 Local Business zoning district. Properties to the north, adjacent to the subject site are R-1 One Family Dwelling zoning district. To the south is C-3 Corridor Commercial zoning district.

Master Plan

The subject site and to the east, south and west is designated as Offices/Hospital/Health Care Future Land Use. This is a key area and part of the New Economy to provide expansion projects offered by each hospital in the City and encourage additional health care and office use and redevelopment to create a

health care hub in Pontiac providing both community health care and job training for health care workers. It is clear that cannabis manufacturing and processing does not achieve the objectives of the Master Plan. The only Master Plan objective achieved is eliminating an underutilized, blighted parcel and condemned buildings.

Rezoning Criteria

The Pontiac City Council should consider any of the following criteria [found in Section 6.804] that apply to the rezoning with conditions application in making findings, recommendations, and a decision to amend the Official Zoning Map.

Additionally, the section also stipulates that the Pontiac City Council may also consider other factors or considerations that are applicable to the application, but are not listed among the ten criteria. To assist the Pontiac City Council in its evaluation of these and other criteria, we offer the following findings of fact for your consideration. 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.*

As described in the Master Plan, this proposed development project is not consistent with the goals, policies, and objectives of the City's Master Plan.

2. *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*

Since the early 1960's the site has been developed and it's geological, hydrological, and other environmental features have been lost.

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 Applicant did provide evidence that they could develop the property with medical offices and an event center when the applicant Site Plan approval [SPR 18-37] by the Planning Commission in November 2018.

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.*

Planned development in M-1 Light Manufacturing District with CR Conditional Rezoning limits select manufacturing uses and would not be compatible with the business services and offices in this section of the S. Telegraph Road corridor and impact development patterns, land suitability, aesthetics and possible decrease in 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.*

Existing City utilities and services capacity would be sufficient for the proposed use.

6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*

The proposed development would impact Golf Drive and the Orchard Lake Road/S. Telegraph Road intersection to handle potential frequent delivery and truck 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 with conditions is not reasonable in relationship to nearby residential neighborhoods and does not meet the intent and regulations in the M-1 zoning district.

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.*

The Conditional Rezoning request is not appropriate from the City's perspective and the existing C-1 Local business zoning district should remain.

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 existing C-1 Local Business zoning district to permit a limited range of light manufacturing uses.

10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*

This Conditional Rezoning application would create an incompatible M-1 zoning district within the S. Telegraph Road development corridor, south of Orchard Lake Road.

ZMA 20-02 – Zoning Map Amendment with Conditions
Parcel: 64-14-31-381-027

Resolution

Whereas, The City has received an application for a Zoning Map Amendment with Conditions for 645 S. Telegraph, identified as PIN 64-14-31-381-027 from Vincent Serio 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 does not conform 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 does not comply 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 5, 2020, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council to deny the Zoning Map Amendment with Conditions request for 645 S. Telegraph Road from C-1 Local Business zoning district to M-1 Light Manufacturing zoning district with Conditions; and

Now Therefore, Be It Resolved, That the City Council for the City of Pontiac deny the Zoning Map Amendment with Conditions (ZMA 20-02) request for 645 S. Telegraph Road, also known as Parcel No. 64-14-31-381-027 to amend the current site zoning from C-1 Local Business to M-1 light manufacturing zoning district with Conditions.



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: 645 S. Telegraph Rd., Pontiac, MI 48341

Sidwell Number: 14-31-381-027

Date: 3-4-2020

Office Use Only

PF Number: 2MM 20-02

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	Vincent Serio		
Address	33049 Shelley Lynne Dr.		
City	Sterling Heights		
State	MI		
ZIP Code	48312		
Telephone	Main: (248) 321-8500	Cell: N/A	Fax: N/A
E-Mail	vserio@aol.com		

Project and Property Information

Name of Proposed Development: Get Your Greens, LLC

The subject property is location at 645 S. Telegraph Rd. on the N / S / E / W side of N. side of S. Telegraph Rd. between Orchard Lake Road and Canterbury Road.

The property is zoned: C-1

Proposed Zoning District: M-1 or M-2

It is proposed that the property will be used as: (1) Vertically integrated medical marijuana facility
(2) Bring the owner's cell phone business into the Pontiac area

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

Please see below legal description:

Sidwell number: 14-31-381-027 - South - Easterly 1/2 of Lot 63 & all of lots 64 through 88 inclusive of "Judson Bradway's Washington Park" a subdivision being part of the south 1/2 of Section 31, town 3 north, range 10 east, city of Pontiac, Oakland County, Michigan, as recorded in liber 44 of plats, page 39 Oakland County Records.

Property Owner Information

Name	Serio Properties Pontiac, LLC		
Address	3441 Commerce Rd.		
City	Fraser		
State	MI		
ZIP Code	48026		
Telephone	Main: (248) 321-8500	Cell: N/A	Fax: N/A
E-Mail	vserio@aol.com		

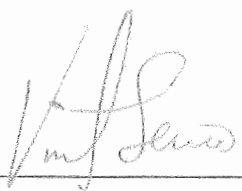
Are you the ☒ Owner _____ Agent/rep. of the owner _____ Other _____

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

Rezone the entire building and the building that connects (same address) to M1. If we are awarded a provisioning license, we will vertically integrate a grow and processor within the same building. I would like to do the provisioning center in the front of the building and move my wholesale cellphone company into another section of the building. The processor will be located in the office areas of the church building; the grow will be located in the building (old school) that is connected.

Sate 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.

As part of our community commitment to the City of Pontiac, we intend to maintain the surrounding sidewalks. The buildings on the site are vacant and boarded up - we intend to bring these buildings up to City and State codes. Since the building is a gateway parcel to the City, we look forward to restoring its former glory with a 21st century twist. Please see additional benefits to the city attached.



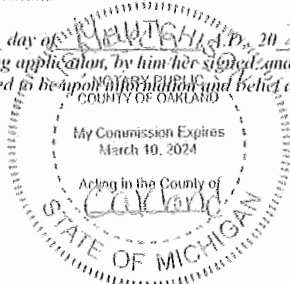
Signature of Owner

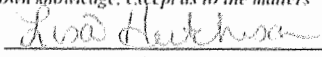


Signature of Applicant

State of Michigan
County of Oakland

On this 4 day of February, 2020, 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: 3-10-2024

CONDITIONAL REZONING AGREEMENT

As a condition to this rezoning parcel id 14-31-381-027, commonly known as 645 S Telegraph, Pontiac will revert back to the current zoning district if a properly licensed cannabis facility is not operating and not open to the public within three years from the date of the Pontiac City Council approval of the Zoning Map Amendment.

Further as a condition of this rezoning the landlord shall commit to installing new outdoor workout equipment and update existing areas of Rotary Park for a total not to exceed seventy thousand dollars (\$70,000.00). Another condition of the rezoning will be that the landlord establish a maintenance fund to help with the upkeep of the equipment and of Rotary Park. The maintenance fund will be capitalized with a fifty thousand dollars (\$50,000.00) initial payment. The landlord will also commit as a condition to this rezoning to install new sidewalks on Telegraph and Golfview Drive at a cost not to exceed thirty thousand (\$30,000.00).

As part of this conditional rezoning the landlord may operate a medical marihuana grower and processor license at this site under the M-1 zoning district. If the landlord is awarded a provisioning center license for this site that use as C-1 zoning shall be allowed to operate on this site.

Signed:

Date:

Vincent Serio

3-11-2020

Vincent Serio

Get Your Greens Request for Zoning Amendment (Attachment)

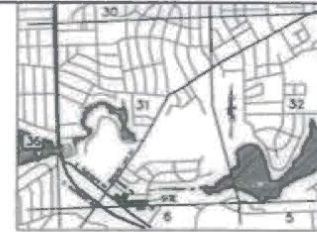
Get Your Greens, LLC intends to be a premier facility in the City of Pontiac. We are committed to becoming an asset to the city through our donation programs and our desire to have our company participate in numerous volunteer opportunities. Beyond the philanthropic and on-site capital improvements, we intend to commit additional funds to update Rotary Park, with brand new outdoor workout equipment and by setting up a maintenance fund for up to ten (10) years. We envision the workout area to have several pieces of high-quality equipment set up in a 50 x 50 mulched area. According to our research we feel that a one-time donation of approximately \$70,000.00 would be suitable for a park similar to the one in the attached photos. We will then set up a maintenance fund to be used by parks and rec of approximately \$50,000.00 for the upkeep of the park over the next 10 years.

In addition to the Rotary Park improvements, Get Your Greens, is committed to updating or installing sidewalks surrounding our building on Telegraph and Golfview Drive at a cost of approximately \$30,000.

As a strong supporter in the community of Pontiac, we believe that site beautification and community involvement will benefit the City of Pontiac and will assure the success of our company.

SITE PLAN
for
**GROWER FACILITY -PROCESSOR
FACILITY - CELL PHONE WAREHOUSE -
PROVISIONING CENTER AND
MEDICAL OFFICE FACILITY
PARKING LOT RECONSTRUCTION**

**645 SOUTH TELEGRAPH ROAD & PARCELS 14-31-381-027 &
14-31-381-009,
CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN**



LOCATION MAP
NOT TO SCALE



SITE MAP
SCALE: 1"=100'

GENERAL NOTES:

1. ALL BORROWING AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF CITY OF LOCAL, STATE, AND/OR FEDERAL GOVERNMENT REQUIREMENTS.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND/OR OBTAIN ANY INFORMATION NECESSARY REGARDING THE PRESENCE OF UNDERGROUND UTILITIES WHICH MIGHT AFFECT THIS JOB.
3. TITLE WORK WAS NOT PROVIDED. CHAINING CASINOITS, IF ANY, HAVE NOT BEEN SHOWN.
4. A WELAND AND TREE SURVEY WERE NOT PROVIDED.
5. ALL WORK SHALL CONFORM TO THE CITY OF PONTIAC CURRENT STANDARDS AND SPECIFICATIONS.
6. WATER AND SANITARY SEWER IN THE CITY OF PONTIAC ARE OWNED AND OPERATED BY OAKLAND COUNTY WATER RESOURCES COMMISSIONER'S OFFICE.
7. THE STORM SEWER LOCATED IN GOLF DRIVE IS OWNED AND OPERATED BY OAKLAND COUNTY WATER RESOURCES COMMISSIONER'S OFFICE.

LEGAL DESCRIPTION:

PARCEL NO. 14-31-458-010

LOTS 88 THROUGH 98 BOTH INCLUSIVE OF "ADAMSON BRADSHAW'S WASHINGTON PARK" A SUBDIVISION BEING PART OF THE SOUTH 1/2 OF SECTION 31, TOWN 3 NORTH, RANGE 10 EAST, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 44 OF PLATS, PAGE 36, OAKLAND COUNTY RECORDS.

PARCEL NO. 14-31-381-009

LOTS 104 THROUGH 108 OF "ADAMSON BRADSHAW'S WASHINGTON PARK" A SUBDIVISION BEING PART OF THE SOUTH 1/2 OF SECTION 31, TOWN 3 NORTH, RANGE 10 EAST, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 44 OF PLATS, PAGE 36, OAKLAND COUNTY RECORDS.

PARCEL NO. 14-31-381-027

SOUTH-EASTERNLY 1/2 OF LOT 83 & ALL OF LOTS 84 THROUGH 88 INCLUSIVE OF "ADAMSON BRADSHAW'S WASHINGTON PARK" A SUBDIVISION BEING PART OF THE SOUTH 1/2 OF SECTION 31, TOWN 3 NORTH, RANGE 10 EAST, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 44 OF PLATS, PAGE 36, OAKLAND COUNTY RECORDS.

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OR PERSONS ENGAGED IN THE WORK, OR ANY HEAVY STRUCTURES, OR OF ANY OTHER PERSONS.

NOTE:

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER ONLY AS DISCLOSED BY AVAILABLE UTILITY COMPANY RECORDS AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE CONTRACTOR. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE WHICH MAY BE INCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF A CONFLICT IS APPARENT.

SHEET INDEX:

- | | |
|--------|---|
| 1 | TITLE SHEET |
| 2 | EXISTING CONDITIONS PLAN |
| 3 | DEMOLITION PLAN |
| 4 | OVERALL SITE PLAN |
| 5 | DIMENSION AND PAVING PLAN (WEST) |
| 6 | DIMENSION AND PAVING PLAN (EAST) |
| 6A | DIMENSION AND PAVING PLAN (BUILDING DETAIL) |
| 7 | GRADING PLAN (WEST) |
| 8 | GRADING PLAN (EAST) |
| 8A | GRADING PLAN (BUILDING DETAIL) |
| 9 | UTILITY PLAN |
| 9A | STORM SEWER PROFILES |
| 9B | DETENTION DETAILS |
| 10 | SOIL EROSION AND SEDIMENTATION CONTROL PLAN |
| 11 | SITE DETAILS |
| 12 | AERIAL BUFFER MAP |
| L-1 | LANDSCAPE PLAN |
| L-2 | LANDSCAPE DETAILS |
| A-100 | PROVISIONING CENTER 1ST FLOOR PLAN |
| A-100A | PROVISIONING CENTER 1ST FLOOR PLAN |
| A-101 | PROVISIONING CENTER 1.5 FLOOR PLAN |
| A-102 | PROVISIONING CENTER 2ND FLOOR PLAN |
| A-103 | BUILDING ELEVATIONS |
| 1 OF 1 | PARTIAL SITE PHOTOMETRIC LIGHTING PLAN |
| 1 OF 1 | OAKLAND COUNTY SOIL EROSION AND SEDIMENTATION CONTROL DETAILS |
| 1 OF 1 | OAKLAND COUNTY STORM DRAIN NOTES AND DETAILS |
| 1 OF 2 | CITY OF PONTIAC STANDARD STORM SEWER DETAILS |
| 2 OF 2 | CITY OF PONTIAC STANDARD STORM SEWER DETAILS |

SERVO PROPERTIES PONTIAC, LLC
TITLE SHEET
645 SOUTH TELEGRAPH ROAD & PARCELS 14-31-381-027/14-31-381-009
CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN

REVISIONS:
2020-3-4 PER CLIENT
2020-3-10 PER CLIENT



DATE: 12-5-2018
DRAWN BY: DAN ULLRICH
CHECKED BY: J.E.
DATE: 12-5-2018
SCALE: 1"=100'
17-204-001

OWNER/APPLICANT:

SERVO PROPERTIES PONTIAC, LLC
34401 COMMERCE ROAD
TRAVERE, MI 49880
PHONE: (234) 321-8550

ARCHITECT:

ESTEE DESIGN
ATTN: SAM THOMAS
3209 MARSHALL
SOUTHFIELD, MI 48076
PHONE: (248) 421-5796
www.1005design.com

SURVEYOR/ENGINEER:

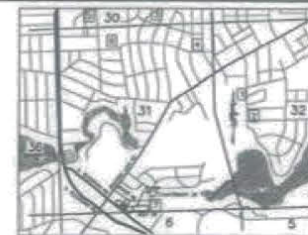
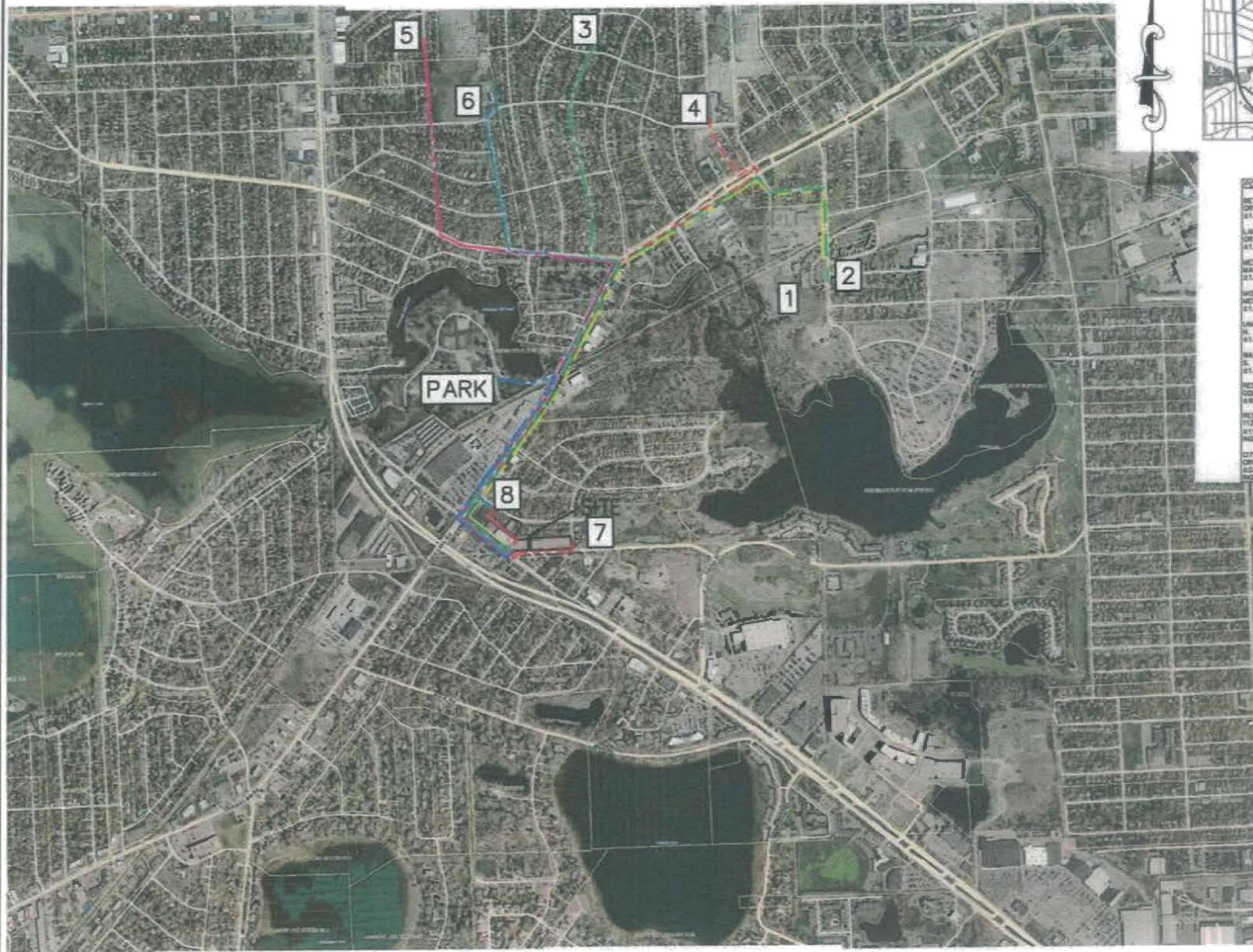
GREENTECH ENGINEERING, INC.
ATTN: DAN ULLRICH, P.E.
21142 PONTIAC TRAIL
WYOM, MI 48393
PHONE: (248) 665-0700
dan@greentechengineering.com

LANDSCAPE ARCHITECT:

ALLEN DESIGN
ATTN: JAM ALLEN
3531 CAMDENVIEW
NORTHVILLE, MI 48867
PHONE: (248) 467-4680
jam@alldesign.com

CITY OF PONTIAC PROJECT NUMBER: COP 19-185





LOCATION MAP
NOT TO SCALE

POINTS OF INTEREST

- MEDICARE PUBLIC SCHOOL (PONTIAC) [1]
11.4 MILES FROM PRIMARY POINT OF INTEREST
- LAKE STREET CHURCH OF GOD (PONTIAC) [2]
11.4 MILES FROM PRIMARY POINT OF INTEREST
- MEDICARE BAPTIST CHURCH (PONTIAC) [3]
11.3 MILES FROM PRIMARY POINT OF INTEREST
- MEDICARE BAPTIST CHURCH (PONTIAC) [4]
11.3 MILES FROM PRIMARY POINT OF INTEREST
- LAKE CHURCH (PONTIAC) [5]
11.4 MILES FROM PRIMARY POINT OF INTEREST
- WASHINGTON J. HIGH SCHOOL (PONTIAC) [6]
11.4 MILES FROM PRIMARY POINT OF INTEREST
- RESIDENTIAL HOME [7]
11.4 MILES FROM PRIMARY POINT OF INTEREST
- CITY PARK (PONTIAC) [8]
11.4 MILES FROM PRIMARY POINT OF INTEREST



Have what's below
Call before you dig.

CLIENT: SERVO PROPERTIES PONTIAC, LLC

AERIAL MAP

645 SOUTH TELEGRAPH ROAD & PARCELS 14-31-381-027/14-31-381-005
SERVO PROPERTIES PONTIAC, LLC
CITY OF PONTIAC, MICHIGAN

DATE: 12-5-2008

BY: [Signature]

DATE: 12-5-2008

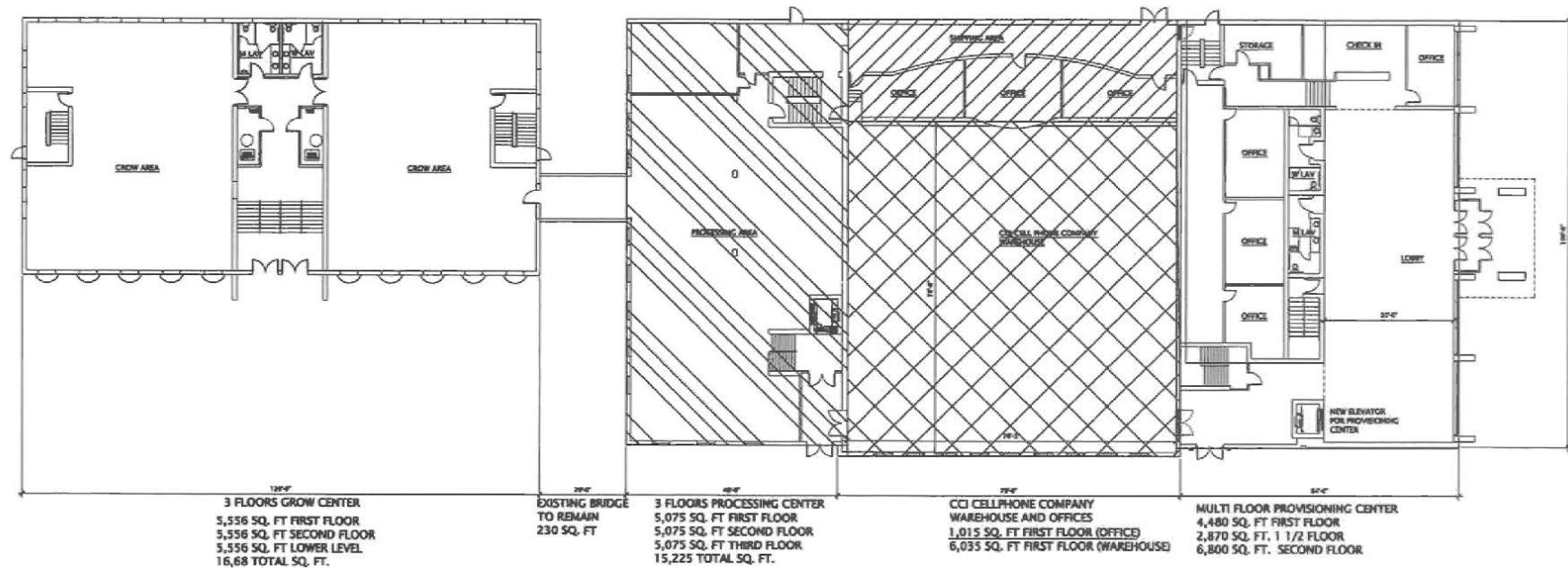
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DATE: 12-5-2008

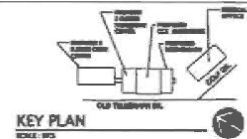
BY: [Signature]

DATE: 12-5-2008

BY: [Signature]



A PROPOSED PONTIAC PROVISIONING CENTER FLOOR PLAN



edee design
ARCHITECTS
10000 W. 100TH AVE.
SUITE 100
POMONA, CA 91768
TEL: 951-261-1000
WWW.EDEEDSIGN.COM

CLIENT
GUYTON OPERATIONS LLC
445 SOUTH TELEGRAPH RD.
POMONA, CA 91768

PROJECT
PONTIAC PROVISIONING CENTER
10000 W. 100TH AVE.
SUITE 100
POMONA, CA 91768

DATE
BY
CHECKED FOR
DATE

AS NOTED

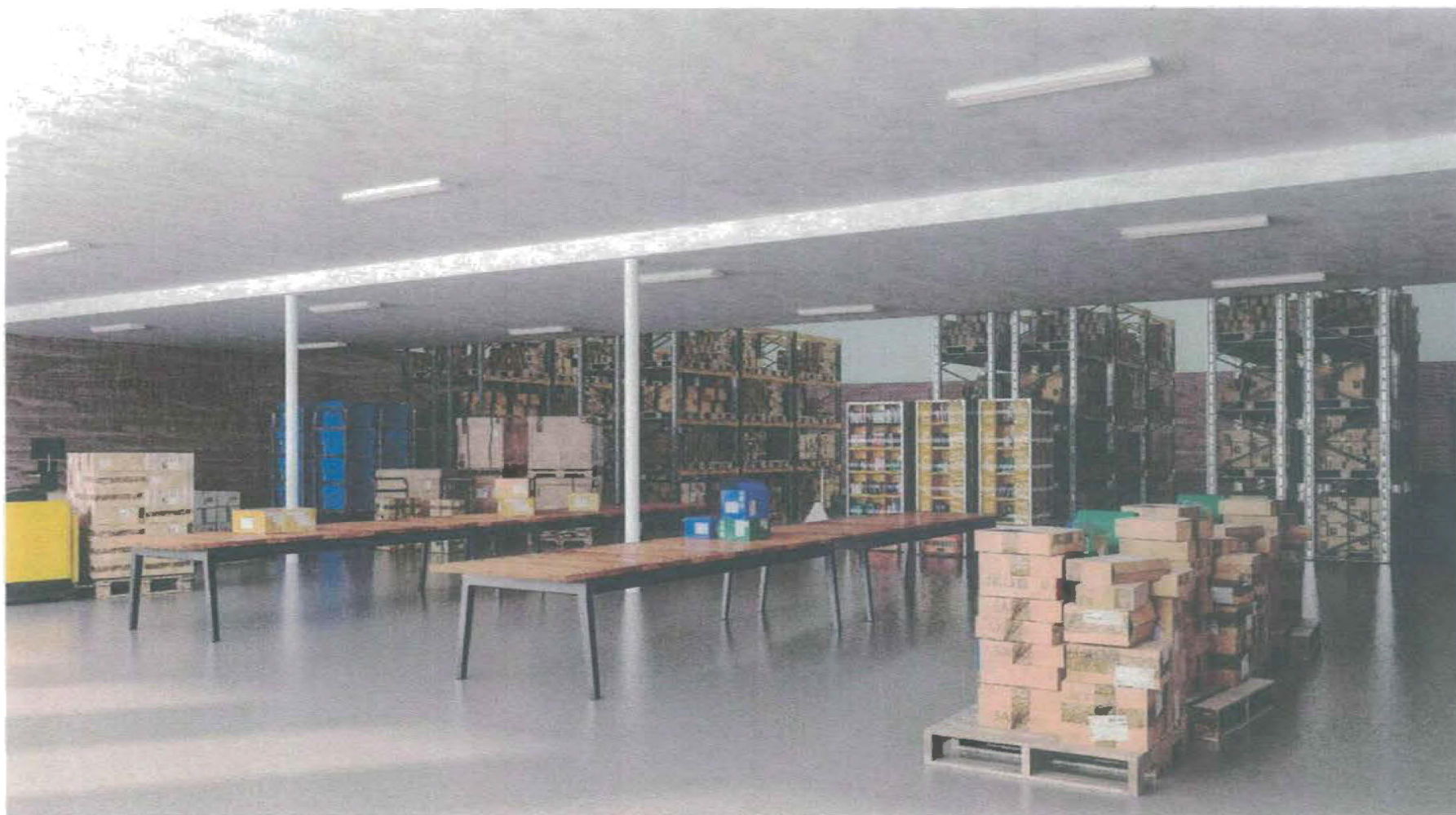
SHEET NO.
A-100A

PROJECT NO.
2020-1071















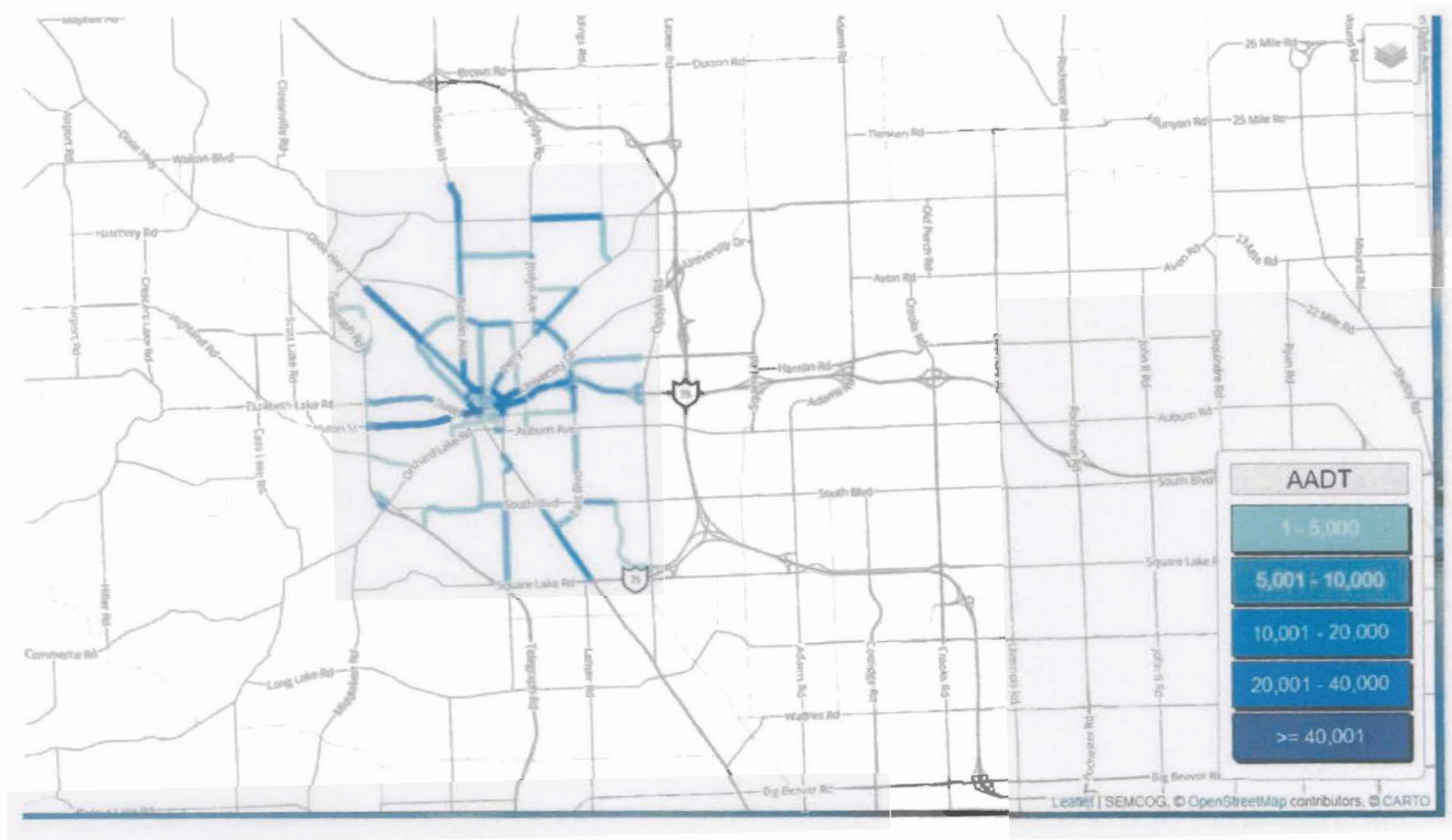






		Pontiac Traffic Count			
ROADNAME	DIRECTION	LIMITS	COMMUNITY	YEAR	AADT
Old Telegraph	EB	Golf To Old Telegraph	Pontiac	2008	3 550
Old Telegraph	WB	Golf To Old Telegraph	Pontiac	2008	7 460
Old Telegraph	EB	Old Telegraph To S Telegraph	Pontiac	2008	1 820
Old Telegraph	WB	Old Telegraph To S Telegraph	Pontiac	2008	7 810
Old Telegraph	EB	S Telegraph To Old Telegraph	Pontiac	2008	1 820
Old Telegraph	WB	S Telegraph To Old Telegraph	Pontiac	2008	7 810

*Per SEMCOG



Memo

VIA EMAIL

To: Get Your Greens, LLC

From: Julie M. Kroll, PE, PTOE
Katelyn Tomasello, EIT
Fleis & VandenBrink

Date: September 23, 2019

Re: Get Your Greens, LLC
645 S. Telegraph Road, Pontiac, Michigan 48341
Traffic Engineering Study

INTRODUCTION

This memorandum presents the results of a Traffic Engineering Study for the proposed provisioning center in Pontiac, Michigan. This memorandum provides a summary of the projected traffic impact and trip generation calculations used to determine the volume of vehicular traffic associated with the proposed provisioning center.

The proposed provision center is located at 645 South Telegraph Road in Pontiac, Michigan. The site is located adjacent to the north side of South Telegraph Road, approximately 550 ft southeast of the intersection with Orchard Lake Road. The existing site includes a vacant church connected with a vacant school, which are proposed to be redeveloped as medical/general office buildings. South Telegraph Road, adjacent to the site, is a five-lane roadway; with two lanes in each direction and a two-way left turn lane. As part of the proposed redevelopment, approximately 30,000 SF (square foot) will be dedicated toward the dispensary with the following operations:

4,360 SF Provisioning Center
2,000 SF Office Space
4,980 SF Retail
18,660 SF Storage/Warehousing
30,000 SF Total

BACKGROUND INFORMATION

The project is located adjacent to South Telegraph Road in the vicinity of Orchard Lake Road and South Telegraph Road intersection shown below in Figure 1. South Telegraph Road generally runs in the North-west and South-west direction and is under the jurisdiction of the City of Pontiac. Additional roadway information¹ is summarized in the table below.

Roadway Segment	South Telegraph Road (Golf Drive to Orchard Lake Road)
Number of Lanes	5 (2-lanes each direction)
Functional Classification	Minor Arterial
Posted Speed Limit	40 mph
Traffic Volumes (2018)	14,210 vpd
Short Range Transportation Improvement Projects	None
Long Range Transportation Improvement Projects	None

27725 Stansbury Boulevard, Suite 195
Farmington Hills, MI 48334

P: 248.536.0080

F: 248.536.0079

www.fveng.com

FIGURE 1: SITE LOCATION MAP



TRIP GENERATION

The number of peak hour (AM and PM) and daily vehicle trips were generated for the proposed redevelopment using the equations and rates published by the Institute of Transportation Engineers (ITE) in *Trip Generation, 10th Edition*. The proposed land use for the provisioning center facility is best classified as a Marijuana Dispensary (ITE Land Use Code 882). The proposed building will have office, retail and storage/warehouse space. It was assumed that these land uses are ancillary to the Marijuana Dispensary and no additional traffic will be generated by these land uses.

Marijuana Dispensary (LUC 882)

"A marijuana dispensary is a standalone facility where cannabis is sold to patients or consumers in a legal manner."

The site trip generation projection for the proposed land use is summarized in the table below.

Land Use	ITE Code	Amount	Units	Average Daily Traffic (vpd)	AM Peak Hour (vph)			PM Peak Hour (vph)		
					In	Out	Total	In	Out	Total
Marijuana Dispensary	882	4,360	GFA	1,102	26	20	46	48	47	95

The daily trips will be distributed throughout the operating hours, with peak traffic generally occurring between 11:45 AM-12:45 PM and 5:45-6:45 PM. The overall projected increase in peak hour traffic volumes is 5-6% and 7% increase in daily traffic on S. Telegraph Road adjacent to the site.

Any questions related to this memorandum should be addressed to Fleis & VandenBrink Engineering.

Attached: SEMCOG Data
Traffic Volumes

KAT:jmk

#15

RESOLUTION



CITY OF PONTIAC
Department of Building Safety & Planning
PLANNING DIVISION
47450 Woodward Ave • PONTIAC, MICHIGAN 48342
TELEPHONE: (248) 758-2800

Mayor Deirdre Waterman

TO: HONORABLE MAYOR, COUNCIL PRESIDENT AND PONTIAC CITY COUNCIL

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

SUBJECT: ZMA 20-03 ZONING MAP AMENDMENT WITH CONDITIONS
RYAN FRIED
W NEW YORK [VACANT PARCEL] | PIN 64-14-08-356-001
R-1 ONE FAMILY DWELLING TO M-1 LIGHT MANUFACTURING
WITH CONDITIONS

DATE: AUGUST 15, 2020

The City of Pontiac is in receipt of application ZMA 20-03 for the proposed conditional rezoning of parcel 64-14-08-356-001. The approximately .90-acre vacant site has access to W New York Avenue and Richard Avenue, both of these local road dead-end into the parcel. Ryan Fried, the Applicant proposes a Zoning Map Amendment from R-1 One Family Dwelling to M-1 Light Manufacturing with CR Conditional Rezoning, which would allow medical marihuana non-provisioning facilities to locate. According to the application, the Applicant proposes to develop the vacant parcel into a grower and processor facility. At the July 8, 2020 meeting the Planning Commission recommended approval of the Zoning Map Amendment with conditions request to the Pontiac City Council.

If the rezoning with conditions are approved, the Applicant is required to obtain an approved Medical Marihuana permit for each Medical Marihuana facility from the City and state of Michigan. Complete a site plan per Section 6.204 to obtain a preliminary and final site plan review from the Planning Commission. Since this parcel is located outside the Walton Blvd Medical Marihuana Overlay District, the Applicant will also need to obtain a Special Exception Permit approval from the Planning Commission.

In accordance with Section 6.807 of the City Zoning Ordinance, the request for Conditional Rezoning requires a technical review, Public Hearing and recommendation by the Planning Commission, and final decision by City Council. The Conditional Rezoning Agreement will be executed between the Applicant and City Council at the time City Council approves the Zoning Map Amendment with Conditional Rezoning.

Existing Development Pattern

The subject site, is a single vacant parcel and is encapsulated by vacant parcels. Further east are three residences, which front Richard Avenue. Each occupant signed a Notice of Non-Opposition letter stating no objection to the subject site operating as a Medical Marihuana Grow and Processing facility. These letters are including in the application.

Existing Zoning Pattern

The subject site and abutting properties directly east are zoned R-1 One Family Dwelling, To the northeast, parcels with frontage on Walton Blvd are zoned C-3 Corridor Commercial. To the south there are large parcels privately owned and by the Railroad, which are zoned M-1 Light Manufacturing. To the west is zoned C-1 Local Business, which is home to neighborhood retail center and small businesses.

Master Plan

The City of Pontiac updated the City Master Plan in 2014. The Plan has an economic development focus. A key goal of the Master Plan is to “take advantage of Pontiac’s central location and affordability to attract new commercial, Research/Development, light manufacturing and mixed-use development/redevelopment to Pontiac that works to help recruit new economy businesses and workers”.

Various land use categories are identified in the Master Plan to support the City’s goals and preferred vision for future land development. The distribution of these future land use categories are embedded in the Master Plan as Exhibit 42 – Pontiac Future Land Use Map.

The subject site and the surrounding area is designated as Entrepreneurial: Industrial, Commercial, and Green Future Land Use. This zoning district’s stated goal is to provide flexibility that encourages the positive reuse of under-utilized properties in strategic locations throughout the City. The Conditional Rezoning limits proposed uses and achieves the objectives of the Master Plan by eliminating an underutilized parcel.

Rezoning Criteria

The Pontiac City Council should consider “any of the following criteria [found in Section 6.804] that apply to the rezoning with conditions application in making findings, recommendations, and a decision” to amend the Official Zoning Map.

Additionally, the section also stipulates that the Pontiac City Council may also consider other factors or considerations that are applicable to the application, but are not listed among the ten criteria. To assist the Pontiac City Council in its evaluation of these and other criteria, we offer the following findings of fact for your consideration. 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.*

As described in the Master Plan, this proposed development project is consistent with the goals, policies, and objectives of the City's Master Plan.

2. *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*

Since the 1940s and probably earlier the site has been a vacant wooded site; it's geological, hydrological, and other environmental features still remain and should be surveyed and investigated to preserve quality natural resources, which would be part of the Site Development process.

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 Applicant did not provide evidence that they could develop the .90 acre property with a one family dwelling unit, since it would not be in character within this block of concentrated commercial and manufacturing uses in the Walton Blvd development area and would 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.*

Planned development in M-1 Light Manufacturing District with CR Conditional Rezoning limits select manufacturing uses and would be compatible with the manufacturing and business nature of this section Walton Blvd corridor's development patterns, land suitability, aesthetics and should not affect 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.*

Existing City utilities and services capacity would be sufficient for the proposed use.

6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*

W New York Avenue has a 60 ft. right-of-way, which extends approximately 150 ft., south of Walton Blvd, which is a Major Road. The Applicant indicated in the Conditional Rezoning Agreement will not install an access road/drive unless required by the Fire Department on Richard Avenue. The proposed development will not impact the ability of W New York and Walton Blvd 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 with conditions are reasonable in relationship to surroundings and meet dimensional regulations in the M-1 zoning districts.

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.*

The Conditional Rezoning request is much more appropriate than other zoning districts.

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 existing R-1 One Family Dwelling zoning district to permit a wide range of light manufacturing uses. Conditional Rezoning of the subject site is the most appropriate action to allow limited proposed uses within the M-1 zoning districts.

10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*

This Conditional Rezoning application would not create an incompatible M-1 zoning district within the Walton Blvd development corridor.

Conditional Rezoning Agreement

The Applicant has volunteered conditions as part of their Conditional Rezoning Agreement [see attachment] that will restrict the uses developed on the subject site and we determined that the Conditional Rezoning Agreement to be consistent with Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, specifically Section 405. As conditions to this rezoning:

- Will revert back to the current zoning district if a properly licensed cannabis facility is not operating and not open to the public within three years from the date of the Pontiac City Council approval of the Zoning Map Amendment.
- Shall not install an access road and/or drive unless required by the Fire Marshall onto Richard Avenue.

The Pontiac City Council must evaluate the request with these conditions in mind. It is important to note that the City cannot request or suggest modifications to these conditions. Per the Michigan Zoning Enabling Act, such conditions must be made voluntarily of the Applicant.

If favorable consideration is given to the request, the City Attorney will review the Conditional Rezoning Agreement for execution between the Applicant and City Council. Such Agreement does include language requiring rezoning back to the former designation if the project is not approved and initiated within an agreed upon timeframe.

ZMA 20-04 – Zoning Map Amendment

Parcel: 64-14-08-356-001

Resolution

Whereas, The City has received an application for a Zoning Map Amendment at W. New York & Richard Ave. identified as PIN 64-14-08-356-001 from Ryan Fried 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 July 8, 2020, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council to approve the Zoning Map Amendment request for W. New York and Richard Avenue, approving the change from the current R-1 One Family Dwelling 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 with Conditions (ZMA 20-03) request for Parcel No. 64-14-08-356-001 to amend the current site zoning from R-1 One Family Dwelling to M-1 Light Manufacturing zoning district.



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: Flourish Michigan Grow

Sidwell Number: 14-08-356-001

Date: 3/1/2020

Office Use Only

PF Number: ZMA 20-03

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	Ryan Fried		
Address	2939 Shirley St		
City	Milford		
State	Michigan		
ZIP Code	48380		
Telephone	Main:	Cell: 313-909-0119	Fax:
E-Mail	ryanmfried@gmail.com		

Project and Property Information

Name of Proposed Development: Flourish Michigan Grow

The subject property is location at unaddressed parcel 14-08-356-001 on the N / S / E / W side of South side of Walton between Telegraph Road and Richard Ave.

The property is zoned: R-1 (Master plan for Entrepreneurial, Industrial, Commercial & Green)

Proposed Zoning District: M-1

It is proposed that the property will be used as: A medical marijuana grow and processing facility.

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

14-08-356-001

Property Owner Information

Name	Biring Carwash LLC		
Address	2640 Seymour Lake Road		
City	Ortonville		
State	Michigan		
ZIP Code	48462		
Telephone	Main:	Cell: 248-390-7188	Fax:
E-Mail	rarema3@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 proposed facility will be used for a state of the art medical marijuana grow and processing facility.

Included in our packet is a number of documents that show the exact layout, location and function for the proposed rezoning.

These documents will show that the proposed facility layouts well on the site.

You will also see that the proposed development is hormous with the current land uses in the area as well as meet the goals of the future land use for the area.

Sate 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.

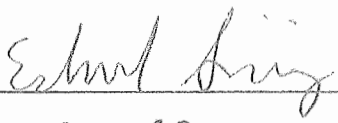
The reason for the amendmendis because even though the area is master planned forEntrepreneurial: Industrial, Commercial & Green it is still currently zoned R-1.

By rezoning this property the city will greatly benefit as the proposed rezoning would lead the way for a new taxable development.

The area residents and citizens will benefit as this property was never developed, is overgrown with weeds, used as a dumping site and only brings down the area.

Further this rezoning will not be detrimental to the public welfare or area residentsas it will actually increase property values,

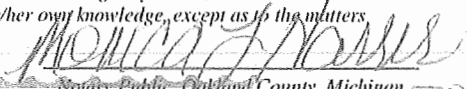
bring much needed skilled jobs and bring a new properly landscaped and maintained site.


Signature of Owner


Signature of Applicant

State of Michigan
County of Oakland

On this, 5th day of March, A.D., 2020, 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
MONICA L HARRIS
Notary Public - Michigan
Oakland County
My Commission Expires Aug 1, 2020
Acting in the County of Oakland


CONDITIONAL REZONING AGREEMENT

As a condition to this rezoning parcel id 14-08-356-001 will revert back to the current zoning district if a properly licensed cannabis facility is not operating and not open to the public within three years from the date of the Pontiac City Council approval of the Zoning Map Amendment.

Further as a condition of this rezoning the landlord shall not install an access road and or drive unless required by the fire marshal on Richard Ave. As part of this conditional rezoning the landlord may operate a medical marihuana grower and processor license at this site under the M-1 zoning district.

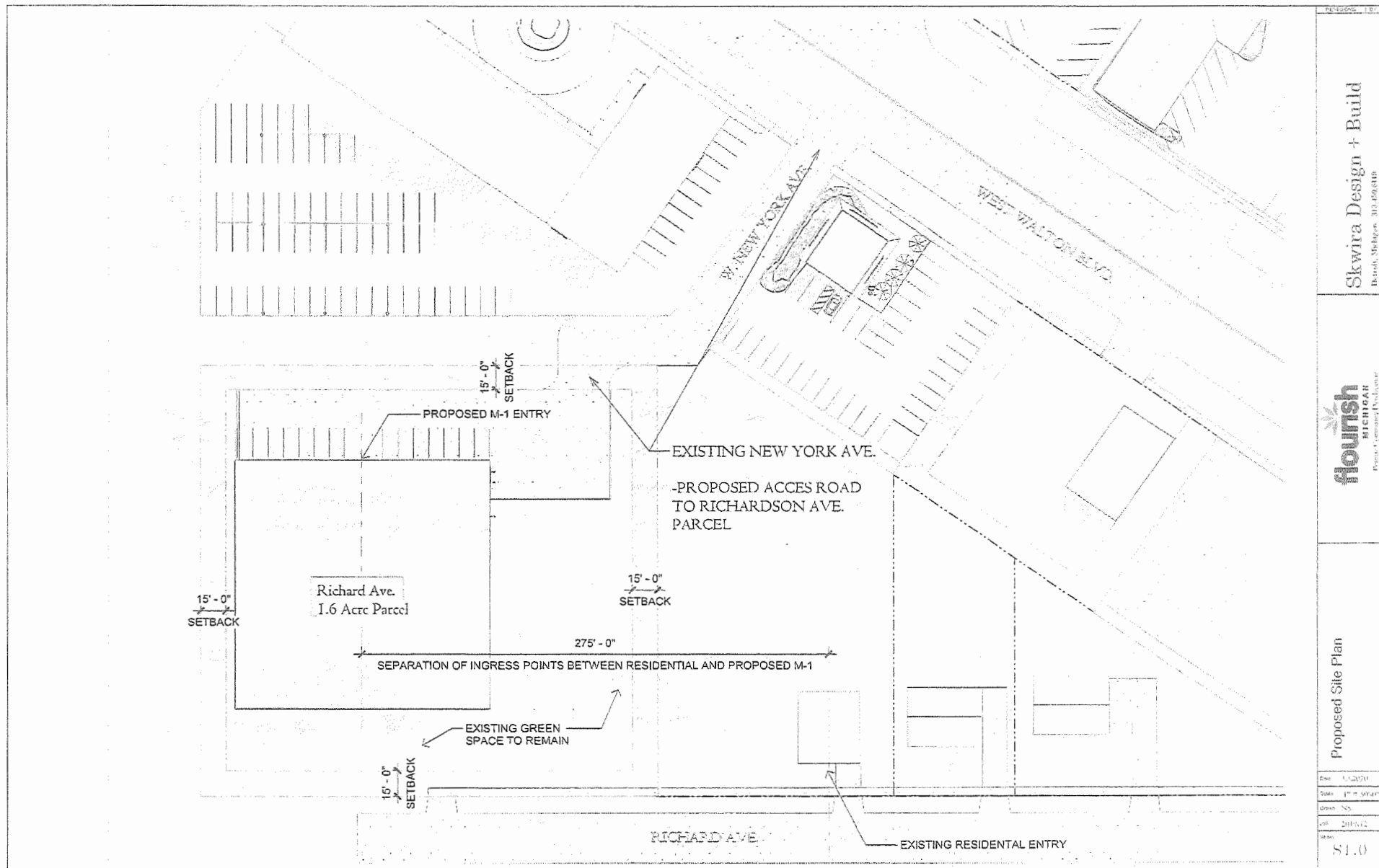
Signed:

Date:



Ryan Fried

3.11.20







Flourish Michigan, INC
237 W. Walton Blvd
Pontiac, MI 48340

Flourish Michigan, INC

237 W. Walton Blvd Pontiac, MI 48340

Notice of Non-Opposition

To Whom it may concern:

This is to certify that Home is properly ^{OAKLAND County Probate Court} occupant of
226 Richmond Ave Pontiac, MI, 48340 declares no objection to Flourish
Michigan, INC owning and operating a Medical Marijuana Grow/Processing facility
located at 237 W. Walton Blvd, Pontiac, MI 48340.

Signature: Johannes Boleb

Date: 2/4/20

Flourish Michigan, INC
237 W. Walton Blvd
Pontiac, MI 48340

Flourish Michigan, INC

237 W. Walton Blvd Pontiac, MI 48340

Notice of Non-Opposition

To Whom it may concern:

This is to certify that Monica Williams Fortuna, occupant of
228 Richard Ave Pontiac, MI, 48340 declares no objection to Flourish
Michigan, INC owning and operating a Medical Marijuana Grow/Processing facility
located at 237 W. Walton Blvd, Pontiac, MI 48340.

Signature: Monica Williams Fortuna

Date: 2/4/20

Flourish Michigan, INC
237 W. Walton Blvd
Pontiac, MI 48340

Flourish Michigan, INC
237 W. Walton Blvd Pontiac, MI 48340

Notice of Non-Opposition

To Whom it may concern:

This is to certify that Charles Wright, occupant of
240 Richard Pontiac, MI, 48340 declares no objection to Flourish
Michigan, INC owning and operating a Medical Marijuana Grow/Processing facility
located at 237 W. Walton Blvd, Pontiac, MI 48340.

Signature: Charles Wright

Date: 2-04-20

#16

RESOLUTION



CITY OF PONTIAC
Department of Building Safety & Planning
Planning Division

47450 Woodward Ave | Pontiac, Michigan 48342
Telephone: 248.758.2800

Mayor Deirdre Waterman

TO: HONORABLE MAYOR, COUNCIL PRESIDENT AND PONTIAC CITY COUNCIL

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

SUBJECT: ZMA 20-04 ZONING MAP AMENDMENT
SAMUEL PELEG
500 AUBURN AVENUE | PIN 64-14-31-226-020
C-1 LOCAL BUSINESS TO C-3 CORRIDOR COMMERCIAL

DATE: AUGUST 16, 2020

The City of Pontiac is in receipt of application ZMA 20-04 for a Zoning Map Amendment parcel 64-14-33-226-020. The parcel is located on the south side of Auburn Avenue, at S. Francis Avenue. Mr. Samuel Peleg, the applicant requests a rezoning from C-1 Local Business to C-3 Corridor Commercial. According to the applicant, the building and site will be repurposed for a light food manufacturing/storage facility. At the August 5, 2020 meeting the Planning Commission recommended approval of this request to Pontiac City Council.

The suggested proposed light manufacturing and processing use is a principal permitted use in the C-3 Corridor Commercial zoning district. 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, with a final decision by City Council.

Summary

1. The applicant requests rezoning the subject site from C-1 Local Business to C-3 Corridor Commercial.
2. The Master Plan identifies the subject site as Mixed Use. The proposed zoning designation is consistent with this future land use designation in this area.
3. The subject property is compatible with C-3 standards.
4. Any future development must comply with all City standards and procedures.

Existing Development Pattern

The subject site is located on a single parcel and has vehicular access from Auburn Avenue. The surrounding area to the east and north along the Auburn Avenue corridor is a mix of business services, commercial and auto services. To the west is multiple-family dwellings and south includes one-family and two-family dwellings.

Existing Zoning Pattern

Properties to the north and south are zoned C-3 Corridor Commercial, east is zoned R-3 Multiple Family Dwelling and to the west is C-1 Local Business and P-1 Parking.

Master Plan

The City of Pontiac updated the City's Master Plan in 2014. The subject site is designated as Mixed Use, Future Land Use category in the Master Plan. In this new economic climate, we understand that business expansion and retention in neighborhoods offers employment in neighborhood commercial corridors like Auburn Avenue. The subject site and nearby parcels to the east and north are planned as Mixed Use. These buildings and blocks were the foundation of the modern city. There is vital connection between thriving neighborhood businesses and residential neighborhoods. Areas to the west and south blend Urban Multiple Family and Traditional Neighborhood Residential, future land uses.

Rezoning Criteria

The Pontiac 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 Pontiac City Council may also consider other factors that are applicable to the application, but are not listed among the 10 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 Pontiac 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.*
As described in the Master Plan, this project is consistent with the goals, policies, and objectives of the City's Master Plan and with current redevelopment trends in urban corridors.
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.

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 applicant did not provide evidence that they could develop the property with a personal service establishment. 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 proposed use is compatible with uses allowed within the C-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.*

Existing City utilities are provided and have sufficient capacity.

6. *The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.*

Auburn Avenue is a Major Road under the City's jurisdiction. The proposed development will not impact the ability of this street and adjoining local 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 C-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 C-1 zoning district with its intent to create housing and business services settings to allow food manufacturing/storage within the C-1 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 zone within the Auburn Avenue corridor.

ZMA 20-04 – Zoning Map Amendment
Parcel: 64-14-33-226-020

Resolution

Whereas, The City has received an application for a Zoning Map Amendment for 500 Auburn Avenue identified as PIN 64-14-33-226-020 from Samuel Peleg 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 5, 2020, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map Amendment request for 500 Auburn Avenue, approving the change from the current C-1 Local Business zoning district to C-3 Corridor Commercial 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 20-04) request for 500 Auburn Avenue, also known as Parcel No. 64-14-33-226-020 to amend the current site zoning from C-1 Local Business to C-3 Corridor Commercial zoning district.



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: 500 Auburn

Sidwell Number: 14-33-226-020

Office Use Only

PF Number: ZMA 20-04

Date: 06/01/2020

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	Samuel Peleg		
Address	2327 Willow Beach		
City	Keego Harbor		
State	MI		
ZIP Code	48320		
Telephone	Main:	Cell: 248.931.6824	Fax:
E-Mail	ady@willowbeachllc.com		

Project and Property Information

Name of Proposed Development: 500 Auburn

The subject property is location at 500 Auburn on the N / S / E / W side of Auburn
between Martin Luther King and S Francis Ave.

The property is zoned: C-1

Proposed Zoning District: C-3

It is proposed that the property will be used as: Storage/Light food manufacturing 14-33-226-020

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

14-33-226-020

Property Owner Information

Name	RE FUND AUBURN LLC		
Address	55748 Van Dyke		
City	Shelby Twp		
State	MI		
ZIP Code	48316		
Telephone	Main:	Cell:248-408-7872	Fax:
E-Mail	randy@avintners.com		

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

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

Building will consist of a few tenants used for storage and possible light food manufacturing.

Sate 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.

With the C-1 zoning we wouldn't be able to have storage or light food manufacturing

This will add local jobs, building will be beautified, and create another successful business in Pontiac.

Authentified

 06/04/2020
 6/4/2020 8:49:00 PM EDT
Signature of Owner

Authentified

 06/04/2020
 6/4/2020 3:47:24 PM EDT
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: _____