NOTICE OF PONTIAC CITY COUNCIL MEETING
February 16, 2021
at 6:00 p.m.

THE MEETING WILL BE HELD ELECTRONICALLY

The City Council of the City of Pontiac will hold a Formal Meeting on February 16, 2021 at 6:00 p.m. This meeting will be held electronically as allowed by the amended Open Meetings Act. The agenda for the Formal Meeting is attached. The Pontiac City Council gives notice of the following:

1. **Procedures.** The public may view the meeting electronically through the following method.

   http://pontiac.mi.us/council/pontiactv/index.php

2. **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 February 16, 2021. Public comments are limited to three (3) minutes. The City Clerk will read your comments during the public comment section of the meeting.

3. **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 2-12-2021, 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://pontiaccityclerk.com/city-council-meetings

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

FORMAL MEETING
February 16, 2021
6:00 P.M.
215th Session of the 10th Council

Call to order

Invocation

Pledge of Allegiance

Roll Call

Authorization to Excuse Councilmembers

Approval of the Agenda

Approval of the Minutes

1. February 9, 2021

Special Presentations (Presentations are limited to 10 minutes.)

2. City of Pontiac Wastewater Treatment Facility Drainage District Bond Refinancing $5 Million Savings Opportunity
   Presentation Presenters: Mayor Deirdre Waterman, Darin Carrington, Finance Director, Jim Nash, Oakland County Water Resources Commissioner; Raphael Chirolla, Oakland County Water Resource Commissioner's Office; Eric McGlothlin, Dickinson Wright; and Steve Burke, MFCI

3. Glenwood Plaza (This presentation was requested by Council Member Taylor-Burks)
   Presentation Presenter: Manni Ferraiuolo, Partner, Rubicon Capital

4. Clerk's Response to Glenwood Plaza Medical Marihuana Project
   Presentation Presenter: Garland Doyle, Interim City Clerk

Recognition Elected Officials

Agenda Address

Agenda Items

Resolutions

Department of Public Works (DPW)

5. Resolution to approve extending the METRO Act Permit Agreement between AT&T and the City of Pontiac

Economic Development

6. Resolution to establish an Industrial Development District (IDD) for 2100 S. Opdyke Road

7. Resolution to Approve Speculative Building Designation for 2100 S Opdyke, LLC

8. Resolution to amend 50 Wayne Obsolete Property Rehabilitation Exemption Certificate (OPRA) for JBD Indian Hill Ventures LLC

Finance /Treasury

9. Resolution to approve the amended 2021 Poverty Exemption Guidelines

Mayor's Office

10. Ottawa Towers / Phoenix Center Global Settlement Agreement

11. Resolution to Authorize Execution of Parking Lease

Communication from the Mayor

12. Council Chambers Redesign Plan/ Request for Invoices for HED Report and Chairs in Council Chambers

Public Comment

Mayor, Clerk and Council Closing Comments

Adjournment

#1

MINUTES

Official Proceedings
Pontiac City Council
214th Session of the Tenth Council

Call to order
A Study Session of the City Council of Pontiac, Michigan was called to order electronically, on Tuesday, February 9, 2021 at 6:00 p.m. by Council President Kermit Williams.

Roll Call

Members Present	Attendance	Location
Carter	Remotely	Lansing, Ingham County, MI
Miller	Remotely	Pontiac, Oakland County, MI
Pietila	Remotely	Pontiac, Oakland County, MI
Shramski	Remotely	Pontiac, Oakland County, MI
Taylor-Burks	Remotely	Pontiac, Oakland County, MI
Waterman	Remotely	Pontiac, Oakland County, MI
Williams	Remotely	Pontiac, Oakland County, MI

Mayor Waterman was present.
Clerk announced a quorum.

Amendments and Approval of the Agenda
21-28 **Motion to add-on snow discussion as item #10.** Moved by Councilperson Shramski and second by Councilperson Waterman.

Ayes: Miller, Shramski, Taylor-Burks, Waterman, Williams and Carter
No: Pietila
Motion Carried

21-29 **Motion to make items #3 (Resolution to approve the appointments of Linda D. Watson, Elizabeth Peete, Mattie Lasseigne and alternate Elick Shorter to the Board of Review) and #8 (Resolution to approve the 2021 High Intensity Drug Trafficking Area (HIDTA) Sub-Grant Agreement) action items.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

21-30 **Motion to approve agenda as amended.** Move by Councilperson Pietila and second by Councilperson Waterman.

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

Approval of Minutes
21-31 **Approve special meeting minutes for January 29, 2021.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Taylor-Burks, Williams, Carter, Miller, Pietila and Shramski
No: None
Motion Carried
Councilwoman Patrice Waterman did not vote. She was having problems with her computer

21-32 **Approve formal meeting minutes for February 2, 2021.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks
No: None
Motion Carried
Councilwoman Patrice Waterman did not vote

Suspend the rules
21-33 **Suspend the rules.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks
No: None
Motion Carried
Councilwoman Patrice Waterman did not vote

21-34 **Motion to move public comment after item #10.** Moved by Councilperson Miller, and second by Councilperson Taylor-Burks.

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks and Williams
No: None
Motion Carried
Councilwoman Patrice Waterman did not vote

Resolution
City Council
21-35 **Resolution to approve the appointments of Linda Watson, Elizabeth Peete, Mattie Lasseigne and alternate Elick Shorter to the Board of Review.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

WHEREAS, section 5.402 of the Pontiac City Charter requires the City Council to appoint three electors of the City annually, to the Board of Review before the first meeting; and,
WHEREAS, in addition to the charter requirement of being an elector, all members of the Board of Review must attend and receive training prior to attending the first meeting.
NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council appoints Linda D. Watson, Elizabeth Peete, Mattie Lasseigne and alternate, Elick Shorter, to serve as members to the Board of Review.

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

Motion to suspend the rules. Moved by Councilperson Taylor-Burks and second by Councilperson Pietila. Councilperson Taylor-Burks withdrew her motion and Councilperson Pietila withdrew her second.

Resolution
Oakland County Sheriff
21-36 **Resolution to approve the 2021 High Intensity Drug Trafficking Area (HIDTA) Sub-Grant Agreement.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, the County has the authority to allocate a portion of the grant funds to reimburse a participating municipality for qualifying overtime costs subject to the terms and conditions of the agreement; and
Whereas, the County requires any participating unit of government to approve the proposed Sub recipient by Resolution of the governing board of the local unit of government; and
Whereas, the Oakland County Board of Commissioners has agreed to the attached Sub Recipient Agreement; and
Whereas, the City of Pontiac desires to enter into the attached Sub Recipient Agreement between the City and Oakland County; and
Whereas, Oakland County Corporate Council and the City of Pontiac have approved the attached Sub Recipient Agreement.
NOW THEREFORE BE IT RESOLVED that the City of Pontiac Council approves the 2021 HIDTA Sub Grant Agreement with the County of Oakland and authorizes the Mayor to sign on behalf of the City.

Ayes: Shramski, Waterman, Williams, Carter, Miller and Pietila
No: None
Resolution Passed
Councilwoman Doris Taylor-Burks did not vote

Communication from the Mayor
Ottawa Towers / Phoenix Center Global Settlement Agreement

Discussion (Add-On)
Snow Plowing

President Pro-Tem Randy Carter left the meeting.

Public Comment
Five (5) individuals submitted a public comment read by the City Clerk

Adjournment
President Kermit Williams adjourned the meeting at 7:43 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK

#2

SPECIAL PRESENTATION

OAKLAND COUNTY
WATER RESOURCES COMMISSIONER

MEMORANDUM

TO: Dr. Deirdre Waterman, Mayor, Darin Carrington, Finance Director and Members of the City Council

FROM: Jim Nash, Water Resources Commissioner

SUBJECT: Refinancing Savings Opportunity

DATE: February 3, 2021

I am pleased to report that my office has been presented with the enviable opportunity to save our customers more than $5 million through the refinancing of existing bonds. The net present value of the savings amounts to approximately $4.9 million.

Based on current estimates, refinancing the City of Pontiac Wastewater Treatment Facility Drainage District Drain Bonds, Series 2012A, will reduce future debt service costs by about $400,000 per year over the remaining life of the bonds. The bonds are scheduled to mature in June 2034.

For your convenience, I have attached a more detailed Preliminary Refunding Analysis prepared by Steven Burke, a chartered financial analyst with Municipal Financial Consultants (MFCI). Mr. Burke's more comprehensive examination contains a debt service comparison which contrasts the existing debt service amount with the estimated refinanced amount by displaying the results in both the actual dollar and present value outcomes.

I am proud to be the bearer of this exciting news, allowing us to capitalize on this very valuable opportunity. I look forward to discussing with City Council at your next available Study Session and presenting a resolution at the following formal City Council Meeting.

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
06/01/2021	-	(1,434.18)	-	1,434.18
06/01/2022	3,373,942.75	3,373,942.75	3,813,032.50	439,089.75
06/01/2023	3,393,078.00	3,393,078.00	3,828,502.50	435,424.50
06/01/2024	3,401,698.00	3,401,698.00	3,836,872.50	435,174.50
06/01/2025	3,412,216.00	3,412,216.00	3,847,822.50	435,606.50
06/01/2026	3,409,635.00	3,409,635.00	3,849,382.50	439,747.50
06/01/2027	3,416,695.50	3,416,695.50	3,856,102.50	439,407.00
06/01/2028	3,415,349.00	3,415,349.00	3,854,790.00	439,441.00
06/01/2029	3,426,911.00	3,426,911.00	3,861,600.00	434,689.00
06/01/2030	3,424,451.00	3,424,451.00	3,859,200.00	434,749.00
06/01/2031	3,368,031.00	3,368,031.00	3,807,000.00	438,969.00
06/01/2032	3,366,961.00	3,366,961.00	3,801,800.00	434,839.00
06/01/2033	3,357,497.00	3,357,497.00	3,796,600.00	439,103.00
06/01/2034	3,363,696.00	3,363,696.00	3,801,200.00	437,504.00
Total	**$44,130,161.25**	**$44,128,727.07**	**$49,813,905.00**	**$5,685,177.93**

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	8,045,819.74
Net PV Cashflow Savings @ 1.937%(AIC)	8,045,819.74
Transfers from Prior Issue Debt Service Fund	(3,059,936.25)
Contingency or Rounding Amount	1,434.18
Net Present Value Benefit	$4,987,317.67
Net PV Benefit / $40,915,000 Refunded Principal	12.189%
Net PV Benefit / $39,125,000 Refunding Principal	12.747%

Refunding Bond Information

Refunding Dated Date	4/14/2021
Refunding Delivery Date	4/14/2021

CITY OF PONTIAC

At a _____ meeting of the City Council of the City of Pontiac, Oakland County, Michigan, held on _____, 2021.

PRESENT: _____

_____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

RESOLUTION TO AUTHORIZE REFUNDING

WHEREAS, pursuant to the provisions of Chapter 20 of Act No. 40, Public Acts of Michigan, 1956, as amended, the City of Pontiac Wastewater Treatment Facility Drainage District issued its Drain Bonds, Series 2012A (Taxable), dated August 23, 2012, in the original principal amount of $53,480,000 (the "Prior Bonds"), to defray the cost of acquiring the City of Pontiac Wastewater Treatment Facility, in anticipation of the collection of the several installments against the City of Pontiac (the "City") on Special Assessment Roll No. 1 for the City of Pontiac Wastewater Treatment Facility, as supplemented by the Supplemental Order of the Chairperson of the Drainage Board for the City of Pontiac Wastewater Treatment Facility; and

WHEREAS, the City has been advised that conditions in the bond market have now improved from the conditions which prevailed at the time the Prior Bonds were sold and that the Prior Bonds could be refunded at a considerable savings to the City; and

WHEREAS, it is the determination and judgment of this City Council that the Prior Bonds should be refunded to secure for the City the anticipated savings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PONTIAC, MICHIGAN, as follows:

1. The City of Pontiac Wastewater Treatment Facility Drainage District is requested and authorized to issue its refunding bonds (the "Refunding Bonds") pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001 as amended, in an amount necessary to refund all or part of the Prior Bonds (as shall be determined by the Drainage Board) and paying the costs of issuing the Refunding Bonds.

2. The proceeds of the Refunding Bonds shall be sufficient to pay the costs of issuing the Refunding Bonds and to establish an Escrow Fund in an amount which will be sufficient to pay the principal of and interest on the Prior Bonds that are refunded without further payment by the City.

3. The City agrees and consents to the imposition of a special assessment against the City on a refunding bonds special assessment roll for the payment of the Refunding Bonds.

4. The Mayor or the Clerk is authorized, if necessary, to file an Application for State Treasurer's Approval to Issue Long-Term Securities with respect to the Refunding Bonds.

5. The Mayor, Clerk and Finance Director are each authorized to approve the circulation of a preliminary and final official statement for the Refunding Bonds, and to cause the preparation of those portions of the preliminary and final official statement for compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule"). The Mayor, Clerk and Finance Director are each authorized to execute and deliver such certificates and to do all other things necessary to effectuate the sale and delivery of the Refunding Bonds.

6. The Mayor, Clerk and Finance Director are each authorized to execute and deliver in the name and on behalf of the City a continuing disclosure certificate to comply with the requirements for a continuing disclosure undertaking by the City pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all the provisions of the Continuing Disclosure Certificate.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

YEAS: _____

_____

NAYS: _____

ABSTAINING: _____

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The undersigned, being the duly qualified and acting Clerk of the City of Pontiac, Oakland County, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Pontiac at its _____ meeting held on _____, 2021, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and will be or have been made available as required thereby.

_____
City Clerk

Dated: _____, 2021

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

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Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

Refunding Summary

Dated 04/14/2021 | Delivered 04/14/2021

Sources Of Funds

Par Amount of Bonds	$39,125,000.00
Transfers from Prior Issue Debt Service Funds	3,059,936.25
Total Sources	**$42,184,936.25**

Uses Of Funds

Total Underwriter's Discount (0.800%)	313,000.00
Costs of Issuance	219,400.00
Deposit to Current Refunding Fund	41,651,102.07
Rounding Amount	1,434.18
Total Uses	**$42,184,936.25**

Flow of Funds Detail

State and Local Government Series (SLGS) rates for	1/13/2021
Date of OMP Candidates	
Current Refunding Escrow Solution Method	Net Funded
Total Cost of Investments	$41,651,102.07
Interest Earnings @ 0.071%	3,834.18
Total Draws	$41,654,936.25

Issues Refunded And Call Dates

Pontiac WWTF 2012A FINAL	6/01/2021

PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 1.937%(AIC)	8,045,819.74
Transfers from Prior Issue Debt Service Fund	(3,059,936.25)
Contingency or Rounding Amount	1,434.18
Net Present Value Benefit	$4,987,317.67
Net PV Benefit / Refunded Principal	12.189%
Net PV Benefit / Refunding Principal	12.747%
Average Annual Cash Flow Savings	406,084.14
Total New Net D/S	44,128,727.07
Total Prior D/S	49,813,905.00
Total Cashflow Savings	5,685,177.93

Bond Statistics

Average Life	7.319 Years
Average Coupon	1.7478381%
Net Interest Cost (NIC)	1.8571399%
Bond Yield for Arbitrage Purposes	1.7346362%
True Interest Cost (TIC)	1.8531074%
All Inclusive Cost (AIC)	1.9369356%

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

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Dated 04/14/2021 | Delivered 04/14/2021

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Total Uses	**$42,184,936.25**

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
06/01/2021	-	-	-	-
06/01/2022	2,745,000.00	0.300%	628,942.75	3,373,942.75
06/01/2023	2,845,000.00	0.400%	548,078.00	3,393,078.00
06/01/2024	2,865,000.00	0.680%	536,698.00	3,401,698.00
06/01/2025	2,895,000.00	0.780%	517,216.00	3,412,216.00
06/01/2026	2,915,000.00	1.130%	494,635.00	3,409,635.00
06/01/2027	2,955,000.00	1.230%	461,695.50	3,416,695.50
06/01/2028	2,990,000.00	1.620%	425,349.00	3,415,349.00
06/01/2029	3,050,000.00	1.720%	376,911.00	3,426,911.00
06/01/2030	3,100,000.00	1.820%	324,451.00	3,424,451.00
06/01/2031	3,100,000.00	1.970%	268,031.00	3,368,031.00
06/01/2032	3,160,000.00	2.040%	206,961.00	3,366,961.00
06/01/2033	3,215,000.00	2.140%	142,497.00	3,357,497.00
06/01/2034	3,290,000.00	2.240%	73,696.00	3,363,696.00
Total	**$39,125,000.00**	-	**$5,005,161.25**	**$44,130,161.25**

Yield Statistics

Bond Year Dollars	$286,362.99
Average Life	7.319 Years
Average Coupon	1.7478381%
Net Interest Cost (NIC)	1.8571399%
True Interest Cost (TIC)	1.8531074%
Bond Yield for Arbitrage Purposes	1.7346362%
All Inclusive Cost (AIC)	1.9369356%

IRS Form 8038

Net Interest Cost	1.7478381%
Weighted Average Maturity	7.319 Years

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
06/01/2021	-	-	-	-
12/01/2021	-	-	350,786.25	350,786.25
06/01/2022	2,745,000.00	0.300%	278,156.50	3,023,156.50
12/01/2022	-	-	274,039.00	274,039.00
06/01/2023	2,845,000.00	0.400%	274,039.00	3,119,039.00
12/01/2023	-	-	268,349.00	268,349.00
06/01/2024	2,865,000.00	0.680%	268,349.00	3,133,349.00
12/01/2024	-	-	258,608.00	258,608.00
06/01/2025	2,895,000.00	0.780%	258,608.00	3,153,608.00
12/01/2025	-	-	247,317.50	247,317.50
06/01/2026	2,915,000.00	1.130%	247,317.50	3,162,317.50
12/01/2026	-	-	230,847.75	230,847.75
06/01/2027	2,955,000.00	1.230%	230,847.75	3,185,847.75
12/01/2027	-	-	212,674.50	212,674.50
06/01/2028	2,990,000.00	1.620%	212,674.50	3,202,674.50
12/01/2028	-	-	188,455.50	188,455.50
06/01/2029	3,050,000.00	1.720%	188,455.50	3,238,455.50
12/01/2029	-	-	162,225.50	162,225.50
06/01/2030	3,100,000.00	1.820%	162,225.50	3,262,225.50
12/01/2030	-	-	134,015.50	134,015.50
06/01/2031	3,100,000.00	1.970%	134,015.50	3,234,015.50
12/01/2031	-	-	103,480.50	103,480.50
06/01/2032	3,160,000.00	2.040%	103,480.50	3,263,480.50
12/01/2032	-	-	71,248.50	71,248.50
06/01/2033	3,215,000.00	2.140%	71,248.50	3,286,248.50
12/01/2033	-	-	36,848.00	36,848.00
06/01/2034	3,290,000.00	2.240%	36,848.00	3,326,848.00
Total	**$39,125,000.00**	**-**	**$5,005,161.25**	**$44,130,161.25**

Yield Statistics

Bond Year Dollars	$286,362.99
Average Life	7.319 Years
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Bond Yield for Arbitrage Purposes	1.7346362%
All Inclusive Cost (AIC)	1.9369356%

IRS Form 8038

Net Interest Cost	1.7478381%
Weighted Average Maturity	7.319 Years

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

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06/01/2025	3,412,216.00	3,412,216.00	3,847,822.50	435,606.50
06/01/2026	3,409,635.00	3,409,635.00	3,849,382.50	439,747.50
06/01/2027	3,416,695.50	3,416,695.50	3,856,102.50	439,407.00
06/01/2028	3,415,349.00	3,415,349.00	3,854,790.00	439,441.00
06/01/2029	3,426,911.00	3,426,911.00	3,861,600.00	434,689.00
06/01/2030	3,424,451.00	3,424,451.00	3,859,200.00	434,749.00
06/01/2031	3,368,031.00	3,368,031.00	3,807,000.00	438,969.00
06/01/2032	3,366,961.00	3,366,961.00	3,801,800.00	434,839.00
06/01/2033	3,357,497.00	3,357,497.00	3,796,600.00	439,103.00
06/01/2034	3,363,696.00	3,363,696.00	3,801,200.00	437,504.00
Total	**$44,130,161.25**	**$44,128,727.07**	**$49,813,905.00**	**$5,685,177.93**

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	8,045,819.74
Net PV Cashflow Savings @ 1.937%(AIC)	8,045,819.74
Transfers from Prior Issue Debt Service Fund	(3,059,936.25)
Contingency or Rounding Amount	1,434.18
Net Present Value Benefit	$4,987,317.67
Net PV Benefit / $40,915,000 Refunded Principal	12.189%
Net PV Benefit / $39,125,000 Refunding Principal	12.747%

Refunding Bond Information

Refunding Dated Date	4/14/2021
Refunding Delivery Date	4/14/2021

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

Debt Service Comparison

Date	Total P+I	Net New D/S	Old Net D/S	Savings
06/01/2021	-	(1,434.18)	-	1,434.18
12/01/2021	350,786.25	350,786.25	711,516.25	360,730.00
06/01/2022	3,023,156.50	3,023,156.50	3,101,516.25	78,359.75
12/01/2022	274,039.00	274,039.00	679,251.25	405,212.25
06/01/2023	3,119,039.00	3,119,039.00	3,149,251.25	30,212.25
12/01/2023	268,349.00	268,349.00	643,436.25	375,087.25
06/01/2024	3,133,349.00	3,133,349.00	3,193,436.25	60,087.25
12/01/2024	258,608.00	258,608.00	603,911.25	345,303.25
06/01/2025	3,153,608.00	3,153,608.00	3,243,911.25	90,303.25
12/01/2025	247,317.50	247,317.50	559,691.25	312,373.75
06/01/2026	3,162,317.50	3,162,317.50	3,289,691.25	127,373.75
12/01/2026	230,847.75	230,847.75	510,551.25	279,703.50
06/01/2027	3,185,847.75	3,185,847.75	3,345,551.25	159,703.50
12/01/2027	212,674.50	212,674.50	457,395.00	244,720.50
06/01/2028	3,202,674.50	3,202,674.50	3,397,395.00	194,720.50
12/01/2028	188,455.50	188,455.50	400,800.00	212,344.50
06/01/2029	3,238,455.50	3,238,455.50	3,460,800.00	222,344.50
12/01/2029	162,225.50	162,225.50	339,600.00	177,374.50
06/01/2030	3,262,225.50	3,262,225.50	3,519,600.00	257,374.50
12/01/2030	134,015.50	134,015.50	276,000.00	141,984.50
06/01/2031	3,234,015.50	3,234,015.50	3,531,000.00	296,984.50
12/01/2031	103,480.50	103,480.50	210,900.00	107,419.50
06/01/2032	3,263,480.50	3,263,480.50	3,590,900.00	327,419.50
12/01/2032	71,248.50	71,248.50	143,300.00	72,051.50
06/01/2033	3,286,248.50	3,286,248.50	3,653,300.00	367,051.50
12/01/2033	36,848.00	36,848.00	73,100.00	36,252.00
06/01/2034	3,326,848.00	3,326,848.00	3,728,100.00	401,252.00
Total	**$44,130,161.25**	**$44,128,727.07**	**$49,813,905.00**	**$5,685,177.93**

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	8,045,819.74
Net PV Cashflow Savings @ 1.937%(AIC)	8,045,819.74
Transfers from Prior Issue Debt Service Fund	(3,059,936.25)
Contingency or Rounding Amount	1,434.18
Net Present Value Benefit	$4,987,317.67
Net PV Benefit / $40,915,000 Refunded Principal	12.189%
Net PV Benefit / $39,125,000 Refunding Principal	12.747%

Refunding Bond Information

Refunding Dated Date	4/14/2021
Refunding Delivery Date	4/14/2021

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
06/01/2022	Serial Coupon	0.300%	0.300%	2,745,000.00	100.000%	2,745,000.00
06/01/2023	Serial Coupon	0.400%	0.400%	2,845,000.00	100.000%	2,845,000.00
06/01/2024	Serial Coupon	0.680%	0.680%	2,865,000.00	100.000%	2,865,000.00
06/01/2025	Serial Coupon	0.780%	0.780%	2,895,000.00	100.000%	2,895,000.00
06/01/2026	Serial Coupon	1.130%	1.130%	2,915,000.00	100.000%	2,915,000.00
06/01/2027	Serial Coupon	1.230%	1.230%	2,955,000.00	100.000%	2,955,000.00
06/01/2028	Serial Coupon	1.620%	1.620%	2,990,000.00	100.000%	2,990,000.00
06/01/2029	Serial Coupon	1.720%	1.720%	3,050,000.00	100.000%	3,050,000.00
06/01/2030	Serial Coupon	1.820%	1.820%	3,100,000.00	100.000%	3,100,000.00
06/01/2031	Serial Coupon	1.970%	1.970%	3,100,000.00	100.000%	3,100,000.00
06/01/2032	Serial Coupon	2.040%	2.040%	3,160,000.00	100.000%	3,160,000.00
06/01/2033	Serial Coupon	2.140%	2.140%	3,215,000.00	100.000%	3,215,000.00
06/01/2034	Serial Coupon	2.240%	2.240%	3,290,000.00	100.000%	3,290,000.00
Total	-	-	-	**$39,125,000.00**	-	**$39,125,000.00**

Bid Information

Par Amount of Bonds	$39,125,000.00
Gross Production	$39,125,000.00
Total Underwriter's Discount (0.800%)	$(313,000.00)
Bid (99.200%)	38,812,000.00
Total Purchase Price	$38,812,000.00
Bond Year Dollars	$286,362.99
Average Life	7.319 Years
Average Coupon	1.7478381%
Net Interest Cost (NIC)	1.8571399%
True Interest Cost (TIC)	1.8531074%

Current Refunding Escrow

Date	Principal	Rate	Interest	Receipts	Disbursements	Cash Balance
04/14/2021	-	-	-	0.07	-	0.07
06/01/2021	41,651,102.00	0.070%	3,834.18	41,654,936.18	41,654,936.25	-
Total	**$41,651,102.00**	**-**	**$3,834.18**	**$41,654,936.25**	**$41,654,936.25**	**-**

Investment Parameters

Investment Model [PV, GIC, or Securities]	Securities
Default investment yield target	Bond Yield
Cash Deposit	0.07
Cost of Investments Purchased with Bond Proceeds	41,651,102.00
Total Cost of Investments	$41,651,102.07
Target Cost of Investments at bond yield	$41,561,114.38
Actual positive or (negative) arbitrage	(89,987.69)
Yield to Receipt	0.0705192%
Yield for Arbitrage Purposes	1.7346362%
State and Local Government Series (SLGS) rates for	1/06/2021

Detail Costs Of Issuance

Dated 04/14/2021 | Delivered 04/14/2021

COSTS OF ISSUANCE DETAIL

Financial Advisor	$54,900.00
Bond Counsel	$110,000.00
Rating Agency Fee	$48,000.00
Advertising	$1,705.00
State of Michigan Fee	$1,100.00
MAC Fee	$400.00
Muniplatform	$795.00
Escrow and Paying Agent Fee	$1,000.00
Verification Agent Fee	$1,500.00
TOTAL	**$219,400.00**

Oakland County - City of Pontiac Wastewater Treatment Facility Drainage District

Drain Refunding Bonds, Series 2021 (Taxable)

$39,125,000

Total Original Outstanding Debt Service

DATE	Pontiac WWTF 2012A FINAL	TOTAL P+I
12/01/2012	-	-
06/01/2013	1,285,919.89	1,285,919.89
12/01/2013	832,610.00	832,610.00
06/01/2014	832,610.00	832,610.00
12/01/2014	832,610.00	832,610.00
06/01/2015	2,777,610.00	2,777,610.00
12/01/2015	825,802.50	825,802.50
06/01/2016	2,825,802.50	2,825,802.50
12/01/2016	815,802.50	815,802.50
06/01/2017	2,875,802.50	2,875,802.50
12/01/2017	802,412.50	802,412.50
06/01/2018	2,927,412.50	2,927,412.50
12/01/2018	784,881.25	784,881.25
06/01/2019	2,969,881.25	2,969,881.25
12/01/2019	764,123.75	764,123.75
06/01/2020	3,014,123.75	3,014,123.75
12/01/2020	739,936.25	739,936.25
06/01/2021	3,059,936.25	3,059,936.25
12/01/2021	711,516.25	711,516.25
06/01/2022	3,101,516.25	3,101,516.25
12/01/2022	679,251.25	679,251.25
06/01/2023	3,149,251.25	3,149,251.25
12/01/2023	643,436.25	643,436.25
06/01/2024	3,193,436.25	3,193,436.25
12/01/2024	603,911.25	603,911.25
06/01/2025	3,243,911.25	3,243,911.25
12/01/2025	559,691.25	559,691.25
06/01/2026	3,289,691.25	3,289,691.25
12/01/2026	510,551.25	510,551.25
06/01/2027	3,345,551.25	3,345,551.25
12/01/2027	457,395.00	457,395.00
06/01/2028	3,397,395.00	3,397,395.00
12/01/2028	400,800.00	400,800.00
06/01/2029	3,460,800.00	3,460,800.00
12/01/2029	339,600.00	339,600.00
06/01/2030	3,519,600.00	3,519,600.00
12/01/2030	276,000.00	276,000.00
06/01/2031	3,531,000.00	3,531,000.00
12/01/2031	210,900.00	210,900.00
06/01/2032	3,590,900.00	3,590,900.00
12/01/2032	143,300.00	143,300.00
06/01/2033	3,653,300.00	3,653,300.00
12/01/2033	73,100.00	73,100.00
06/01/2034	3,728,100.00	3,728,100.00
Total	**$78,781,182.39**	**$78,781,182.39**

#3

SPECIAL PRESENTATION

RUBICON

CAPITAL

Glenwood Plaza

Glenwood Plaza

- Glnwood Plaza is located in Pontiac's District 6
- It has 28 acres that sits just off of North Perry Street
- property

Glenwood Plaza Front view with Grocery Store

Glenwood Market Grocery Store

Glenwood Plaza

Glenwood Market by Hollywood Market

Timeline for Glenwood **Approvals**

Dec. 18, 2019

Conditional Rezoning
Conditional Rezoning was approved by the Planning Commission and recommended to the Pontiac City Council.

Jan. 21, 2020

City Council Resolution
Recommendation from Planning Commission for conditional rezoning Approved by Pontiac City Council stating that Glenwood Plaza can operate 100,000 Square Feet of Non Provisioning center medical marijuana until a 15,000 square foot grocery store is opened to the public.

Feb. 3, 2021

Special Exemption Permit
The SEP was supposed to be applied for after licenses were issued to tenants. However, in an attempt to move things forward and do all that we (Rubicon) can do we received our SEP for the Glenwood Property on Feb. 3rd in a unanimous decision.

City Council Resolution

It says: Glewood Can Operate 100,000 Square feet of Medical Marijuana until a 15,000 Square foot Grocery Store is open to the public

What Does it Give the ability to do?

Are their any other approvals for the property that are needed or that can even be acquired?

Resolution of the Pontiac City Council

20-29 **Resolution to approve a Zoning Map Amendment request [ZMA 19-08] for 7 & 9 Glenwood Avenue also known as parcel numbers 64-14-21-383-011 & 012, to amend the current site zoning C-1 Local Business to C-3 Corridor Commercial and M-1 Light Manufacturing with CR Conditional Zoning.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the City has received an application for a Zoning Map Amendment for 7 & 9 Glenwood Avenue identified as parcel numbers 64-14-21-383-011 & 012 from Manuel David Ferraiuolo; 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 December 18, 2019, 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 7 & 9 Glenwood Avenue approving the change from the current C-1 Local Business to C-3 Corridor Commercial and M-1 Light Manufacturing with CR Conditional Rezoning; and
Now, Therefore, Be It Resolved that the City of Pontiac City Council approve the Planning Commission recommendation for the Zoning Map Amendment (ZMA 19-08) request for 7 & 9 Glenwood Avenue also known as parcel numbers 64-14-21-383-011 & 012, to amend the current site zoning C-1 Local Business to C-3 Corridor Commercial and M-1 Light Manufacturing with CR Conditional Zoning and to allow medical marihuana facilities to locate within the M-1 Light Manufacturing zoned area of the site. Additionally, the CR Conditional Rezoning requires the applicant may only occupy up one hundred thousand square feet of space for medical marihuana non-provisioning facilities until such time that grocery tenant this is minimum of fifteen thousand square feet receives a certificate of occupancy and is open to the public for business.

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

I, Garland S. Doyle, Interim City 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 January 21, 2020.

January 29, 2020

GARLAND S. DOYLE, Interim City Clerk

Zoning Enabling Act:

The Michigan Zoning Enabling Act (the "Enabling Act"), M.C.L.A. Sec. 125.3101 et. seq. grants municipalities the authority to regulate land use through zoning. More specifically Sec. 125.3201 governs a "local units" authority under this Enabling Act, as well as establishing uniformity requirements.

Potentially relevant to this matter, Article V on this Enabling Act governs special zoning provisions. Section 125.3502 states that:

The legislative body may provide in a zoning ordinance for special land uses in a zoning district. A special land use shall be subject to the review and approval of the zoning commission, the planning commission, an official charged with administering the zoning ordinance, or the legislative body as required by the zoning ordinance. The zoning ordinance shall specify all of the following:

(a) The special land uses and activities eligible for approval and the body or official responsible for reviewing and granting approval.

(b) The requirements and standards for approving a request for a special land use.

(c) The procedures and supporting materials required for the application, review, and approval of a special land use.

These standards may help to establish the parameters of the City of Pontiac's Ordinance ("Ordinance") as it relates to this matter, and whether or not Clerk Doyle's interpretation that the City may not issue a Special Exception Permit for Marijuana Growers outside the overlay districts, is appropriate.

Preemption of Local Ordinances:

A city only has authority to regulate land use through zoning because the legislature has specifically granted them that authority in the Enabling Act. Maple BPA, Inc v. Bloomfield Charter Twp., 302 Mich.App. 505, 515, 838 N.W.2d 915, 922 (Mich.App.2013). As such, a municipality can exercise zoning authority "only to the limited extent authorized by that legislation." Id. See also, Whitman v. Galien Twp., 288 Mich.App. 672, 679, 808 N.W.2d 9, 14 (Mich.App.2010).

These limitations make clear that while the City of Pontiac may codify certain ordinances, they are limited in application by other statutory provisions of Michigan law, and thus, may be preempted. The general concepts of preemption provide that local zoning ordinances are subordinate to otherwise permissible legislative action by the state. See generally, Frericks v. Highland Tp., 228 Mich. App. 575, 579 N.W.2d 441 (1998); Township of Bingham v. RLTD Railroad Corp., 228 Mich. App. 154, 576 N.W.2d 731 (1998); City of Dearborn v. Department of Social Services, 120 Mich. App. 125, 327 N.W.2d 419 (1982).

In applying those preemption principles, a city may not enact an ordinance if (1) the ordinance directly conflicts with the state statutory scheme, or (2) the state statutory scheme preempts the ordinance by occupying the field of regulation that the municipality seeks to enter, to the exclusion of the ordinance, even where there is no direct conflict between the two schemes of regulation. Frericks v. Highland Tp., 228 Mich. App. 575, 579 N.W.2d 441 (1998); 25 Mich. Civ. Jur. Zoning § 5.

Preemption of Local Ordinances:

A. Field Preemption Defined

The Michigan Supreme Court has established four guidelines to determine whether a statute completely occupies a field:

First, where the state law expressly provides that the state's authority to regulate in a specified area of the law is to be exclusive, there is no doubt that municipal regulation is pre-empted.

Second, pre-emption of a field of regulation may be implied upon an examination of legislative history.

Third, the pervasiveness of the state regulatory scheme may support a finding of pre-emption. While the pervasiveness of the state regulatory scheme is not generally sufficient by itself to infer pre-emption, it is a factor which should be considered as evidence of pre-emption.

Fourth, the nature of the regulated subject matter may demand exclusive state regulation to achieve the uniformity necessary to serve the state's purpose or interest.

People v. Llewellyn, 401 Mich. 314, 323–324, 257 N.W.2d 902 (1977). Field preemption may be a difficult standard to satisfy, and courts decisions note that local zoning ordinances may prove to be a distinguishing factor in their preemption decision. See, Maple BPA, Inc v. Bloomfield Charter Twp., 302 Mich.App. 505, 512, 838 N.W.2d 915, 920 (Mich.App.2013).

Preemption of Local Ordinances:

B. Conflict Preemption

State law preempts a local regulation when that regulation directly conflicts with a state statute. McNeil v. Charlevoix Co., 275 Mich.App. 686, 697, 741 N.W.2d 27 (2007). "A direct conflict exists between a local regulation and a state statute when the local regulation permits what the statute prohibits or prohibits what the statute permits." Id.

Based on review of the January 5, 2021 Pontiac City Council Meeting, it would seem Attorney Gibb is arguing that provisions of the ordinance (or rather Clerk Doyle's interpretation of the ordinance), which would not allow Marijuana Growers to seek a Special Exception Permit ("SEP") to operate outside one of the specified overlay districts, would be in direct conflict with provisions of the Enabling Act, and as such, is preempted by that state law.

C. Preemption Application to Michigan's Zoning Enabling Act

As a state statutory enactment, if a conflict arises between a local ordinance and the Enabling Act, preemption likely would apply, and such conflict would be resolved in favor of the state statutory scheme. Such a finding is supported by the Supreme Court of Michigan, which has consistently held that while the local government may enact local zoning regulations, "the procedures outlined in the Zoning Enabling Act must be strictly adhered to." Korash v. City of Livonia, 388 Mich. 737, 746, 202 N.W.2d 803, 807 (1972) (citing, Krajenke Buick Sales v. Hamtramck City Engineer, 322 Mich. 250, 33 N.W.2d 781 (1948); Stevens v. Madison Heights, 358 Mich. 90, 99 N.W.2d 564 (1959).

Generally, when applying the preemption doctrine to the Enabling Act, courts will review whether another state statute preempts a local governments authority under the Enabling Act itself (See, Ter Beek v. City of Wyoming, 495 Mich. 1, 22, 846 N.W.2d 531, 542-43 (2014), finding that Enabling Act was superseded by the more specific Michigan Medical Marijuana Act to the extent the two conflicted with respect to municipalities' authority to use their zoning powers to advance local interests), or whether the ordinance itself violated the Enabling Act (See, Maple BPA, Inc v. Bloomfield Charter Twp., 302 Mich.App. 505, 515, 838 N.W.2d 915, 922 (Mich.App.2013) where plaintiff challenged township zoning ordinance which prevented gas stations from selling liquor as a violation the uniformity provisions of the Enabling Act).

Preemption of Local Ordinances:

However, in this case, there seems to be evidence that Clerk Doyle's interpretation of the Ordinance would render it contrary to the Enabling Act's provisions, as it prohibits actions which the Enabling Act permits. Here, Clerk Doyle believes the Ordinance will not permit the authorization of an SEP to a Marijuana Grower outside of the overlay districts. However, courts have found that M.C.L.A. Sec. 125.3502 of the Enabling Act provides local zoning boards the authority to grant a special exception use for applicants, even if not specifically enumerated in the ordinance itself. See, Reilly v. Marion Tp., 113 Mich.App. 584, 317 N.W.2d 693 (Mich.App.1982). As such, there is an appropriate argument that the position held by Clerk Doyle will put the City of Pontiac's Ordinance in direct conflict with the Enabling Act, by prohibiting an SEP which may be properly authorized.

Interpretation of Ordinance:

Another potential challenge, outside the scope of preemption, is one of interpretation. Relevant to this matter, the Mayor, and her attorneys, take the position that Sec. 3.1106 of the Ordinance which states:

Medical Marijuana use outside the overlay Medical Marijuana Overlay Districts are subject to Planning Commission approval following the Standards of Approval of Section 6.303 for Special Exception Permits, and Article 2, Chapter 5, Development Standards for Specific Uses

provides the necessary authorization to grant SEP's to Marijuana Growers outside the overlay districts. Clerk Doyle, and through his attorney, state that while "there is special Exception language in the ordinance…it does not state that Grower and Processors can be licensed outside of [the overlay districts]." Clerk Doyle points to language in Sec. 2.544(E) which provides that "Medical Marijuana Grower uses are not permitted outside the Cesar Chavez and Walton Blvd. Medical Marijuana Overlay Districts."

As such, the City Council minuets from the January 5, 2021 provide that this conflict goes beyond preemption but raises questions of interpretation of the Ordinance language. Interpretation questions similar to this matter have been addressed by Michigan courts. In, Reilly v. Marion Tp., 113 Mich.App. 584, 317 N.W.2d 693 (Mich.App.1982), the Michigan Court of Appeals held that the zoning board of appeals had the authority to create a special exception use. In Reilly, an applicant sought a variance and special exception use to operate a trucking business on property which was zoned agricultural-residential. Id. at 586. Both applications were granted. Id. Another landowner challenged the grant of this special exception as "the proposed use did not fall within the specific provisions for special exception uses found in the Marion Township Zoning Ordinance." Id. at 587. The plaintiff claimed that while the zoning ordinance grants to the Board of Appeals the authority to hear and decide petitions for special exception uses, it may only grant special Exception uses as specifically permitted by the ordinances language. Id. Here, the ordinance listed "Churches, cemeteries, parochial and private schools, eleemosynary, charitable and philanthropic institutions, golf courses, private noncommercial clubs, public utility buildings and structures necessary for the service of the community" as special exception uses permitted in the agricultural-residential district. Id. The court noted that while the applicant's use did not fall within the enumerated list of permissible exceptions, the ordinance provides the board authority to create a special exception use that is not specifically listed, so long as the

Interpretation of Ordinance:

Similarly, there is a strong argument in this matter that the language of the Ordinance, and case law, provides authority for the Clerk to issue a SEP once it has been approved subject to the criteria outlined in the Ordinance. Like in Reilly, this specific Ordinance provides the Planning Commission with the authority to approve SEPs, and defines standards for approval of such permits. This broad authority should be seen as allowing the City to grant SEP's to Growers, even outside the overlay districts.

Conclusion:

Based upon a review of relevant Michigan law I believe there are strong arguments that the position taken by Clerk Doyle is inconsistent with the Enabling Act, and thus, are preempted by such state statutory scheme. Further, Michigan case law provides authority that Clerk Doyle, and the local zoning commission, may in fact issue an SEP to Marijuana Growers outside the overlay district, consistent with the authority granted to the Planning Commission in the Ordinance.

Questions:

These are 5 Questions that the Interim City Clerk Continues to avoid. They are not Unrealistic to ask and they are not hard to answer. So ask yourself why does he avoid them?

- ✓ 1) Will you (Garland Doyle, Interim Clerk) comply with the City Attorney and issue Licenses to tenants of Glenwood Plaza if everything on their application is in compliance?
- ✓ 2) If you (Garland Doyle, Interim Clerk) will not comply with the Pontiac City Attorney, then will you issue letters to our tenants stating that you will not issue licenses to anyone at Glenwood Plaza without your perceived Ordinance change?
- ✓ 3) If you (Garland Doyle, Interim Clerk) are not accepting the Legal council of the Pontiac City Attorney, then will you name who is advising you in this area and the position that you are taking? We have heard from the Pontiac City Attorney, Rubicon's Attorneys, and yourself (Garland Doyle, Interim Clerk) but we have not heard from your council or even know who they are.
- ✓ 4) Also, if the Ordinance must be changed to open cannabis to the whole city of Pontiac then what does the City Council Resolution that we received (Attached to this email) give us permission to do? It itself is clear at what it states we can do. So does a Resolution from this city council mean something? Or does it mean nothing?
- ✓ 5) As we Rubicon are not cannabis operators but only the landowner. Are there any other approvals that we need for the property? Is there any other approval that we could even receive for our property from the city of Pontiac?

#4

SPECIAL PRESENTATION

CITY CLERK'S RESPONSE TO GLENWOOD PLAZA MEDICAL MARIHUANA PROJECT

Medical Marihuana Application Review Process

A process that follows the ordinance as approved by the voters that is fair, transparent and has integrity.

Garland Doyle, M.P.A., CNP
Interim City Clerk
Presentation to Pontiac City Council
February 16, 2021

The Application Review Process

Phases	Type of Review	What happens during the review phase?
Review Phase 1	Content Review	Clerk staff will review application to make sure all information and exhibits have been submitted
Review Phase 2	Default Review	Staff from each department/division checks the applicant name and stakeholders to ensure they are not in default with the city
Review Phase 3	Evaluation and/or Scoring Review	Evaluates and/or scores the relevant section of application
Review Phase 4	Compliance Review	Ensures that standards have been consistently applied by reviews

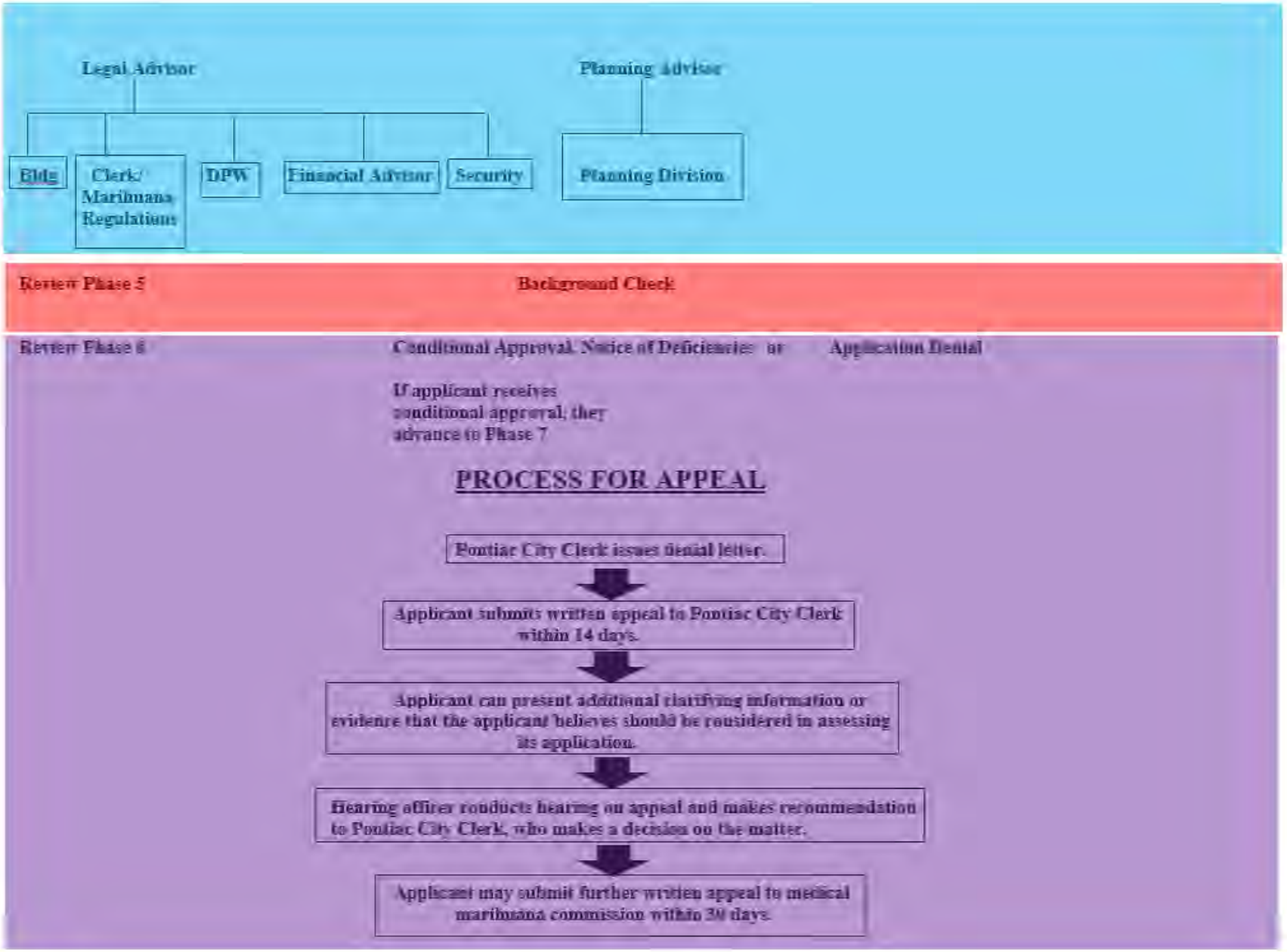
Review Phase 2 — Default Review:

- 50th District Court Review to be completed by Marihuana Regulations
- Income Tax
- Treasury
- Code Enforcement

Review Phase 3 — Evaluation and/or Scoring Review:

- Planning Division
- Building
- Clerk/ Marihuana Regulations
- DPW
- Financial Advisor
- Security

A Fair and Transparent Process



Review Phase 7

Site Plan Approval and/if necessary Special Exemption Approval

Review Phase 8

Certificate of Compliance/Occupancy from Building and Fire

Review Phase 9

Clerk issues a permit provided you have been issued your pre-qualification from the State of Michigan

As the City Clerk, I wanted to ensure this review process is fair and has integrity.

I required all staff and reviewers involved in the process to sign confidentiality/non-disclosure and conflict of interest forms.

Staff and/or Reviewer Completed & Signed Forms

Name	Office/Department	Confidentiality and Non-Disclosure	Conflict of Interest
Garland Doyle	City Clerk	Yes	Yes
Jonathan Starks	City Clerk	Yes	Yes
Janet Jimenez	City Clerk	Yes	Yes
Robert Huth, Jr. Esq Kirk, Huth, Lange, and Badalamenti, PLC	Legal Advisor to the City Clerk	Yes	Yes
Sherman Taylor, JD CPA SRT Consulting, LLC	Financial Advisor to the City Clerk	Yes	Yes
Jill Bahm, AICP Giffels-Webster	Planning Advisor to the City Clerk	Yes	Yes
Brian Stair Global Alliance Protective Group, LLC	Security Consultant to the City Clerk	Yes	Yes
John Fraser, Esq. Grewal Law PLLC	Hearing Officer	Yes	Yes
Vern Gustafsson	Planning	Yes	Yes
Mike Wilson	Building	Yes	Yes
Dan Ringo	DPW	Yes	Yes
Patrick Brzozowski	Code Enforcement	Yes	Yes
Sekar Bawa	Treasury	Yes	Yes
Larry Kosofsky	Income Tax	Yes	Yes

About the City Clerk

- The City Clerk has been a resident of Pontiac for over 10 years
- Over 23 years of Municipal Government Experience

- Master of Public Administration and Graduate Certificate in Local Government Management
- Certified Nonprofit Professional
- Managed City of Detroit department budget in excess of 40 Million dollars
- Legislative and Executive Branch experience in both Detroit and Pontiac
- Awarded a $405,460 grant for the 2020 Election for the City of Pontiac
- Advocate for Economic Development, former Deputy Director of Community and Economic Development for Pontiac

The Clerk has the experience and knowledge to lead this review process for Pontiac

Glenwood Plaza Medical Marihuana Project

Rubicon Capital is the project developer not a medical marihuana applicant. Two medical marihuana applicants have applied for a grower and processor permit at the Glenwood site. They are Pharmaco Inc and Family Rootz LLC.

Since Rubicon Capital is not an applicant, I cannot disclose any information to them about either Pharmaco Inc or Family Rootz LLC applications. Despite informing Rubicon representatives and its attorney that I cannot disclose information about an applicant to them, I continue to receive calls and emails from them.

History

April 2019

The City of Pontiac approved zoning ordinance 2363 to regulate medical marihuana. Ordinance 2363 section 2.544 Medical Marihuana Grower Facilities E. Licensing

Medical Marihuana Grower uses are not permitted outside the Cesar Chavez and Walton Blvd Medical Marihuana Overlay Districts.

Ordinance 2363 section 2.545 Medical Marihuana Processor E. Licensing

Medical Marihuana Processor uses are not permitted outside the Cesar Chavez and Walton Blvd Medical Marihuana Overlay Districts.

Based on the City Council approving a zoning ordinance, the Office of the City Clerk developed an application process for grower, processors, safety compliance and secure transporters. All potential grower and processors were told based on the zoning ordinance you have to locate within the Cesar Chavez or Walton Blvd Overlay Districts and your property must be zoned M-1 or M-2 within one of those two districts only.

In December 2019, the Planning Commission voted to recommend to the City Council that they grant a conditional rezoning to Rubicon Capital to allow them to redevelop Glenwood Plaza into a site eligible to grow and process medical marihuana. In exchange for being granted a rezoning, Rubicon Capital would build a grocery store on the site. In January 2020, City Council approved the conditional rezoning.

What is the problem?

The conditional rezoning agreement that the City and Rubicon entered into required Ordinance 2363 to be amended "Whereas, the City Planning Commission, on December 18, 2019 approve the request for a conditional rezoning and adopted Ordinance No. _____ to amend the City's Zoning Map Ordinance based upon the conditions set forth in this agreement". Ordinance 2363 has not been amended. This is why the Glenwood Plaza Project is on hold.

At the same time in January 2020 that City Council approved the conditional rezoning, City Council sent a recommendation to the Planning Commission to amend the ordinance. The Planning Commission will not issue a recommendation to the City Council which is needed in order to be in compliance with the Michigan Zoning Enabling Act before City Council can amend Ordinance 2363.

The Conditional Rezoning granted to Rubicon Capital is a two step process.

1. Approve the Conditional Rezoning Agreement (Completed)
2. Amend Ordinance 2363 based upon the conditions set forth in the conditional rezoning agreement. (Incomplete)

Until Ordinance 2363 is amended it would be illegal for the City Clerk to grant a permit to Pharmaco Inc or Family Rootz to operate at the Glenwood Plaza site.

It is not the City Clerk but the Planning Commission that is putting the City at risk of being sued by Rubicon Capital for not honoring the agreement that they approved in December 2019 that required for the zoning ordinance to be amended as a part of the conditional rezoning.

Other Potential Problems with the Planning Commission and the Conditional Rezoning Agreement

The City Clerk is required to inform the City Council of the following:

1) The City Clerk has become aware that Rubicon Capital did not own the property when the City granted it a conditional rezoning.

Another Medical Marihuana applicant complained to the City Clerk that the City entered into a conditional rezoning agreement with an entity that was not the property owner at the time the conditional rezoning was approved. The applicant stated that the rezoning is invalid and threatening to sue the City.

The City cannot grant conditional rezoning to non property owners.

The Michigan Zoning Enabling Act 110 of 2006 125.3405 Sec 405 stipulates "an owner of land may voluntarily offer in writing and the local unit of government may approve, certain use and development of the land as a condition to rezoning of the land or an amendment to a zoning map".

The attached communication confirms that Rubicon did not own the property at the time the City approved their conditional rezoning

Dear Mayor:

Please be advised that the undersigned represents Rubicon Real Estate with respect to this matter. As you are aware, my client purchased the aforementioned property on February 27, 2020. The purchase of the property was made in reliance on both the City of Pontiac Approved Resolution dated January 29, 2020 (attached) and the letter agreement dated January 23, 2020 (attached). It is my understanding that my client has fully complied with all requirements set forth in both documents and my client is simply waiting for the City approval and licenses for my client's two anchor tenants, Pharmco and Family Rootz. It is my understanding that Garland Doyle, the City Clerk for the City of Pontiac, is reluctant to issue same.

My client has been extremely patient in awaiting the required resolution to this matter and the issuance of the licenses for the anchor tenants. Simply put, time is running out for my client and in the very near future my client will begin to incur catastrophic damages; in addition to the damages already incurred throughout this delay. My client's lender is refusing to disburse any loan funds for development, totaling $45,000,000.00, until such time as the aforementioned licenses are issued. In addition, we are in position now that would allow Pharmco, Family Rootz, and Hollywood Market to terminate their lease agreements. The Pharmco lease is a 15 year lease with $37,500,000.00 in rent. The Family Rootz lease will produce $9,000,000.00 to $12,000,000.00 in revenues for 3-4 years with a purchase agreement in place with a $25,000,000.00 sale price. Finally, Hollywood Market has a 10 year lease with my client with annual revenues totaling $1,500,000.00 over the 10 year period. These damages do not include the purchase price, as the property was purchased upon reliance of the attached documents, totaling $7,000,000.00.

Unless this matter is resolved forthwith, my client will have no option but to pursue all available remedies including a claim for recovery of the aforementioned damages. Obviously, neither my client nor I want to litigate this matter and are simply looking to resolve this remaining issue and move forward. Frankly, resolving this matter is in the best interests of all parties involved.

Sincerely,

Michael J. Weikert, Esq.
Managing Member

THE WEIKERT LAW FIRM

2. The Planning Commission granted a special exemption permit to a non-medical marihuana applicant (Rubicon Capital) on February 3, 2021. The special exemption permit is granted to an applicant after they receive their conditional approval (In this case, it would be Pharmaco and Family Rootz not Rubicon the developer.) Despite planning knowing why Pharmaco and Family Rootz had not received a conditional approval they recommended to the Planning Commission to grant Rubicon a special exemption permit. Planning was fully aware of why Pharmaco and Family Rootz had not been issued a conditional approval. Although, I cannot disclose why they have not received a conditional approval but it had nothing to do with the conditional rezoning issue.

The Planning Commission throughout this entire Medical Marihuana Application process has attempted to circumvent the City Council authority and the City Clerk oversight.

As the City Clerk, it is my duty to inform the City Council of these problems. I am beginning to feel that the City Administration is trying to force me to break the law.

---

1) I do not understand why the Planning Commission will not issue a recommendation to the City Council so the Council can amend Ordinance 2363 which would allow Rubicon Capital to move forward with their project.

2) Why does the Planning Commission continue to put the City at risk of being sued by not adhering to Ordinance 2357 The City of Pontiac Medical Marihuana Facilities Ordinance or Ordinance 2363 Medical Marihuana Zoning?

3) The Mayor, City Attorney and now even member of the Planning Commission are defaming the City Clerk's character.

4) The Mayor will not allow Accounts Payable to pay the Clerk's professional experts invoices. This could delay the review process because the reviewers may stop working.

I am urging the City Council to intervene to ensure that the process remains fair for all applicants.

The Office of the City Clerk

is committed to a process that follows the ordinance as approved by the voters that is

fair, transparent and has integrity.

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

#5

RESOLUTION

CITY OF PONTIAC
OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President and City Council Members

FROM: Dan Ringo, Interim Director of Public Works

DATE: February 2nd 2021

RE: **Resolution to approve extending the METRO Act Permit Agreement between AT&T and the City of Pontiac**

On March 14, 2002 three bills were signed into law to stimulate the availability of affordable high-speed Internet connections. Act 48 of the Public Acts of 2002 created the Metropolitan Extension Telecommunication Rights-of-Way Oversight (METRO) Authority, whose purpose was to assist telecommunication providers cut through red tape and obtain permits without having to pay excessive fees or endure unnecessary delays. Under Public Act 88 of 2014, the Local Community Stabilization Authority assumed the role of the METRO Authority.

This is a resolution for Council to approve extending the existing METRO Act Permit issued by the Pontiac City/Oakland County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expired on September 30, 2020. The extension is for a term to end on September 30, 2025. If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files. Additional information regarding this renewal request may be found at http://www.michigan.gov/mpsc. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

WHEREAS, Council remains in support of the intent and purpose of the METRO Act and agree to extend necessary permits as allowed under the agreement between AT&T and the City of Pontiac.

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council authorizes the Mayor to extend the existing METRO Act Permit issued by the Pontiac City Council which expired on September 30, 2020. This extension will last for 5 years and not expire until September 30, 2025.

dr

Attachments.

AT&T Michigan
Angela Wesson
METRO Act Administrator
54 N. Mill Street
Mailbox #30
Pontiac, MI 48342

March 1, 2020
Resend: July 10, 2020

Pontiac City
47450 Woodward Ave
Pontiac, MI 48342

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Pontiac City,

This is a letter agreement which extends the existing METRO Act Permit issued by the Pontiac City/Oakland County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on September 30, 2020. The extension is for a term to end on September 30, 2025.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at http://www.michigan.gov/mpsc. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Angela Wesson via e-mail, AD3245@att.com or 248-456-0361.

Agreed to by and on behalf of the
Pontiac City

By: _____
Signature

Its: _____

Date: _____

Michigan Bell Telephone Company d/b/a AT&T acknowledges receipt of this

Permit Extension granted by the municipality.

By: _____
Angela Wesson

Its: METRO Act Administrator___

Date: _____

AT&T Michigan
Angela Wesson
METRO Act Administrator
54 N. Mill Street
Mailbox #30
Pontiac, MI 48342

February 10, 2016
Resend: January 10, 2019

Pontiac City
47450 Woodward Ave
Pontiac, MI 48342

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Pontiac City,

This is a letter agreement which extends the existing METRO Act Permit issued by the Pontiac City/Oakland County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on September 30, 2015. The extension is for a term to end on September 30, 2020.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at http://www.michigan.gov/mpsc. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Angela Wesson via e-mail, AD3245@att.com or 248-456-0361.

Agreed to by and on behalf of the
Pontiac City

By: Deirdre Waterman
Signature

Its: Mayor

Date: 7/29/19

Michigan Bell Telephone Company d/b/a AT&T acknowledges receipt of this Permit Extension granted by the municipality.

By: Angela Wesson
Angela Wesson

Its: METRO Act Administrator

Date: July 31, 19

METRO Act
Unilateral Form
Revised 12/06/02

RIGHT-OF-WAY TELECOMMUNICATIONS PERMIT

This permit issued this 6 day of Sept, 2005 by the City of Pontiac.

1 Definitions

1.1 Date of Issuance shall mean the date set forth above.

1.2 Manager shall mean Municipality's [Mayor/Manager/Supervisor/Village President] or his or her designee.

1.3 METRO Act shall mean the Metropolitan Extension Telecommunications Right-of Way oversight Act, Act No. 48 of the Public Acts of 2002, as amended.

1.4 Municipality shall mean Pontiac City, a Michigan municipal corporation.

1.5 Permit shall mean this document.

1.6 Permittee shall mean **Michigan Bell Telephone Company D.B.A SBC Michigan** organized under the laws of the State of Michigan whose address is **54 N. Mill St., Box 32, Pontiac, Mi. 48342.**

1.7 Public Right-of-Way shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.

1.8 Telecommunications Facilities or Facilities shall mean the Permittee's equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify or provide telecommunication services or signals. Telecommunication Facilities or Facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in Section 332(d) of Part I of Title III of the Communications Act of 1934, Chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communications device.

1.9 Term shall have the meaning set forth in Part 7.

2 Grant

2.1 Municipality hereby issues a permit under the METRO Act to Permittee for access to and ongoing use of the Public Right-of-Way identified on Exhibit A to construct, install and maintain Telecommunication Facilities on the terms set forth herein.

2.1.1 Exhibit A may be modified by Manager upon written request by Permittee.

2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.

2.2 Overlashing. Permittee shall not allow the wires or any other facilities of a third party to be overlashed to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the Michigan Telecommunications Act, MCL § 484.2361.

2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Right-of-Way by telecommunications providers and to enter into agreements for use of the Public Right-of-Way with and grant franchises for use of the Public Right-of-Way to telecommunications providers, cable companies, utilities and other providers.

3 Contacts, Maps and Plans

3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:

3.1.1 *The address, e-mail address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is **Marte Neumeyer, Area Manager, 54 N. Mill St. Box 32, Pontiac, Mi. 48342 Office: 248-456-0830, Fax: 248-975-4075.**

3.1.2 If Permittee's engineering drawings, as-built plans and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is Same as 3.1.1.

3.1.3 The name, title, address, e-mail address and telephone numbers of

Permittee's engineering contact person(s) with responsibility for the design, plans and construction of the Telecommunication Facilities is: **Paulette Regula, Area Engineer, 54 N. Mill St, Pontiac, Mi. 48342 Office: 248-456-9167, Fax: 248-975-4075.**

3.1.4 The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Same as 3.1.3.

3.1.5 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached 24 hours a day, seven (7) days a week, in the event of a public emergency.

3.1.6 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in a Municipality, a provider shall submit route maps showing the location of the Telecommunication Facilities to both the Michigan Public Service Commission and to the Municipality, as required under Section 6(7) of the METRO Act, MCLA 484.3106(7).

3.3 As-Built Records. Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Right-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4 Use of Public Right-of-Way

4.1 No Burden on Public Right-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Right-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Right-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.

4.2 No Priority. This Permit does not establish any priority of use of the Public Right-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Right-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.

4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately **(subject to seasonal work restrictions)** restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Right-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonably equivalent (or, at Permittee's option, better) condition as that which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time, Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.

4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable **(if such cable is nonconductive)**; (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate above ground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.

4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Right-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the

integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Right-of-Way shall have the advance approval of Manager.

4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Right-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.

4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Right-of-Way with Municipality's program for street construction and rebuilding (collectively "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").

4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Right-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.

4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgated. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including but not limited to the National Electrical Safety Code (latest edition adopted by Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.

4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Right-of-Way within its jurisdiction, and such vacation necessitates the removal

and relocation of Permittee's Facilities in the vacated Public Right-of-Way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its Facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its Facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.

4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its Facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its Facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.

4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy Facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster, including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its Facilities damaged pursuant to any such action taken by Municipality.

4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG," the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL § 460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

4.13 Underground Relocation. If Permittee has its Facilities on poles of Consumers Energy, Detroit Edison or another electric or telecommunications provider and Consumers Energy, Detroit Edison or such other electric or telecommunications provider relocates its system underground, then Permittee shall relocate its Facilities underground in the same location at Permittee's sole cost and expense.

4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

5 Indemnification

5.1 Indemnity. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions from any and all claims, losses, liabilities, causes of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Right-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.

5.2 Notice, Cooperation. Municipality will notify Permittee promptly in writing of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.

5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6 Insurance

6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Right-of-Way, Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy this requirement through a program of self-insurance, acceptable to Municipality, by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.

6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars ($5,000,000).

6.1.2 Liability insurance for sudden and accidental environmental

contamination with minimum limits of Five Hundred Thousand Dollars ($500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.

6.1.3 Automobile liability insurance in an amount not less than One Million Dollars ($1,000,000).

6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.

6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, workers' compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.

6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.

6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of $50,000, they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.

6.5 Contractors. Permittee's contractors and subcontractors working in the Public Right-of-Way shall carry in full force and effect commercial general liability,

environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).

6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7 Term

7.1 Term. The term ("Term") of this Permit shall be until the earlier of:

7.1.1 **Five Years (5)** [five years or less] from the Date of Issuance; or

7.1.2 When the Telecommunication Facilities has not been used to provide telecommunications services for a period of one hundred and eighty (180) days by Permittee or a successor or an assignee of Permittee; or

7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one-hundred and eighty (180) days prior to the date of such termination; or

7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or

7.1.5 Unless Manager grants a written extension, one year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Right-of-Way and two years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8 Performance Bond or Letter of Credit

8.1 Municipal Requirement. Municipality may require Permittee to post a bond (or letter of credit) as provided in Section 15(3) of the METRO Act, as amended [MCL § 484.3115(3)].

9 Fees

9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10 Removal

10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Public Right-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Right-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Right-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successor or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Right-of-Way all above ground elements of its Telecommunication Facilities, including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Right-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

11 Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the

ownership or control of Permittee's business, or by other means, subject to the following:

11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities in those portions of the Public Right-of-Way identified on Exhibit A.

11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary, and

11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Sections 6 and 8 respectively, which Municipality reasonably deems necessary.

11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12 Notices

12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to [address], with a copy to [address].

12.1.2 If to Permittee, to Joan Richards, Area Manager, SBC Michigan, 54 N. Mill St., Box 32, Pontiac, Mi. 48342

12.1.3 With a copy to Paulette Regula, Area Engineer, 54 N. Mill St. , Pontiac , Mi. 48342.

12.2 Change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the

other as set forth above.

13 Other items

13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §§ 522 (6), 573 and 47 CFR § 76.1500).

13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

13.3 Authority. This Permit satisfies the requirement for a permit under Section 5 of the METRO Act [MCL 484.3105].

13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to protect and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

City of Pontiac
[Municipality name]

By: [signature]
Its: City Engineer
Date: 9/6/05

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.

Michigan Bell Telephone d.b.a. SBC

By: Joan C. Richards

Its: Area Manager
Date: 9/6/05

Exhibit A

Public Right-of-Way to be Used by Telecommunication Facilities:

All existing facilities assumed in all Existing rights of way in the Municipality shown on the "SBC Route maps for PA 48" CD-ROM disc dated October 2003 that was submitted with the Application, which is considered part of this Permit and Exhibit. Calculations of lineal footages used in determining maintenance for municipality are based on these Maps, with the assumption SBC Michigan occupies all rights of ways.

Municipality's acceptance of the described CD-ROM disc, which designates the Roads, Rights of ways and Routes existing facilities follow by a single line, with road names identified, but not the actual location of Permitee's existing facilities within the Rights of Way, is not a waiver of, nor an acknowledgement that the CD-ROM satisfies the requirement in section 2.3 of the Application to: "Attach route maps showing the location of Applicant's existing and proposed facilities in the public rights of way", or the statutory basis for the language under section 6(5) of the METRO Act. If it is later determined by the METRO Authority, Michigan Public services Commission, or a court of competent jurisdiction, in a final order that is not challengeable or appealable and binding on the Permitee: that the CD-ROM disc does not satisfy the requirements of Section 6(5) of the METRO Act, the Municipality reserves the right to require the Permitee to submit an amended Route Map that conforms to the requirements of, and within the timeframes set forth in the order or judgement.

Exhibit B

Bond

Letter of Credit to be submitted with Construction Permits at time of Specific Application

::ODMA\PCDOCS\GRR\764521\3

AT&T Midwest
23500 Northwestern Highway
Room E219
Southfield, MI 48075

T: 248.424.0124
F: 248.424.1217
LD1432@att.com

RECEIVED 1/28/11

July 27, 2010

Ms. Yvette Talley, Clerk
City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48342

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Ms. Talley,

This is a letter agreement which extends the existing METRO Act Permit issued by the City of Pontiac to Michigan Bell Telephone Company formerly d/b/a SBC Michigan, now d/b/a/ AT&T Michigan ("AT&T") which expires on September 6, 2010. The extension is for a term to end on September 30, 2012.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address listed above. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at http://www.michigan/gov/mpsc. Please click on Telecommunications, METRO Act –Right of Way, and AT&T Michigan 2 Year Permit Extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Lynn Dutton via e-mail, LD1432@att.com or 248.424.0124.

Agreed to by and on behalf of
City of Pontiac

By: [signature]
Its: DPW/U Director
Date: 1/25/11

Michigan Bell Telephone db/b/a AT&T acknowledges receipt of this Permit Extension granted by the municipality.

By: [signature]
Its: METRO Act Administrator
Date: 12-28-2010

USA Proud Sponsor of the U.S. Olympic Team

at&t

Lynn Cook Dutton
METRO Act Administrator
AT&T Michigan
23500 Northwestern Highway E219
Southfield, MI 48075

July 2, 2012

Ms. Sherikia Hawkins, Clerk
City of Pontiac
47450 Woodward Ave.
Pontiac, MI 48342

RECEIVED 7-11-12

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Ms. Hawkins,

This is a letter agreement which extends the existing METRO Act Permit issued by the City of Pontiac located in Oakland County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on September 30, 2012. The extension is for a term to end on September 30, 2015.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at http://www.michigan.gov/mpsc. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 3 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Lynn Dutton via e-mail, LD1432@att.com or 248.424.0124.

Agreed to by and on behalf of the
City of Pontiac

By: Louis H. Schimel

Its: Emergency Manager

Date: 7-5-12

Michigan Bell Telephone Company d/b/a AT&T acknowledges receipt of this Permit Extension granted by the municipality.

By: _____
Lynn Cook Dutton

Its: METRO Act Administrator
Date: 7-11-12

USA Proud Sponsor of the USA Olympic Team

AT&T Michigan
Angela Wesson
METRO Act Administrator
54 N. Mill Street
Mailbox #30
Pontiac, MI 48342

February 10, 2016
Resend: January 10, 2019

Pontiac City
47450 Woodward Ave
Pontiac, MI 48342

METRO ACT RIGHT OF WAY PERMIT EXTENSION

Dear Pontiac City,

This is a letter agreement which extends the existing METRO Act Permit issued by the Pontiac City/Oakland County to Michigan Bell Telephone Company d/b/a AT&T Michigan ("AT&T") which expires on September 30, 2015. The extension is for a term to end on September 30, 2020.

If this is agreeable, please sign both copies of the extension letter agreement in the place provided below and return to AT&T Michigan at the address on this letterhead. Upon receipt AT&T will acknowledge and return one copy for your files.

Additional information regarding this renewal request may be found at http://www.michigan.gov/mpsc. Please click on Telecommunications, METRO Act/Right of Way, and AT&T 5 Year permit extension.

We would appreciate return of the signed copies within 30 days of receiving this request. Your cooperation is appreciated.

If you have any questions feel free to contact Ms. Angela Wesson via e-mail, AD3245@att.com or 248-456-0361.

Agreed to by and on behalf of the
Pontiac City

By: Deirdre Waterman
Signature

Its: Mayor

Date: 7/29/19

Michigan Bell Telephone Company d/b/a AT&T acknowledges receipt of this Permit Extension granted by the municipality.

By: Angela Wesson
Angela Wesson

Its: METRO Act Administrator

Date: July 31, 19

#6

RESOLUTION

CITY OF PONTIAC
OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Linnette Phillips, Director, Economic Development

THROUGH: Mayor Deirdre Waterman

DATE: February 9, 2021 moved to February 16, 2021

RE: **ECONOMIC DEVELOPMENT**

Resolution to Set Public Hearing for the Establishment of An Industrial Development District at 2100 S. Opdyke

---

4GW Real Estate Investments, LLC and 2100 S Opdyke LLC is requesting that the City of Pontiac establish an Industrial Development District on parcel 64-19-03-200-025 as provided in PA 198 of 1974 commonly known as 2100 S. Opdyke. Prior to the District being established, a Public Hearing is required.

The owners purchased the property from Williams International. The property at 2100 Opdyke is the former GM facility. A Formal Site Plan was summited and approved by the COP Planning Division, December 8, 2020 to construct a 711,360 sq.ft. building for purpose of providing a multi-tenant industrial facility.

No construction has commenced at this time, however, the owners have received letters of interest from two prospective tenants to relocate to the site. The facility would be classified as a "spec" facility and meet the criteria for PA 198 Industrial Development District.

RESOLUTION ON FOLLOWING PAGE

CITY OF PONTIAC CITY COUNCIL

RESOLUTION ESTABLISHING AN INDUSTRIAL DEVELOPMENT DISTRICT FOR 4GW REAL ESTATE INVESTMENTS, LLC AND 2100 OPDYKE, LLC AND SCHEDULE A PUBLIC HEARING PURSUANT TO PA 198 OF 1974

WHEREAS, pursuant to PA 198 of 1974, as amended (M.C.L.A. 207.551 et. seq.), the Pontiac City Council has the authority to establish an Industrial Development District, as defined in M.C.L.A. 207.553(2), within the City of Pontiac;

WHEREAS, 4GW Real Estate Investments, LLC ("**Owner**") is the owner of that certain real property located in the City of Pontiac and legally described below (the "**Property**"), and 2100 S Opdyke, LLC ("**Purchaser**" and collectively with Owner, "**Petitioner**") is the contract purchaser of the Property;

WHEREAS, pursuant to M.C.L.A. 207.554(2), Petitioner is the owner of 100% of the state equalized value of the industrial property located within the proposed Industrial Development District;

WHEREAS, Petitioner has petitioned the Pontiac City Council to establish an Industrial Development District on the Property;

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish the proposed Industrial Development District;

WHEREAS, written notice has been given by certified mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Oakland Press and/or public posting of the hearing on the establishment of the proposed Industrial Development District;

WHEREAS, a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Pontiac were afforded an opportunity to be heard thereon; and

WHEREAS, the Pontiac City Council deems it to be in the public interest of the City of Pontiac to establish the Industrial Development as proposed:

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that the following described parcel of landed situated in the City of Pontiac, Oakland County, and State of Michigan, to wit:

> **LAND IN THE CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, BEING PART OF LOTS 8 & 9, A PART OF "ASSESSOR'S PLAT NO. 110", A PART OF SECTION 3, T. 2N., R. 10 E., AS RECORDED IN LIBER 52 OF PLATS, PAGE 26 OF OAKLAND COUNTY RECORDS, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHEAST PROPERTY CONTROLLING CORNER OF SECTION 3 (AS**

PREVIOUSLY SURVEYED), T. 2 N., R. 10 E., CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN; THENCE S 00°36'21" W ALONG THE EAST LINE OF SAID SECTION 3, 1215.50 FEET; THENCE N 89°23'39" W 60.00 FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE SOUTH LINE OF CAMPUS DRIVE (WIDTH VARIES) WITH THE WEST LINE OF OPDYKE ROAD (120 FEET WIDE); THENCE S 00°36'21" W ALONG THE WEST LINE OF OPDYKE ROAD, 1331.66 FEET TO THE POINT OF BEGINNING; THENCE S 00°36'21" W ALONG THE WEST LINE OF OPDYKE ROAD, 728.35 FEET TO A POINT OF DEFLECTION; THENCE S. 00°24'47" E. ALONG THE WEST LINE OF OPDYKE ROAD, 901.82 FEET TO THE NORTHEAST CORNER OF UNIT 5 OF CENTERPOINT BUSINESS CAMPUS CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE MASTER DEED THEREOF RECORDED IN LIBER 16667, PAGE 11, OAKLAND COUNTY RECORDS, AND DESIGNATED AS OAKLAND COUNTY CONDOMINIUM PLAN NO. 1004, AND ANY AMENDMENTS THERETO, AS LAST AMENDED BY EIGHT AMENDMENT TO MASTER DEED RECORDED IN LIBER 35596, PAGE 855, OAKLAND COUNTY RECORDS; THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE NORTH LINE OF SAID UNIT 5 AND UNITS 21, 22, 40, AND 24 OF SAID CENTERPOINT BUSINESS CAMPUS CONDOMINIUM: (1) S 89°35'13" W 35.00 FEET, AND (2) N 00°24'47" W 20.00 FEET, AND (3) 210.91 FEET ALONG A CURVE TO THE LEFT (RADIUS 215.00 FEET, CENTRAL ANGLE 56°12'23", LONG CHORD BEARS S 61°29'01" W 202.56 FEET) TO A POINT OF REVERSE CURVATURE, AND (4) 226.24 FEET ALONG A CURVE TO THE RIGHT (RADIUS 225.00 FEET, CENTRAL ANGLE 57°36'46", LONG CHORD BEARS S 62°11'13" W 216.83 FEET), AND (5) N 89°00'24" W 706.20 FEET; THENCE N 00°59'36" E 1815.00 FEET; THENCE S 89°00'24" E 1080.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,939,980 SQUARE FEET OR 44.536 ACRES OF LAND.

SUBJECT TO ANY EASEMENT AND OR RIGHTS OF WAY RECORDED OTHERWISE.

is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as _____ Industrial Development District No. _____.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of Pontiac, County of Oakland, Michigan, as a _____ meeting held on _____.

_____

City of Pontiac Interim Clerk

#7

RESOLUTION

CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Linnette Phillips, Director, Economic Development

THROUGH: Mayor Deirdre Waterman

DATE: February 16, 2021

RE: **ECONOMIC DEVELOPMENT**

Resolution to Approve Speculative Building Designation for 2100 S Opdyke, LLC

2100 S Opdyke LLC is requesting the City of Pontiac approve the building at 2100 S Opdyke designation as a speculative building. The designation of "Speculative" provides for the Michigan Economic Development Corporation (MEDC) in partnership with local communities to offer incentives to encourage the development of speculative building projects. By doing so, programs are aimed at increasing availability of high-quality, single or multi-tenant building space that potentially attract businesses considering new or expanded space in our community.

The owners purchased the property from Williams International. The property at 2100 Opdyke is the former GM facility. A Formal Site Plan was summited and approved by the COP Planning Division, December 8, 2020 to construct a 711,360 sq.ft. building for purpose of providing a multi-tenant industrial facility.

No construction has commenced at this time, however, the owners have received letters of interest from two prospective tenants to relocate to the site. The facility would be classified as a "spec" facility and meet the criteria for PA 198 Industrial Development District.

RESOLUTION ON FOLLOWING PAGE

CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO APPROVE SPECULATIVE BUILDING DESIGNATION FOR 2100 S OPDYKE, LLC

WHEREAS, 4GW Real Estate Investments, LLC ("**Owner**") is the owner of that certain real property located in the City of Pontiac and legally described below, (the "**Property**"), and 2100 S Opdyke, LLC ("**Purchaser**" and collectively with Owner, "**Petitioner**") is the contract purchaser of the Property.

WHEREAS, on December 8, 2020, Petitioner received Final Site Plan approval from the City of Pontiac Planning Division to construct an approximately 711,360 sq. ft. building (the "**Building**") for the purpose of providing a multi-tenant industrial facility on the Property;

WHEREAS, on _____, ____, 2021, the Pontiac City Council, acting under the authority of PA 198 of 1974, as amended (M.C.L.A. 207.551 et. seq.) , approved Resolution No. _____ , designating the Property as an Industrial Development District;

WHEREAS, as of the date of this Resolution, Petitioner has not identified specific users for the Building;

WHEREAS, Petitioner has requested the Pontiac City Council to designate the Building as a multi-tenant Speculative Building, as defined in M.C.L.A. 207.553(8), and upon the conditions set forth in M.C.L.A. 207.559(4);

WHEREAS, as a condition of the adoption of this Resolution, the Building must be constructed less than nine (9) years before the filing of the application for the industrial facilities exemption certificate; and

WHEREAS, the Building otherwise qualifies under M.C.L.A. 207.559(2)(e).

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that:

Section 1. The Building, to be located on the following described parcel of land situated in the City of Pontiac, Oakland County, and State of Michigan, to wit:

LAND IN THE CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, BEING PART OF LOTS 8 & 9, A PART OF "ASSESSOR'S PLAT NO. 110", A PART OF SECTION 3, T. 2N., R. 10 E., AS RECORDED IN LIBER 52 OF PLATS, PAGE 26 OF OAKLAND COUNTY RECORDS, LYING WITHIN THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHEAST PROPERTY CONTROLLING CORNER OF SECTION 3 (AS PREVIOUSLY SURVEYED), T. 2 N., R. 10 E., CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN; THENCE S

00°36'21" W ALONG THE EAST LINE OF SAID SECTION 3, 1215.50 FEET; THENCE N 89°23'39" W 60.00 FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE SOUTH LINE OF CAMPUS DRIVE (WIDTH VARIES) WITH THE WEST LINE OF OPDYKE ROAD (120 FEET WIDE); THENCE S 00°36'21" W ALONG THE WEST LINE OF OPDYKE ROAD, 1331.66 FEET TO THE POINT OF BEGINNING; THENCE S 00°36'21" W ALONG THE WEST LINE OF OPDYKE ROAD, 728.35 FEET TO A POINT OF DEFLECTION; THENCE S. 00°24'47" E. ALONG THE WEST LINE OF OPDYKE ROAD, 901.82 FEET TO THE NORTHEAST CORNER OF UNIT 5 OF CENTERPOINT BUSINESS CAMPUS CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE MASTER DEED THEREOF RECORDED IN LIBER 16667, PAGE 11, OAKLAND COUNTY RECORDS, AND DESIGNATED AS OAKLAND COUNTY CONDOMINIUM PLAN NO. 1004, AND ANY AMENDMENTS THERETO, AS LAST AMENDED BY EIGHT AMENDMENT TO MASTER DEED RECORDED IN LIBER 35596, PAGE 855, OAKLAND COUNTY RECORDS; THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE NORTH LINE OF SAID UNIT 5 AND UNITS 21, 22, 40, AND 24 OF SAID CENTERPOINT BUSINESS CAMPUS CONDOMINIUM: (1) S 89°35'13" W 35.00 FEET, AND (2) N 00°24'47" W 20.00 FEET, AND (3) 210.91 FEET ALONG A CURVE TO THE LEFT (RADIUS 215.00 FEET, CENTRAL ANGLE 56°12'23", LONG CHORD BEARS S 61°29'01" W 202.56 FEET) TO A POINT OF REVERSE CURVATURE, AND (4) 226.24 FEET ALONG A CURVE TO THE RIGHT (RADIUS 225.00 FEET, CENTRAL ANGLE 57°36'46", LONG CHORD BEARS S 62°11'13" W 216.83 FEET), AND (5) N 89°00'24" W 706.20 FEET; THENCE N 00°59'36" E 1815.00 FEET; THENCE S 89°00'24" E 1080.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,939,980 SQUARE FEET OR 44.536 ACRES OF LAND.

SUBJECT TO ANY EASEMENT AND OR RIGHTS OF WAY RECORDED OTHERWISE.

is hereby declared and approved as a multi-tenant Speculative Building pursuant to PA 198 of 1974, as amended (M.C.L.A. 207.551 et. seq.).

Section 2. The Building shall be designated as a multi-tenant Speculative Building for a period of twelve (12) years from and after its construction, unless revoked earlier as provided in M.C.L.A. 207.565.

Section 3. An application for Industrial Facilities Exemption Certificate may be submitted by the owner or lessee of the Building, as provided in M.C.L.A. 207.555.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of Pontiac, County of Oakland, Michigan, as a _____ meeting held on _____ _____.

_____

Clerk

#8

RESOLUTION

CITY OF PONTIAC
OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Linnette Phillips, Director, Economic Development

THROUGH: Mayor Deirdre Waterman

DATE: February 9, 2021

RE: **ECONOMIC DEVELOPMENT**

Resolution to Confirm Obsolete Property Rehabilitation Exemption Certificate for JBD Indian Hill Ventures, LLC at 50 Wayne St, Extending the Time for Completion of Improvements for One Year, and Amending the Beginning December 20, 2020 to December 19, 2021

On May 21, 2019, the City approved an application for an Obsolete Property Rehabilitation Exemption Certificate by public hearing for the property at 50 Wayne Street. The historical property is being restored by JBD Indian Ventures. The firm renovates properties and repurposes them to spur downtown development in small communities. JBD committed to spending no less than $4.3M to restore the property.

The 2019 approval include a Development Agreement that obligated JBL restore the property and repurpose it to create 20 market rate units with certain deliverables and deadlines, amongst those included the completion of improvements that would allow a reassessment of the property for the 2021 tax year. Difficulties have caused the project to be delayed including **Covid – 19** and some of the following:

- There was basement flooding in the 100 year old building;
- Electrical problems with a transformer the source of electricity with adjacent buildings not owned by JBD;
- The transformer required upgrades that DTE (Edison) declined to upgrade. They said the problem was a carryover from Consumers Energy;
- A sump pump was necessary to avoid further flooding;
- To bring the building to code, a new sprinkler system was required accessing a separate water supply line'
- In addition to the $100K already spent to preserve the building, the above issues required an additional $75K not planned for in the budget.

JBD Indian Ventures is progressing with the rehab and preservation of the property at 50 Wayne. They are seeking funds form the MEDC and have a letter of interest from Murray Townhomes as an investor in the project. The project is projected to generate $888,000 of federal historic rehabilitation tax credits.

RESOLUTION ON FOLLOWING PAGE

CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO CONFIRM OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE FOR JBD INDIAN VENTURES, LLC AT 50 WAYNE STREET, EXTENDING THE TIME FOR COMPLETION OF IMPROVEMENTS FOR ONE YEAR AND AMENDING THE BEGINNING DECEMBER 20, 2020 TO DECEMBER 19, 2021

Whereas, The City of Pontiac approved an application for Obsolete Property Rehabilitation Exemption Certificate for the property at 50 Wayne Street (Tax Parcel Number: 14-29-433-003) by public hearing after approval at May 28, 2019 City Council Meeting and resolution adopted; and

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Whereas, the City of Pontiac has been informed of practical difficulties for the property that caused a reasonable delay in completing necessary improvements to occupy the property and cause the proper reassessment of the property in accord with Public Act 146 of 2000; and

Whereas, the Covid 19 pandemic and associated executive orders have further caused the project delay to be delayed through no fault of JBD Indian Hills Ventures, LLC; and

Whereas, the purpose and intent of the approval, and support stated in the 2019 resolution supporting the approval, remain true and accurate and the requested extension fully supported by the record presented to the City, present hardship in meeting the deadlines of the Act and approval; and

Whereas, an extension of the time for completion shall defer the required reassessment of the property by Oakland County Equalization for one year, allowing the property to receive the intended benefit of Public Act 146 of 2020.

Now, Therefore, Be It Resolved, that the Obsoleted Property Rehabilitation Act Exemption Certificate for the property known as 50 Wayne Street (Tax ID 14-29-433-003) is hereby confirmed and the time for completion of improvements is extended one year from the date hereof:

IT IS FURTHER RESOLVED that the Exemption Certificate shall be amended to reflect a beginning date of December 20, 2020 and ending December 19, 2021 with all other terms remaining as stated in accord with Public Act 146 of 2000, as amended.

Attachments:

Development Agreement
Obsolete Property Rehabilitation Act (OPRA)

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") is effective as of MAY 21, 2019, between the City of Pontiac ("City"), a Michigan municipal corporation, and JBD Indian Hill Ventures, LLC ("Owner"), a Michigan limited liability company.

Recitals:

WHEREAS, the Owner has acquired title to real property commonly known as 50 Wayne, Pontiac, in Oakland County, Michigan ("Property");

WHEREAS, the Owner desires to make substantial improvements to and redevelop the Property for future use ("Project");

WHEREAS, the City is executing this Agreement, to induce the Owner to redevelop a significant building in its downtown, and the parties acknowledge that redevelopment of the Project will contribute significantly to the economy of the City of Pontiac;

WHEREAS, the City's Mayor and City Council have determined that this Agreement is appropriate for the proposed redevelopment of the Project, is consistent with the public health, safety and welfare of the City's residents and businesses, and will result in positive impacts and benefits for the City and its residents and businesses;

WHEREAS, the Owner has submitted an Application for Obsolete Property Rehabilitation Exemption Certificate ("Application") for the Property;

WHEREAS, the City has previously approved an obsolete property rehabilitation district pursuant to Public Act 146 of 2000 as amended ("Act") and the Property is located in such district;

WHEREAS, the City has approved the Application by adopting a resolution granting the Obsolete Property Rehabilitation Exemption Certificate ("OPREC") for a period of twelve (12) years (the "Term"), pending approval also by the Michigan State Tax Commission; and

WHEREAS, the Owner's good faith estimate of the completion date for the Project is September 30, 2020, providing that all necessary permits have been issued by the City's Building Safety Division or its designee and the Owner has received the Economic Development Incentives outlined in Section 9 below on or before October 1, 2019, or extended as outlined in Section 7 (the "Project Completion Date").

NOW THEREFORE, for good and valuable consideration, the adequacy, sufficiency and receipt of which is hereby acknowledged, the City and the Owner agree as follows:

1. **Recitals.** The Recitals as set forth herein are represented to be true and accurate and are hereby incorporated as material terms of this Agreement.

2. **No Preemption.** Unless otherwise expressly provided herein, this Agreement shall not be deemed to waive, preempt, supersede, or render ineffective any applicable municipal or governmental laws, ordinances, codes, regulations or processes, including but not limited to

zoning, economic incentives, taxes, assessments or fees, and Owner shall be subject to all review and approval processes required under the City's ordinances, regulations and rules.

3. **Owner's Additional Requirements.** Owner Agrees as follows:

A. In order for Owner to proceed with the Project, Owner, in its own discretion, shall have received the Economic Development Incentives outlined in Section 9 below, and shall prepare and submit to the City plans and specifications (the "Plans") for the improvements (each an "Improvement", and collectively, the "Improvements"); provided that no physical Improvements shall be commenced until all necessary permits have been issued by the City's Building Safety Division or its designee.

B. To construct all improvements in accordance with the City's building code as approved by the City's Building Inspection Division.

C. Failure to comply with any of this Agreement's terms and conditions shall constitute a material breach of the Agreement and each of the parties shall have all remedies in law and/or in equity necessary to ensure compliance by the other party.

4. **Contracts.** Owner shall provide City with letters from a licensed architect and licensed general contractor confirming that they have been retained to assist with the redevelopment of the Project.

5. **Community Benefits.**

A. In connection with the redevelopment and construction of each component of the Project, Owner shall implement, or require its general contractor to implement, a local hiring practice which provides a preference for such general contractor, to the extent possible, their subcontractors and suppliers, to hire City residents to perform jobs relating to the redevelopment and construction of the Project. Further, the Owner may retain Pontiac Based Businesses to provide architectural, engineering, environmental and other professional and consulting firms services relating to the redevelopment and construction of the Project. For purposes of this Agreement, a "Pontiac Based Business" shall mean a business that is either (i) headquartered in the City, or (ii) has an office, store or other facility within the City. Owner shall require its general contractor to advertise available on-site jobs in local media and electronically on a City-sponsored website and social media, if such resources exist. In addition, Owner shall consult with and provide written notice to at least two (2) local hiring organizations, which may include non-profit organizations involved in referring eligible applicants for job opportunities, including through the Pontiac Jobs Pipeline which is operated through the City's Economic Development Department. Owner shall require its general contractor to consider in good faith all applications submitted by City residents and businesses and maintain a preference for hiring City residents and businesses that are qualified to perform the on-site jobs relating to the Project and construction of each component of the Project. Owner shall, in its agreements with its general contractor, include a requirement for this local hiring practice, and, in connection therewith, Owner will introduce such contractors to, and encourage such contractors to participate in, the "Community Ventures" program offered by the Michigan Economic Development Corporation. On or before the 10th of each month after the commencement of the Improvements to the Project, Owner shall submit to the City a report ("Report") signed by the Owner's managing member setting forth the results of the

Owner's or its general contractor's implementation of its local hiring practices to hire City residents to perform jobs related to the Project.

B. Owner shall make all efforts to notify residents of the City, discuss the open positions and help City residents find work on the Project and within the organization.

C. Owner shall during its construction process, fix all broken, uneven, sinking sidewalk per the Plan at an estimated cost of Twenty-Two Thousand and 00/100 Dollars ($22,000.00).

D. Owner agrees to spend not less than Four Million Three Hundred Thousand and 00/100 Dollars ($4,300,000.00) on the Project (includes hard and soft costs) by the time it is fully complete and occupied.

E. Owner shall have created an economic benefit to the City taxpayers by redeveloping the Project, which will have residents and tenants who will pay income taxes to the City.

6. **Revocation of OPREC.**

A. Pursuant to Section 12. (1) of the Act, the City may, in its sole discretion and by resolution of Pontiac City Council, revoke the OPREC if the City finds that the completion of rehabilitation of the Property has not occurred within the time authorized by the City as set forth in this Agreement or within a duly authorized extension of that time, or that the Owner has not proceeded in good faith with the operation of the rehabilitated Property in a manner consistent with the purposes of the Act and in the absence of circumstances that are beyond the control of the Owner.

B. Following completion of the rehabilitation of the Property and receipt of a Certificate of Occupancy ("CofO"), Owner agrees that its first floor tenant(s) shall have an average of ten (10) or more full-time employees for the period beginning on the date the CofO is issued and ending on the last day of the sixth (6th) year of the OPREC ("Employment Requirement"). Within thirty (30) days after the end of the sixth year of the OPREC, Applicant will send a written report to the City regarding the Employment Requirement ("Employment Requirement Report").

C. The City agrees that it shall not revoke or terminate the OPREC by resolution at any time during the first six (6) years of the Term; provided, however, if the Employment Requirement is not satisfied, the City may revoke or terminate the OPREC by resolution at the end of the sixth year and after review of the Employment Requirement Report.

7. **Application for Building Permit.** Owner shall devote all of the time, effort, resources and skill necessary for the redevelopment of the Project and further agrees to complete the following requirements (all of which shall occur as soon as reasonably practicable but in no event later than six (6) months after the receipt of all necessary City, County, National Park Service, MEDC and State approvals for the approval of the OPRA and Brownfield). Owner shall submit all required documentation for the receipt of building permits to the City's Building Safety Division as follows:

A. Providing the City is timely in granting of permits and completing all inspections, Owner shall substantially complete repairs to the building enclosure located on the Property, including but not limited to, roof repair or replacement and compromised enclosure and asset preservation as well as commence core and shell reconstruction so that the Property is ready for tenant improvements within three hundred sixty (360) days after issuance of all applicable building permits by the City's Building Safety Division; provided, however, that any time delays caused by the City's Building Safety Division shall be added to the three hundred and sixty (360) days in equal amounts of the days delayed.

8. **Additional Requirements of City and Owner.** Both the City and Owner further agree as follows:

A. This Agreement is not intended to create a contractual right for third parties.

B. This Agreement and any of its terms, conditions, or provisions cannot be modified, amended, or waived unless in writing and unless executed by both parties to this Agreement. Any representations or statements, whether oral or in writing, not contained in this Agreement shall not be binding on either party.

C. This Agreement and any of its terms or conditions shall not be assigned or transferred to any other individual or entity unless prior written consent to such an assignment is received from City, which consent shall not be unreasonably withheld, conditioned or delayed. The City's failure to consent to a proposed assignment because the proposed assignee lacks the creditworthiness or development experience of the Owner shall not be deemed to be unreasonable.

D. This Agreement shall be interpreted, enforced and governed under the laws of the State of Michigan and all applicable City ordinances. The venue for any action arising under this Agreement shall be a court of appropriate jurisdiction in Oakland County.

9. **City Support.** The City shall, to the extent reasonably appropriate, support and reasonably cooperate with the Owner in connection with its redevelopment of the Project. This support includes, without limitation and as soon as reasonably practical: (i) cooperate with the Owner, wherever practical, in applying for Economic Development Incentives (defined below), other grants, benefits, awards, entitlements, licenses, consents, permits, approvals sought by the Owner in connection with the Project; (ii) submit to City Council, a resolution for the approval of the OPRA and Brownfield. For purposes of this Agreement, the term "Economic Development Incentives" specifically includes, but is not limited to, the following incentives: (i) Michigan Department of Environmental Quality Grant and Loan Programs; (iii) Michigan Economic Development Corporation/Michigan Strategic Fund Grant and Loan Programs, including the Community Revitalization Program ("CRP"); (iv) OPRA tax freeze; (v) Tenant Recruitment support to the downtown District and this Project; (vi) Property Assessed Clean Energy ("PACE") through Oakland County, and (vii) Historic Investment Tax Credit ("HITC").

10. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors or assigns.

11. **Notice.** All notices, requests, consents and other communications under this Agreement must be in writing, shall be addressed to the receiving party's address set forth below or to any other address a party may designate by notice under this Agreement, and shall be either

(i) delivered by hand, (ii) sent by nationally recognized overnight courier, or (iii) sent by certified mail, postage prepaid:

If to City:

City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48342
Attention: Finance Department
Telephone: 248-758-3000

If to Owner:

JBD Indian Hill Ventures, LLC
300 E. Long Lake Rd., Ste. 280
Bloomfield Hills, MI 48304
Attention: J. B. Davies, Manager
Telephone: 248-646-4030

SIGNATURE PAGE FOLLOWS:

The undersigned have executed this Agreement to be effective as of the date first written above.

CITY:

CITY OF PONTIAC, a Michigan municipal corporation

By: Deirdre Waterman
Deirdre Waterman
Its: Mayor

Date: April ___, 2019

OWNER:

JBD INDIAN HILL VENTURES, LLC, a Michigan limited liability company

By: _____
J. B. Davies
Its: Manager

Date: ~~April ___, 2019~~
MAY 21, 2019

Resolution Approving Application for Certificate for JBD Indian Hill Ventures, LLC For An Obsolete Properties Rehabilitation Act (OPRA) Application

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Pontiac is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, the City of Pontiac legally established the Obsolete Property Rehabilitation District on December 19, 2002; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 does not exceed 5% of the total taxable value of the City of Pontiac; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on May 21, 2019; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000; and

WHEREAS, the applicant JBD Indian Hill Ventures, LLC has provided answers to all required questions under the application instructions to the City of Pontiac; and

WHEREAS, the City of Pontiac requires that rehabilitation of the facility shall be completed by December 01, 2020; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Pontiac eligible under Public Act 146 of 2000 to establish such a district, and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment in which the facility is situated; and

WHEREAS, the use of this property shall be restricted to non-marihuana related uses during the effective period of the OPRA Certificate. Shall use of the property become marihuana related, the OPRA Certificate shall be immediately revoked by the City; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(1) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pontiac

Be and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property, excluding land, located in the Obsolete Property Rehabilitation District at 50 Wayne Street, Pontiac, MI 48342 for 12 years, beginning December 31, 2019, (subject to review of compliance with the jobs requirement found in Section 6.B of the development agreement following the first six years) pursuant to the provisions of PA146 of 2000, as amended.

Tax Parcel Number: 14-29-433-003

5102 (Rev. 01-19)

STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

GRETCHEN WHITMER
GOVERNOR

RACHAEL EUBANKS
STATE TREASURER

October 18, 2019

JB Davies
JBD Indian Hill Ventures, LLC
300 E Long Lake Road, Suite 280
Bloomfield Hills, MI 48304

Dear Sir or Madam:

The State Tax Commission, at their October 14, 2019 meeting, considered and approved your application for an obsolete property rehabilitation project, in accordance with Public Act 146 of 2000, as amended. Enclosed is certificate number 3-19-0013, issued to JBD Indian Hill Ventures, LLC for the project located at 50 Wayne Street, City of Pontiac, Oakland County.

A party aggrieved by the issuance, refusal to issue, revocation, transfer or modification of this exemption certificate may appeal a final decision of the State Tax Commission by filing a petition with the Michigan Tax Tribunal, www.michigan.gov/taxtrib, within 35 days. MCL 205.735a (6).

If you have any questions regarding this exemption, please contact the Community Services Division at (517) 335-7461.

Sincerely,

David A. Buick, Executive Director
State Tax Commission

Enclosure
By Certified Mail
cc: David M. Hieber, Assessor, City of Pontiac
Clerk, City of Pontiac

Michigan Department of Treasury
4483 (2-11)

Obsolete Property Rehabilitation Exemption Certificate

Certificate No. **3-19-0013**

Pursuant to the provisions of Public Act 146 of 2000, as amended, the State Tax Commission hereby issues an Obsolete Property Rehabilitation Exemption Certificate for the commercial property, as described in the approved application, owned by **JBD Indian Hill Ventures, LLC**, and located at **50 Wayne Street, City of Pontiac, County of Oakland**, Michigan.

This certificate provides the authority for the assessor to exempt the commercial property for which this Obsolete Property Rehabilitation Exemption Certificate is in effect, but not the land on which the rehabilitated facility is located or the personal property, from ad valorem taxation. This certificate further provides the authority to levy a specific tax known as the Obsolete Property Rehabilitation tax.

This certificate, unless revoked as provided by Public Act 146 of 2000, as amended, shall remain in force for a period of **12** year(s);

Beginning December 31, 2019, and ending December 30, 2031.

The real property investment amount for this obsolete facility is **$3,500,000.**

The taxable value of the real property related to this certificate is **$141,630.**

The State Treasurer **has not** excluded local school operating or state education tax levied from the specific Obsolete Property Rehabilitation.

This Obsolete Property Rehabilitation Exemption Certificate is issued on **October 14, 2019.**

STATE OF MICHIGAN
STATE TAX COMMISSION

Nick A. Khouri, Chairperson
State Tax Commission

A TRUE COPY
ATTEST:

Emily A. Leik

Emily Leik
Michigan Department of Treasury

#9

RESOLUTION

City of Pontiac, Michigan
Department of Finance

Mayor Deirdre Waterman

To: **Honorable Mayor and City Council**

From: **Sekar Bawa, Treasurer**

Through: **Darin Carrington – Finance Director**

Date: **February 4, 2021**

Re: **Resolution to amend the 2021 Poverty Guidelines approved by the City Council on December 15,2020 (agenda item 6) and the approve the amended Federal Poverty Guidelines for 2021 and the City of Pontiac Board of Review Instructions for Applicants requesting Hardship Exemption consideration in accordance with the Public Act 253 of 2020 signed in to law on December 23, 2020.**

Honorable Council President and City Council:

On an annual basis, the General Property Tax Act requires the governing body to adopt guidelines for the Board of Review to follow when considering applications for hardship exemptions. Homeowners granted hardship exemptions by the Board of Review are not required to pay 100% of the property taxes assessed against their homestead property in 2021.

City Council approved the revised poverty guidelines on December 15,2020 in their Study session meeting. On December 23,2020 Governor signed in to law Public Act 253 of 2020 that made several changes to the poverty exemption statute (MCL 211.7u) that impact how the city shall handle the exemption starting with the 2021 tax year.

Some of the key points include:

- City may pass a resolution to carry an exemption forward up to three years in the future for those persons who receive a fixed income solely from public assistance that is not subject to significant annual increases (Federal Supplemental security income, Social Security disability or retirement benefits).

- The act removes the Board's ability to deviate from the adopted policy/guidelines for substantial and compelling reasons
- A poverty exemption may be granted at 100%, or a partial may be granted at 50% or 25%. Any other partial exemption percentage reduction must be reviewed and approved by the State Tax Commission

Mayor would like to help and assist vulnerable poor citizens every way possible. To reduce the burden of the applicants who receive fixed income solely from public assistance that is not subject to significant annual increase Mayor recommends, if such an applicant is granted poverty exemption in tax year 2021 that exemption shall be carried forward in the tax years 2022, 2023 and 2024. A person receiving such extension shall file an affidavit rescinding the exemption within 45 days of no longer being eligible for the exemption.

Copies of the following reports are attached for your information:

1. Federal Poverty Guidelines for 2021
2. Summary of Changes to MCL 211.7u Poverty Exemption in Public Act 253 of 2020
3. Public Act PA 253 of 2020 –Enrolled Senate Bill No. 1234

At this time, the City Council is requested to adopt the following resolution:

WHEREAS, In accordance with State of Michigan Act No. 390 Public Acts of 1994, approved December 29, 1994, General Property Section 211. 7u (4). "The governing assessing unit shall determine and make public the policy and guidelines to use for granting the Hardship Exemptions. The guidelines shall include specific income and asset levels of the household;" and,

WHEREAS, The Pontiac City Council approved said Hardship Exemption Guidelines for 2021 on December 15, 2020 Study Session; and,

WHEREAS, on December 23, 2020 Public Act 253 of 2020 was signed into law and the Act made several changes to the poverty exemption statute (MCL 211.7u) that will impact how local units, assessors and Board of Review handle the exemption starting with the tax year

WHEREAS, PA 253 allows the City Council to grant extension for three more tax years (2022, 2023 and 2024) to the eligible persons who are qualified and granted Hardship Exemption for tax year 2021. NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council hereby approves the attached revised Federal Poverty guidelines for the 2021, the amended 2021 City of Pontiac Board of Review Instructions for Applicants requesting Hardship Exemption consideration.

ATTACHMENT

City of Pontiac, Michigan
Department of Finance

Mayor Deirdre Waterman

February 4, 2021

TO: PROPERTY OWNERS APPLYING FOR HARDSHIP EXEMPTION (FINANCIAL) FOR THE TAX YEAR 2021 FROM THE CITY OF PONTIAC BOARD OF REVIEW

The Board of Review for the City of Pontiac has adopted uniform guidelines for determining poverty exemptions. Taxpayers whose income falls below a determined level may apply for a reduced assessment, based on income, assets and family size. The goal of this procedure is to adopt consistent standards for granting tax relief based on hardship. Please note: This application may reduce the taxable value of your property by 50%; however, it does not affect the homestead exemption affidavits, which reduces the tax rate. (Property taxes - taxable value x tax rate / 1,000).

Attached is a schedule, which outlines the eligibility guidelines as established by the Pontiac City Council. Please note that the State of Michigan Homestead Property Tax Credit and all pertinent income and expense data shall be used in the determination of eligibility. Attached is the Economic Hardship Exemption application form.

When the application is returned to the Treasurer's Office at City Hall or the Oakland County Equalization Office, 250 Elizabeth Lake Road in Pontiac, you shall also submit completed copies of your Federal and State Income Tax Returns, the General Homestead Property Tax Claim Form, MI-1040 CR-4, and the Senior Citizen Homestead Prope1iy Tax Form, MI-1040 CR-1.

It is not necessary for you to appear in person before the Board of Review. The Oakland County Equalization Office will submit your application to the Board for their consideration.

In order to provide time to review this application, it must be returned to the Treasurer's Office at City Hall or the Oakland County Equalization Office ON OR BEFORE MARCH 1sT, JULY 1sT, OR DECEMBER 1sT, 2021. Please also note: You may only submit (on one of the days listed above) one application per year.

If you have any questions or need assistance, please contact the Oakland County Equalization Office at (248) 858-0776.

CITY OF PONTIAC
AMENDED 2021 HARDSHIP EXEMPTION GUIDELINES

1) Applicant(s) shall obtain the hardship application form from the City of Pontiac Treasurer's Office or the Oakland County Equalization Department. Handicapped or disabled applicants may call the Assessor's Office to make necessary arrangements for assistance.
2) Applicant(s) must **own and occupy** the property as a homestead
    a. Must produce a driver's license or other acceptable form of identification and determination of address.
    b. Must produce a deed, land contract or other evidence of ownership.
3) Applicant(s) must complete the application form in its entirety and return to the Treasurer's or Equalization Office. Any application submitted to the Board of Review which has not been filled out in its entirety shall be denied by the Board of Review. Appeals of said denial shall be made to the Michigan Tax Tribunal.
4) Applicant(s) and other persons residing in the homestead must submit copies of the following documents from the current year:
    a. Federal Income Tax Return- 1040, 1040A or 1040EZ
    b. Michigan Income Tax Form MI-1040, MI-1040A or MI-1040EZ
    c. Senior Citizens Homestead Property Tax Form MI-1040CR-1 (if applicable)
    d. General Homestead Property Tax Claim MI-1040CR-4
    e. ADC Annual Budget letter
    f. Benefit Statement (pension, retirement or Social Security) with signed form 4988
    g. Social Security Card (all persons living in the home)
5) A hardship exemption **shall not** be granted to any applicant who does not own and occupy the homestead.
6) A hardship exemption **shall not** be granted to any applicant who owns sellable property other than their homestead regardless of location.
7) A hardship exemption **shall not** be granted to any applicant whose assets exceed $100,000. An applicant's homestead and principal vehicle shall be excluded from consideration as an asset.
8) Applicant(s) shall not be eligible for consideration if they do not meet the current year's Federal Income Limitation Guidelines adopted by the City of Pontiac:

Size of Family Unit	Poverty Guidelines
1	$12,760
2	$17,240
3	$21,720
4	$26,200
5	$30,680
6	$35,160
7	$39,640

8	$44,120
For each additional person, add	$4,480

NOTE: If you have or expect unusual personal or family expenses which will affect your income, the Board of Review may consider adjustments to your income level.

9) ~~The **maximum** allowed reduction for hardship exemption shall be 50% of the net property taxes due after the State Homestead Credit applied based on Taxable Value of the homestead for the tax year~~. Allowed reduction for hardship exemption shall be 50% of the net property taxes due.
10) All hardship exemptions shall be granted for the current tax year only or for the current tax year and future tax years 2022, 2023 and 2024. Applicant who receive a fixed income solely from public assistance that is not subject to significant annual increases (Federal Supplemental Security Income, Social Security disability or retirement benefits) is eligible to receive current tax year plus three future year Hardship Exemption.
11) Applications may be reviewed and acted upon by the Board of Review without applicant(s) being present. However, the Board may request that any or all applicants be physically present to respond to any questions the Board of Review or Assessor may have. This means that an applicant may be called to appear on short notice.
12) Applicant who receive the extended exemption for three future years due to receiving fixed income is required to file an affidavit rescinding the exemption within 45 days of no longer being eligible for the exemption.
13) Applicant(s) should be prepared to answer questions regarding their financial affairs, health, the status of people living in their home, etc.
14) Pursuant to state law, applicant(s) may apply for Hardship Exemption to only one session of the Board of Review (March, July, or December) and any appeal of the Board's decision shall be made to the Michigan Tax Tribunal.

CITY OF PONTIAC
47450 WOODWARD
PONTIAC, MI 48342

REQUIRED DOCUMENTS

Hardship Exemption applicants shall submit copies of the documents listed below to be considered for eligibility. Please attach these copies to your application.

- ☐ WARRANTY DEED or LAND CONTRACT or QUIT CLAIM DEED
- ☐ HOMEOWNER'S INSURANCE POLICY
- ☐ CURRENT FEDERAL INCOME TAX
- ☐ CURRENT MICHIGAN INCOME TAX
- ☐ GENERAL HOMESTEAD PROPERTY TAX MI-1040CR or SENIOR CITIZEN HOMESTEAD PROPERTY TAX
- ☐ **INCOME FOR ALL PERSONS LIVING IN THE HOME:**
  - ADC BUDGET LETTER
  - PENSION BENEFITS
  - CURRENT YEAR SOCIAL SECURITY STATEMENT (Attached Form 4988 must be signed)
  - ALIMONY, CHILD SUPPORT
  - FIP, DHS, DISABILITY & WORKER'S COMPENSATION
  - OTHER INCOME
  - W-2 (WAGES UNDER $5,000)
- ☐ EMPLOYER'S NAME & ADDRESS
- ☐ DRIVER'S LICENSE
- ☐ SOCIAL SECURITY CARD (all persons living in the home)

CITY OF PONTIAC
HARDSHIP EXEMPTION APPLICATION

PARCEL ID _____ YEAR _____

ADDRESS _____

APPLICANT _____ TELEPHONE NO. _____

S.E.V. _____ TAXABLE VALUE _____

OWNER'S INFORMATION

Are you and your spouse the sole owners of the subject property? YES _____ NO _____

If no, please explain _____

Do you have an ownership interest in any other real estate? YES _____ NO _____

MARITAL STATUS

- ☐ SINGLE
- ☐ MARRIED
- ☐ WIDOWED
- ☐ SEPARATED
- ☐ DIVORCED

PETITIONER'S EMPLOYMENT STATUS

- ☐ FULL-TIME
- ☐ PART-TIME
- ☐ RETIRED
- ☐ DISABLED
- ☐ UNEMPLOYED
- ☐ LAID-OFF

EMPLOYER'S ADDRESS

_____

_____

TELEPHONE NUMBER

_____

_____

TELEPHONE NUMBER

_____

SPOUSE'S EMPLOYMENT STATUS

- ☐ FULL-TIME
- ☐ PART-TIME
- ☐ RETIRED
- ☐ DISABLED
- ☐ UNEMPLOYED
- ☐ LAID-OFF

EMPLOYER'S ADDRESS

_____

RESIDENT STATUS (List all persons residing in homestead)

NAME					
AGE					
RELATIONSHIP	SELF				
OCCUPATION					
CLAIMED AS DEPENDENT					

MORTGAGE INFORMATION

PURCHASE DATE	
PURCHASE PRICE	
MORTGAGE/ LAND CONTRACT BALANCE	
# OF YEARS REMAINING	

DOES PAYMENT INCLUDE PROPERTY TAXES? YES _____ NO _____
ARE PROPERTY TAXES PAID? YES _____ NO _____
HAVE ANY IMPROVEMENTS, CHANGES OR ADDITIONS BEEN MADE TO THE PROERTY IN THE LAST TWO YEARS? IF YES, PLEASE EXPLAIN YES _____
NO _____

_____

DO YOU ANTICIPATE SELLING THE PROPERTY IN THE NEXT YEAR? YES _____ NO _____
HAVE YOU APPLIED FOR A POVERTY TAX EXEMPTION IN THE LAST THREE YEARS? YES _____ NO _____
IF YES, PLEASE LIST YEARS POVERTY TAX EXEMPTION WAS GRANTED:

_____

INCOME INFORMATION

DESCRIPTION	MONTHLY
WAGES, SALARIES, TIPS, ETC.	
SOCIAL SECURITY	
PENSIONS, ANNUITIES, IRA, ETC.	
WORKER'S COMP, DISABILITY	
INTEREST & DIVIDENDS	
BUSINESS INCOME	
CHILD SUPPORT, ALIMONY, ETC.	
FOOD STAMPS	
OTHER PUBLIC ASSISTANCE	
UNEMPLOYMENT BENEFITS	
TOTAL MONTHLY INCOME	=

Do you anticipate any major changes in income? YES _____ NO _____

If yes, please explain:

_____

EXPENSE INFORMATION

DESCRIPTION	MONTHLY PAYMENT
MORTGAGES	
HOMEOWNER'S INSURANCE	
PROPERTY TAXES	
CAR PAYMENT	
AUTO INSURANCE	
GAS	
UTILITIES- GAS	
UTILITIES- ELECTRICITY	
INTERNET/CABLE	
WATER/SEWER	
MEDICAL INSURANCE	
MEDICAL BILLS, PRESCRIPTIONS	
CREDIT CARDS	
CHILD CARE	
TELEPHONE	
FOOD	
OTHER:	
TOTAL MONTHLY EXPENSES	=

Do you have any major or unusual expenses? YES _____ NO _____

If yes, please explain:

_____

ASSET INFORMATION

DESCRIPTION	$
CASH	
CHECKING ACCOUNTS	
SAVINGS & MONEY MARKET ACCOUNTS	
VEHICLES, BOATS, TRAILERS, ETC.	
STOCKS, BONDS, & MUTUAL FUNDS	
IRA, ANNUITIES, ETC.	
TOTAL ASSETS	=

PLEASE READ CAREFULLY

I/We am/are unable to pay the full property taxes on the above described property and hereby make application for property tax relief in accordance with Section 211.7u of the Michigan Compiled Laws/ General Property Tax Act.

I/We have read this application and fully understand the contents thereof. I/We declare that the statements made herein are complete, true, and correct to the best of my/our knowledge.

I/We further understand that if any information contained herein is found to be false or incomplete, I/We will be subject to liability for perjury as provided in Sections 211.118 and 211.119 of Michigan Compiled Laws.

_____

Date _____ Petitioner

_____

Date _____ Petitioner

Michigan Department of Treasury
4988 (05-12)

Poverty Exemption Affidavit

This form is issued under authority of Public Act 206 of 1893; MCL 211.7u.

INSTRUCTIONS: When completed, this document must accompany a taxpayer's Application for Poverty Exemption filed with the supervisor or the board of review of the local unit where the property is located. MCL 211.7u provides for a whole or partial property tax exemption on the principal residence of an owner of the property by reason of poverty and the inability to contribute toward the public charges. MCL 211.7u(2)(b) requires proof of eligibility for the exemption be provided to the board of review by supplying copies of federal and state income tax returns for all persons residing in the principal residence, including property tax credit returns, or by filing an affidavit for all persons residing in the residence who were not required to file federal or state income tax returns for the current or preceding tax year.

I,_____, swear and affirm by my signature below that I reside in the principal residence that is the subject of this Application for Poverty Exemption and that for the current tax year and the preceding tax year, I was not required to file a federal or state income tax return.

Address of Principal Residence: _____

_____

_____ _____

Signature of Person Making Affidavit Date

Summary of Changes to MCL 211.7u Poverty Exemption in Public Act 253 of 2020

Public Act 253 of 2020 was signed into law on December 23, 2020. The Act made several changes to the poverty exemption statute (MCL 211.7u) that will impact how local units, assessors, and boards of review handle the exemption starting with the 2021 tax year:

- Removes the word "supervisor" from statute, making it clear that only the Board of Review can grant/deny poverty exemption
- Clarifies that the federal income levels used are those adopted in the *prior* tax year (2020 federal levels are used for 2021 exemptions)
- Requires the local unit to make the policy, guidelines and application form available on their website
- Removes the ability for Boards of Review to deviate from the adopted policy/guidelines for "substantial and compelling reasons"
- Local units can adopt a resolution that allows an exemption granted in 2019 or 2020 to carry forward to 2021, 2022 and 2023 for those persons who receive a fixed income solely from public assistance that is not subject to significant annual increases (Federal Supplemental Security Income, Social Security disability or retirement benefits). Local units can also adopt a resolution for any new exemptions in 2021, 2022 or 2023 to remain exempt for up to 3 years for persons who receive a fixed income (MCL 211.7u(6))
- Local units can carry a poverty exemption forward that was granted in 2019 or 2020 for the 2021 tax year, without an application or protest to the Board of Review. **Local units must adopt a resolution by February 15, 2021 to carry the exemption forward** (MCL211.7u(8))
- If a person meets all eligibility requirements in statute, the Board of Review must grant a full exemption equal to a 100% reduction in taxable value OR a partial exemption equal to a 25% or 50% reduction in taxable value OR any other percentage reduction in taxable value approved by the STC

A person receiving the extended exemption in MCL 211.7u(6) for up to 3 years due to receiving a fixed income is required to file an affidavit rescinding the exemption within 45 days of no longer being eligible for the exemption.

Local units that adopt a resolution to extend the poverty exemption for up to 3 years for those persons who receive a fixed income solely from public assistance **or** local units that carry the 2019/2020 granted poverty exemptions forward to 2021 must implement an audit program and if found ineligible, the person is subject to repayment of the taxes plus interest.

Local units may need to revise their guidelines, policies, etc to implement the changes in statute. This includes revised guidelines that remove any other calculation of the taxable value for approved poverty exemptions, i.e. formulas that take into consideration the homestead tax credit to calculate the property tax liability and revised TV based on that calculated tax liability. The guidelines may only provide for a full exemption equal to a 100% reduction in taxable value (TV of 0) or a partial exemption equal to a 25% reduction or 50% reduction in taxable value, or any other percentage reduction approved by the State Tax Commission.

PA 253 requires the State Tax Commission to issue a bulletin on how to develop and implement the audit program for the extended poverty exemption provisions in MCL 211.7u(6) and (8). The State Tax Commission will also be working to create the statutorily required poverty application form and other necessary forms and guidance.

Provided by State Tax Commission January 8, 2021

Act No. 253
Public Acts of 2020
Approved by the Governor
December 22, 2020
Filed with the Secretary of State
December 22, 2020
EFFECTIVE DATE: December 22, 2020

STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020

Introduced by Senators Runestad and Chang

ENROLLED SENATE BILL No. 1234

AN ACT to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 7u (MCL 211.7u), as amended by 2012 PA 135.

The People of the State of Michigan enact:

Sec. 7u. (1) The principal residence of a person who, in the judgment of the supervisor and board of review, by reason of poverty, is unable to contribute toward the public charges is eligible for exemption in whole or in part from the collection of taxes under this act. This section does not apply to the property of a corporation.

(2) To be eligible for exemption under this section, a person shall, subject to subsections (6) and (8), do all of the following on an annual basis:

(a) Own and occupy as a principal residence the property for which an exemption is requested. The person shall affirm this ownership and occupancy status in writing by filing a form prescribed by the state tax commission with the local assessing unit.

(b) File a claim with the board of review on a form prescribed by the state tax commission and provided by the local assessing unit, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year. If a person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year, an affidavit in a form prescribed by the state tax commission may be accepted in place of the federal or state income tax return. The filing of a claim under this subsection constitutes an appearance before the board of review for the purpose of preserving the claimant's right to appeal the decision of the board of review regarding the claim.

(c) Produce a valid driver license or other form of identification if requested by the supervisor or board of review.

(d) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.

(e) Meet the federal poverty guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902, or alternative guidelines adopted by the governing body of the local assessing unit provided the alternative guidelines do not provide income eligibility requirements less than the federal guidelines.

(3) The application for an exemption under this section must be filed after January 1 but before the day prior to the last day of the board of review.

(4) The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines used for the granting of exemptions under this section. If the local assessing unit maintains a website, the local assessing unit shall make the policy and guidelines, and the form described in subsection (2)(b), available to the public on the website. The guidelines must include, but are not limited to, the specific income and asset levels of the claimant and total household income and assets.

(5) The board of review shall follow the policy and guidelines of the local assessing unit in granting or denying an exemption under this section. If a person claiming an exemption under this section is qualified under the eligibility requirements in subsection (2), the board of review shall grant the exemption in whole or in part, as follows:

(a) A full exemption equal to a 100% reduction in taxable value for the tax year in which the exemption is granted.

(b) A partial exemption equal to 1 of the following:

(*i*) A 50% or 25% reduction in taxable value for the tax year in which the exemption is granted.

(*ii*) As approved by the state tax commission, any other percentage reduction in taxable value for the tax year in which the exemption is granted, applied in a form and manner prescribed by the state tax commission.

(6) Notwithstanding any provision of this section to the contrary, a local assessing unit may permit by resolution a principal residence exempt from the collection of taxes under this section in tax year 2019 or 2020, or both, to remain exempt under this section in tax years 2021, 2022, and 2023 without subsequent reapplication for the exemption, provided there has not been a change in ownership or occupancy status of the person eligible for exemption under subsection (2), and may permit a principal residence exempt for the first time from the collection of taxes under this section in tax year 2021, 2022, or 2023 to remain exempt under this section for up to 3 additional years after its initial year of exempt status without subsequent reapplication for the exemption, provided there has not been a change in ownership or occupancy status of the person eligible for exemption under subsection (2), if the person who establishes initial eligibility under subsection (2) receives a fixed income solely from public assistance that is not subject to significant annual increases beyond the rate of inflation, such as federal Supplemental Security Income or Social Security disability or retirement benefits. Both of the following apply to a person who obtains an extended exemption under this subsection:

(a) The person shall file with the local assessing unit, in a form and manner prescribed by the state tax commission, an affidavit rescinding the exemption as extended under this subsection within 45 days after either of the following, if applicable:

(*i*) The person ceases to own or occupy the principal residence for which the exemption was extended.

(*ii*) The person experiences a change in household assets or income that defeats eligibility for the exemption under subsection (2).

(b) If the person fails to file a rescission as required under subdivision (a) and the property is later determined to be ineligible for the exemption under this section, the person is subject to repayment of any additional taxes with interest as described in this subdivision. Upon discovery that the property is no longer eligible for the exemption under this section, the assessor shall remove the exemption of that property and, if the tax roll is in the local tax collecting unit's possession, amend the tax roll to reflect the removal of the exemption, and the local treasurer shall, within 30 days of the date of the discovery, issue a corrected tax bill for any additional taxes with interest at the rate of 1% per month or fraction of a month computed from the date the taxes were last payable without interest. If the tax roll is in the county treasurer's possession, the tax roll must be amended to reflect the removal of the exemption and the county treasurer shall, within 30 days of the date of the removal, prepare and submit a supplemental tax bill for any additional taxes, together with interest at the rate of 1% per month or fraction of a month computed from the date the taxes were last payable without interest. Interest on any tax set forth in a corrected or supplemental tax bill again begins to accrue 60 days after the date the corrected or supplemental tax bill is issued at the rate of 1% per month or fraction of a month. Taxes levied in a corrected or supplemental tax bill must be returned as delinquent on the March 1 in the year immediately succeeding the year in which the corrected or supplemental tax bill is issued.

(7) A person who files a claim under this section is not prohibited from also appealing the assessment on the property for which that claim is made before the board of review in the same year.

(8) Notwithstanding any provision of this section to the contrary, if the assessor determines that a principal residence of a person by reason of poverty is still eligible for this exemption and the property was exempt from the collection of taxes under this section in tax year 2019 or 2020, or both, the property shall remain exempt from the collection of taxes under this section through tax year 2021 if, on or before February 15, 2021, the governing body of the local assessing unit in which the principal residence is located adopts a resolution that continues the exemption through tax year 2021 for all principal residences within the local assessing unit that were exempt from the collection of taxes under this section in tax year 2019 or 2020, or both. The local assessing unit may require the owner of a principal residence exempt from the collection of taxes under this subsection to affirm ownership, poverty, and occupancy status in writing by filing with the local assessing unit the form prescribed by the state tax commission under subsection (2)(a).

(9) A local assessing unit that adopts a resolution under subsection (6) or (8) must develop and implement an audit program that includes, but is not limited to, the audit of all information filed under subsection (2). If property is determined to be ineligible for exemption as a result of an audit, the person who filed for the exemption under subsection (2) is subject to repayment of additional taxes including interest to be paid as provided in subsection (6)(b). The state tax commission shall issue a bulletin providing further guidance to local assessing units on the development and implementation of an audit program under this subsection.

(10) As used in this section, "principal residence" means principal residence or qualified agricultural property as those terms are defined in section 7dd.

This act is ordered to take immediate effect.

Margaret O'Brien

Secretary of the Senate

Gary E Randall

Clerk of the House of Representatives

Approved_____

_____

Governor

2021 FEDERAL POVERTY GUIDELINES

US Department of Health & Human Services

STC Bulletin 17 of 2020

Size of Family Unit	Poverty Guidelines
1	$12,760
2	$17,240
3	$21,720
4	$26,200
5	$30,680
6	$35,160
7	$39,640
8	$44,120
For each additional person	$4,480

Finance

Resolution to amend the 2021 Poverty Guidelines approved by the City Council on December 15, 2020 (agenda item 6) and approve the amended Federal Poverty Guidelines for 2021 and the City of Pontiac Board of Review Instructions for Applicants requesting Hardship Exemption consideration in accordance with the Public Act 253 of 2020 signed in to law on December 23, 2020.

#10

RESOLUTION

CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council Members

FROM: Mayor Dierdre Waterman

DATE: **February 4, 2021**

RE: **Ottawa Towers / Phoenix Center Global Settlement Agreement**

On November 17, 2020 City Council approved the Global Settlement Agreement authorizing the Mayor to execute and complete the terms and obligations therein. The Global Settlement Agreement accomplishes several important things for the City of Pontiac:

1. The Ottawa Towers / Phoenix Center settlement of November 2018, and the City's exposure to further litigation and damages, is ended; and
2. The City's remaining financial obligations to the current owners of the Ottawa Towers is incorporated into the Global Settlement Agreement and satisfied when the terms of the agreement are closed or otherwise satisfied.

To support the City in meeting the terms of the Global Settlement Agreement, this Honorable City Council also approved an Agreement for Sale and Purchase of the Ottawa Towers to Dearborn Capital. That agreement requires Dearborn to provide funding for the settlement, and most importantly, to enter a master lease for the parking garage wherein they take responsibility for the repair, maintenance and operation of the garage, this relieves the City of the $16.8 Million cost of repair, and the hundreds of thousands in operating costs are no longer the responsibility of the City.

These two agreements provide the framework for a resolution of the long saga of litigation over the Phoenix Center and ending the City's financial risk. Significantly, the City is not losing ownership of the Phoenix Center and its Amphitheater, instead the City is retaining that asset with the plans and hopes to bring it back to the life for the citizens of Pontiac.

STATUS OF CLOSING

The Global Settlement Agreement provides several steps to close its terms, some of which have already been completed;

1. The 2020 settlement payment has been made.
2. The conveyance of Perdue School is complete.
3. The Letter of Credit for the final proceeds due to Ottawa Towers that begin in 2022 is completed.
4. A partial release of escrow funds has been credited against the amounts due under the Global Settlement Agreement.

The remaining steps to complete the terms of the agreement are in process, with all parties, the City, Mr. Stephens, and Dearborn Capital, all in agreement and working together to conclude this matter in the best in interests of the City. A closing schedule for the remaining tasks has been agreed to and signed by all of the parties.

The Closing Agreements include the payment of additional fees to Ottawa Towers by Dearborn Capital, which has bene completed, and also include a significant elimination of two closing obligations; specifically: (i) the City is no longer required to be a co-borrower and guarantor of equity from T2 (the equity fund affiliated with Dearborn Capital); and (ii) there is no longer the need for a land contract with Dearborn Capital, instead the transaction will move directly to a final closing, in cash, on February 26, 2021.

The opportunity to eliminate the City's participation as a co-borrower and improve the transaction into a single closing is significant. It has not changed or increased any of the costs to the City to complete this important settlement, and Dearborn Capital has signed their commitment to close this entire transaction without that burdensome element.

AN ADDITIONAL REQUIREMENT

To improve the Settlement for the City, the master lease for parking in the Phoenix Center becomes even more important. That document guides how the parking will be maintained, used, and importantly, how the entire project will benefit the City and include its businesses and citizens. As such, it has been requested that the Administration present a lease agreement to be ratified by resolution of the City Council, leaving no doubt as to the authority for such lease and its signing.

STATUS OF THE MASTER LEASE

1. This document is being drafted and will be presented to council in the agenda materials for the February 16, 2021 council meeting.
2. A resolution approving the lease and authorizing it to be signed by me will also be provided.

The lease document is the final item needed to complete the task in the Global Settlement Agreement and conclude the entire transaction. When approved, the parties will convene to execute the remaining closing documents and complete all transactions. This must occur on or before February 26, 2021.

At the Council meeting of February 2, 2021 I reiterated the fact that the City was working daily to make sure the conclusion of the Ottawa Towers matter would be in the best interests of the City, even if more work and a few more days was required. This positive development, and the mutual cooperation of all involved as we complete the lease authorization, is doing just that.

Attachment

#11

RESOLUTION

CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council Members

FROM: Mayor Dierdre Waterman

DATE: **February 11, 2021**
For Council Session February 16, 2021

RE: **Resolution to Authorize Execution of Parking Lease**

As presented at the Council Session February 9, 2021, the Mayor and Administration continues to negotiate and work in the best interests of the City. The requirement of closing the Global Settlement Agreement with the City also entering a co-borrowed note and land contract has been eliminated from the transaction. So effect that positive change, it has been determined by all parties to the Global Settlement and Sale and Purchase Agreement that the City must issue a Resolution authorizing the Mayor to include the Parking Lease in the closing documents for execution on February 26, 2021.

Therefore, a Resolution is attached hereto for consideration and approval by Council. The Resolution seeks authorization for the Mayor to Execute the attached Parking Lease Agreement.

*Please note that the concepts of community involvement, development vision, and other matters are a continuing process and are not decided by this action. The obligations to complete that mutual working document remain in place under the several agreements, which require community and City input. However, in order to close the Global Settlement Agreement, the City needs to execute the Parking Lease to specifically allocate rights and responsibilities over the maintenance and operation of the garage. Without this standards document we cannot close with Mr. Stephens.

SUPPORTING DOCUMENTATION

- Resolution Authorizing Global Settlement Agreement
- Executed Global Settlement Agreement
- Letter of Intent from Charles Stephens
- Resolution Authorizing Sale and Purchase Agreement
- Executed Sale and Purchase Agreement (incl. Nov 20 letter)
- Letter of Intent from Dearborn Capital through Dirt Realty
- Letter of Intent from T2 Capital Management
- Request for Extension from Dearborn Capital
- Notice of Extension from City of Pontiac
- Agreement for Closing Global Settlement Agreement
- Agreement for Closing

PROVIDED AT THE FEBRUARY 9, 2021 Council session

On November 17, 2020 City Council approved a Global Settlement Agreement authorizing the Mayor to execute and complete the terms and obligations therein. The Global Settlement Agreement accomplishes several important things for the City of Pontiac;

1. The Ottawa Towers settlement of November 2018, and the City's exposure to further litigation and damages, is ended.
2. The City's remaining financial obligations to the current owners of the Ottawa Towers is incorporated into the Global Settlement Agreement and satisfied when the terms of the agreement are closed.
3. The responsibility to repair and maintain the parking garage is assigned to a new partner, meaning the $16.8 million cost of repair, and hundreds of thousands in operating cost, is no longer the responsibility of the City.

To support the City in meeting the terms of the Global Settlement Agreement the City Council also approved a Agreement for Sale and Purchase of the two towers to Dearborn Capital. That agreement requires Dearborn to provide funding for the settlement, and most importantly, to enter a master lease for the parking garage wherein they take responsibility for the repair, maintenance and operation of the garage.

These two agreements provide the framework for a resolution of the long saga of litigation over the Phoenix Center and ending the City's financial risk. Significantly, the City is not losing ownership of the Phoenix Center and its Amphitheater, instead the City is retaining that asset with the plans and hopes to bring it back to the life for the citizens of Pontiac.

STATUS OF CLOSING

The Global Settlement Agreement provides several steps to close its terms, some of which have already been completed;

1. The 2020 settlement payment has been made.
2. The conveyance of Perdue School is done.
3. The Letter of Credit for the final proceeds due to Ottawa Towers that begin in 2022 is done.
4. A partial release of escrow funds has been credited against the settlement.

The remaining steps to complete the terms of the agreement are in process, with all parties, the City, Mr. Stephens, and Dearborn Capital, all in agreement and working together to conclude this matter in the best in interests of the City. A closing schedule for the remaining tasks has been agreed to and signed by all of the parties.

The Closing Agreements include the payment of additional fees to Ottawa Towers by Dearborn Capital, which has been completed, and also include a significant elimination of a closing obligation; the City is no longer required to be a co-borrower and guarantor of equity from T2 (the equity fund affiliated with Dearborn Capital). This also means that there is no longer the need for a land contract with Dearborn, instead the transaction will move directly to a final closing, in cash, on February 26, 2021.

The opportunity to eliminate the City's participation as a co-borrower and improve the transaction into a single closing is significant. It has not changed any of the cost to the City to complete this important settlement, and Dearborn Capital has signed their commitment to close this entire transaction without that burdensome element.

AN ADDITIONAL REQUIREMENT

To improve the Settlement for the City, the master lease for parking becomes even more important. That document guides how the parking will be maintained, used, and importantly, how the entire project will benefit the City and include its businesses and citizens. As such, it has been requested that the Administration present a lease agreement to be ratified by resolution of the City Council, leaving no doubt as to the authority for such lease and its signing.

STATUS OF THE MASTER LEASE

1. This document is being drafted and will be presented to council in the agenda materials for the February 16, 2021 council meeting.
2. A resolution approving the lease and authorizing it to be signed will also be provided.

The lease document is the final item needed to complete the task in the Global Settlement Agreement and conclude the entire transaction. When approved, the parties will convene to execute the remaining closing documents and complete all transactions. This must occur on or before February 26, 2021.

At the Council meeting of February 2, 2021 I reiterated the fact that the City was working daily to make sure the conclusion of the Ottawa Towers matter would be in the best interests of the City, even if more work and a few more days was required. This positive development, and the mutual cooperation of all involved as we complete the lease authorization, is doing just that.

Attachment

CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO SUPPORT NEGOTIATIONS IN RESPONSE TO A PROPOSAL FOR THE PHOENIX CENTER

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, on November 17, 2020, the Pontiac City Council approved a Resolution to approve the Global Settlement regarding the Ottawa Towers litigation, and authorize the Mayor to execute all documents necessary to do so; and

Whereas, on November 21, 2020, the Pontiac City Council approved a Resolution for the execution of the Purchase and Sale Agreement with Dearborn Capital Partners, LLC on behalf of an entity to be formed (collectively, "Dearborn Capital") under which the City: (i) sells the Ottawa Towers and related adjacent properties (collectively, the "Ottawa Towers") to be acquired by the City under the Global Settlement Agreement; and (ii) enters into a long term ground lease of the Phoenix Center Parking Garage, excluding the Plaza and Amphitheater (the "Ground Lease") with Dearborn Capital and authorizing the Mayor to execute all reasonable and necessary documents related to consummating these transactions; and

Whereas, subsequent to those authorizations the parties to the Global Settlement Agreement and Sale and Purchase Agreement reached an accord that the closing documents would be modified such that the the incorporated Land Contract and Co-borrowing documents were no longer required; and

Whereas, the parties have each and all mutually agreed to a schedule for closing and the remaining items to be completed to effect a complete closing of both Agreements, such schedule and agreement being confirmed in mutually executed Closing Agreements; and

Whereas, the documents related to the Parking Lease for the Phoenix Center are incorporated therein, and

Whereas, the elimination of the additional closing requirements and authorization to execute the Parking Lease as a closing document is beneficial to the City;

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby Authorize the Mayor to include and execute the Parking Lease Agreement as a closing document at the February 26, 2021 closing of the Global Settlement Agreement and Sale and Purchase Agreement, accepting the terms therein.

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

DRAFT

CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO SUPPORT NEGOTIATIONS IN RESPONSE TO A PROPOSAL FOR THE PHOENIX CENTER

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, on November 17, 2020, the Pontiac City Council approved a Resolution to approve the Global Settlement regarding the Ottawa Towers litigation, and authorize the Mayor to execute all documents necessary to do so; and

Whereas, on November 21, 2020, the Pontiac City Council approved a Resolution for the execution of the Purchase and Sale Agreement with Dearborn Capital Partners, LLC on behalf of an entity to be formed (collectively, "Dearborn Capital") under which the City: (i) sells the Ottawa Towers and related adjacent properties (collectively, the "Ottawa Towers") to be acquired by the City under the Global Settlement Agreement; and (ii) enters into a long term ground lease of the Phoenix Center Parking Garage, excluding the Plaza and Amphitheater (the "Ground Lease") with Dearborn Capital and authorizing the Mayor to execute all reasonable and necessary documents related to consummating these transactions; and

Whereas, subsequent to those authorizations the parties to the Global Settlement Agreement and Sale and Purchase Agreement reached an accord that the closing documents would be modified such that the the incorporated Land Contract and Co-borrowing documents were no longer required; and

Whereas, the parties have each and all mutually agreed to a schedule for closing and the remaining items to be completed to effect a complete closing of both Agreements, such schedule and agreement being confirmed in mutually executed Closing Agreements; and

Whereas, the documents related to the Parking Lease for the Phoenix Center are incorporated therein, and

Whereas, the elimination of the additional closing requirements and authorization to execute the Parking Lease as a closing document is beneficial to the City;

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby Authorize the Mayor to include and execute the Parking Lease Agreement as a closing document at the February 26, 2021 closing of the Global Settlement Agreement and Sale and Purchase Agreement, accepting the terms therein.

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

DRAFT

#12

COMMUNICATION FROM THE MAYOR

CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council Members

FROM: Darin Carrington, Finance Director

DATE: February 11, 2021

RE: Request for Invoices for HED Report and Chairs in Council Chambers

Recently we received requests from City Council for invoices related to the HED Report and for chairs purchased recently for the Council Chambers. Attached are the requested invoices and below are brief explanations on these items.

HED Report

The HED Report was done recently to look at renovations and modifications that may be needed to City Hall due to the impact of the COVID-19 Pandemic. The vendor was Harley Ellis Devereaux ("HED"). A total of $9,200 was incurred and paid in connection with this matter.

Council Chamber Chairs

Recently, chairs were purchased to place into the City Council Chambers. These chairs were acquired in response to the COVID-19 Pandemic in order to comply with the immediate need to provide social distancing within the Chambers. It should be noted that these chairs are only temporary as the City works towards more permanent renovations to the Chambers. These chairs, along with some tables, were acquired from vendor Your Emerging Space at a total costs of $1,500.

Your Emerging Space
377 S Telegraph
Pontiac, MI 48341 US
+1 3138782177
youremergingspace@gmail.c
om
http://www.youremergingspa
ce.com

Invoice 1039

BILL TO
Deirdre Waterman
City of Pontiac

DATE	PLEASE PAY	DUE DATE
11/30/2020	$1,500.00	11/30/2020

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
11/18/2020	**Office Furniture**	2 Large 8 ft Rolling Tables	1	375.00	375.00
11/18/2020	**Office Furniture**	50 Armed Purple Chairs	1	375.00	375.00
11/18/2020	**Office Furniture**	Professional Office Desk Set with Cabinet	1	375.00	375.00
11/18/2020	**Office Furniture**	2 Black Leather Office Guest Chairs	1	375.00	375.00

All Items are FINAL sale

TOTAL DUE $1,500.00

THANK YOU.

Invoice

HED

Harley Ellis Devereaux
Remit To: PO Box 674273
Detroit, MI 48267-4273

Vern Gustafsson
City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48342

October 19, 2020
No: 2020-06882-000
Invoice No: 973441

Invoice Total $2,259.60

RE: City of Pontiac: City Hall Building Planning Concepts

E-mail: vgustafsson@pontiac.mi.us

Invoice for Architectural/Engineering Services from August 24, 2020 to September 27, 2020

1000 Pre Design

	Hours	Rate	Amount	
Sweeney, Tracy	13.50	160.80	2,170.80	
Zammitt, Andrea	.50	177.60	88.80	
Totals	14.00		2,259.60	
Total Labor				**2,259.60**
		Sub-Total This Prefix		**$2,259.60**

Billing Limits	**Current**	**Prior**	**To-Date**
Labor	2,259.60	0.00	2,259.60
Limit			9,200.00
Remaining			6,940.40

Total this Invoice $2,259.60

GL#
101-721.809.001
COVID 19 EXPENDITURES

Invoice

HED

Harley Ellis Devereaux
Remit To: PO Box 674273
Detroit, MI 48267-4273

Vern Gustafsson
City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48342

November 13, 2020
No: 2020-06882-000
Invoice No: 973764

Invoice Total $6,940.40

RE: City of Pontiac: City Hall Building Planning Concepts

E-mail: vgustafsson@pontiac.mi.us

Invoice for Architectural/Engineering Services from September 28, 2020 to October 25, 2020

1000 Pre Design

	Hours	Rate	Amount	
Gawel, Timothy	10.00	236.80	2,368.00	
Sweeney, Tracy	25.25	160.80	4,060.20	
Zammitt, Andrea	3.00	177.60	532.80	
Totals	38.25		6,961.00	
Total Labor				**6,961.00**
		Sub-Total This Prefix		**$6,961.00**

Billing Limits	**Current**	**Prior**	**To-Date**	
Labor	6,961.00	2,259.60	9,220.60	
Limit			9,200.00	
Adjustment				**-20.60**
			Total this Invoice	**$6,940.40**

11.14.2020
GL: 101.721.809.001
Voucher # 10000261
APPROVED