

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."

47450 Woodward Pontiac, MI 48342 Phone: (248) 758-3200
Website: <http://pontiaccityclerk.com/city-council-meetings>

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

FORMAL MEETING
251ST Session of the 10th Council
August 31, 2021 at 6:00 P.M.
Bowens Center 52 Bagley Pontiac, MI 48341

Call to order

Invocation

Pledge of Allegiance

Roll Call

Authorization to Excuse Councilmembers

Approval of the Agenda

Approval of the Minutes

1. August 24, 2021

Subcommittee Report

2. Department of Public Works- August 20, 2021

Recognition Elected Officials

Agenda Address

Agenda Items

Closed Session

City Attorney

3. Resolution from the City Attorney and counsel of record that request a closed session pursuant to MCL 15.268(e) to discuss pending litigation of Blackwell v City of Pontiac.

Resolutions

City Clerk

4. Resolution to approve the agreement between the City and Dykema Gossett PLLC to serve as the Hearing Officer in accordance with Ordinance 2357 (B) City of Pontiac Medical Marihuana Facilities Ordinance. John

Fraser, Esq. will serve as the primary Hearing Officer at a cost not to exceed \$45,000 and authorizes the Mayor to sign the agreement. Mr. Fraser was formerly with Grewal Law PLLC.

Department of Public Works (DPW)

5. Resolution to approve the agreement between the City and Asphalt Specialist, Inc. for \$395,309.00 for the 2021 Community Development Block Grant (CDBG) Pontiac Senior Centers Parking Lot Replacement Project

Planning

6. Resolution to approve a Zoning Map Amendment request ZMA 21-04 for Parcel No. 64-17-33-407-035, 036, and 037 to amend the current site zoning R-1 One Family Dwelling to C-1 Local Business.

Public Comment

Mayor, Clerk and Council Closing Comments

Adjournment

Upcoming Special Presentations

September 7, 2021

1. Medical Marihuana Application Process Update
2. Reducing the Digital Divide

#1

MINUTES

**Official Proceedings
Pontiac City Council
250th Session of the Tenth Council**

Call to order

A Study Session of the City Council of Pontiac, Michigan was called to order at the Bowens Senior Center, 52 Bagley Pontiac, MI 48342 on Tuesday, August 24, 2021 at 6:06 p.m. by Council President Kermit Williams.

Roll Call

Members Present – Carter, Miller, Pietila, Taylor-Burks and Williams

Mayor Waterman was present.

A quorum was announced.

Authorization to Excuse Councilmembers Shramski and Waterman. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Amendments to and Approval of the Agenda

21-261 **Motion to move item #3 (City Council Parliamentarian) after the minutes.**

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

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

No: None

Motion Carried

21-262 **Motion to approve the agenda as amended.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Approval of the Minutes

21-263 **Motion to approve meeting minutes for August 17, 2021.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried

Special Presentation

City Council Parliamentarian

Presentation Presenter: Eleanor “Coco” Siewert

Public Comment

Seven (7) individuals addressed the body during public comment

Special Presentations

Code Enforcement Illegal Dumping Campaign

Presentation Presenters: Mayor Waterman and Patrick Brzozowski, Code Enforcement Manager

Pontiac Youth Recreation and Enrichment Center (PYREC) Extended Summer Program

Presentation Presenters: Mayor Waterman and Robert Burch, PYREC

Suspend the Rules to Vote

Motion to suspend the rules to vote on item #6. Moved by Councilperson Miller and second by Councilperson Pietila. **Councilperson Miller withdrew her motion and Councilperson Pietila withdrew her second**

21-264 **Motion to suspend the rules to vote on item #6 (Adoption of an Emergency Ordinance for Extension of Supplemental Pension Payment for City of Pontiac Police and Fire Retirees.) and item #7 (Adoption of an Emergency Ordinance for Extension of Supplemental Pension Payment for City of Pontiac General Employees' Retirement System Retirees.)** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Ordinances

Ordinance 2385 **Adoption of an Emergency Ordinance for Extension of Supplemental Pension Payment for City of Pontiac Police and Fire Retirees.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

The City of Pontiac ordains:

Section 1. Amendments.

The Police & Fire Retirement System ordinance shall be amended to read as follows:

a. Section 92-122.2 shall be amended to add the following language: Temporary Pension Increase: *"All persons who retired before August 22, 1996, and who are receiving retirement benefits as of August 1, 2021 and who enter pay status through December 1, 2021, shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning September 1, 2021 through December 31, 2021, or when the New VEBA begins providing the health care benefits to the eligible retirees, whichever comes first."*

Section 2. Severability.

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

Section 3. Repealer.

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

Section 4. Publication.

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

Section 5. Emergency Declaration and Effective Date.

This Ordinance is declared an emergency of health and safety to allow the pension recipients to collect the increase authorized in this Ordinance on the date identified in this Ordinance and shall be effective immediately upon adoption by the City Council.

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

No: None

Ordinance Adopted

Ordinance 2386 **Adoption of an Emergency Ordinance for Extension of Supplemental Pension Payment for City of Pontiac General Employees' Retirement System Retirees**
Moved by Councilperson Pietila and second by Councilperson Miller.

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

The City of Pontiac ordains:

Section 1. Amendments.

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

a. Section 17 .6 shall be amended to add the following language: Temporary Pension Increase: *"All persons who are receiving retirement benefits as of August 1, 2021 and who enter pay status through December 1, 2021, shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning September 1, 2021 through December 31, 2021, or when the New VEBA begins providing the health care benefits to the eligible retirees, whichever comes first."*

Section 2. Severability.

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

Section 3. Repealer.

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

Section 4. Publication.

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

Section 5. Emergency Declaration and Effective Date.

This Ordinance is declared an emergency of health and safety to allow the pension recipients to collect the increase authorized in this Ordinance on the date identified in this Ordinance and shall be effective immediately upon adoption by the City Council.

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

No: None

Ordinance Adopted

Adjournment

Council President Kermit Williams adjourned the meeting at 7:40 p.m.

Garland Doyle
Interim City Clerk

#2

**SUBCOMMITTEE
REPORT**

DEPARTMENT OF PUBLIC WORKS SUB-COMMITTEE NOTES

August 20, 2021

In attendance:

Council members: Chairperson Doris Taylor- Burks, Megan Shramski and President Kermit Williams

Mayor: Deirdre Waterman

DPW Deputy Director: Al Cooley

City Engineer: Abdul Siddiqui

Start time: 12:24 p.m.

AGENDA

1. Oak Hill Cemetery Update

a. Tree Cleanup

The tree cleanup is in progress. The Northern portion was worked on and the Southern portion is being worked on today and tomorrow. A crane was rented to assist in removing the tree.

b. Fencing

The City is working with the driver's insurance company as the driver lost control of the car and hit the fence. So, the fence and a couple of headstones were damaged. The City would like to replace the fence with a chain-link fence with black as it will be more decorative. A protector to be placed, so that people coming off M-59 will not hit the fence. It is time-consuming working with the insurance company. However, the initial insurance payment has been received.

- The Cemetery walk will be September 11th-12th
- Who is responsible for damaged headstones? It is determined on a case-by case basis.
- How much was in the cemetery fund? It was approximately **\$800,000** and was in a perpetual fund, but was removed by the EM. Money can be put into the fund each fiscal year, but in this year's budget, there was no money put in.

2. Employee Retention

a. Four laborers have left since June 30, 2021

They moved to other areas of employment. The Deputy DPW Director talked with them before they left to determine why they were leaving. More money. Other cities are paying higher wages, between \$4-\$8 more per hour. Labor II's and CDL licenses affords them the ability to drive and earn \$20.80 per hour. In other cities, they earn \$26.00-\$28.00 per hour.

b. Low Pay and No Essential Work Pay

It was questioned why the essential work pay has not been given. Therefore, should the workers be given a bonus? The Sheriffs and the Firefighters received the money under the CARES grant as they are essential workers. However, the American Rescue funds can be used for essential pay.

- A 7% raise is not the same as essential worker pay.
- A cost analysis should be performed.
- Hazard pay and front line pay.
- Delineate a 7% raise versus making it competitive, plus hazard pay.

- The City does not have an HR Specialist. An HR Specialist would be able to interview employees when they are leaving and provide the empirical data.
- Finance and DPW are looking into this and maybe a bonus should be given. Council will be presented with a resolution providing DPW workers with a bonus.
- Historically, people worked in City government despite salaries being lower because benefit packages were better.
- A comparative, is the Road Commission. A person hires in at \$1.00 per hour lower and after a year, the wage goes up from \$3.00-\$4.00 per hour, so it is not just private sector that is paying more.
- The City is a year behind COVID. The DPW workers have been working without being given essential worker pay.
- People have to be treated fairly across the board.

3. Air Duct Cleaning

What is the maintenance of the heating and cooling system and coils? **Twice a year, bi-annually** and were done sometime last month.

- Air quality tests? Variable
- The contract before Council is just for the cleaning of the ducts and not for air quality testing. The company did the cleaning previously in 2016 and the two senior centers were also done that year or earlier the next year. This cleaning avoids Legionnaires Disease and inefficiency and helps with maintenance and longevity.
- The maintenance schedule will be provided and sent.
- The contract will be put back on the agenda for Tuesday.

4. Emergency Operating Plan

Will be brought to Council for approval at a study session. Input is still needed from two departments. After the plan is complete, the subcommittee will have a short meeting to discuss before the item is taken to the Council as a whole.

5. Speed Humps

The cost of each hump is approximately \$2,000 plus installation for roughly \$2,500. It may even be \$3,000 due to the pandemic. A PILOT will allow for each Council person to provide 5 streets, but only 3 streets will be selected from each district for a total of 21. The total cost, \$60,000-\$70,000. The project was not budgeted, so a budget amendment will be needed. Due to the fact that the humps will have to be taken up during the winter, this PILOT project can happen in the spring. In the meantime, Council members will be asked to provide their selection of streets. No emergency routes or major streets can be used.

Need to also determine if speed humps have to be put out to bid and if it a special item.

6. Update on Current Construction Plan

- The projects on Orchard Lake Road, Walton and Vanguard are underway.
- The CDBG Senior Centers, parking lot reconstruction is estimated at \$395,309.90 Funding, CDBG/Capital Improvements. Both lots need work. There will be a resolution presented to Council to take \$100,000 from the City Hall parking lot project in order to allocate the funds to

the Senior Center parking lots. The minimal cost for the City Hall parking lot project was estimated by John Balint to be \$1.3 million. The money is to be divided into two fiscal years. Add it back next year.

- The local streets and W Columbia, the bids will come before Council in September. Several were approved.

- CBG sidewalks will start mid-September, the Downtown sidewalks

7. Ewalt Center

The Deputy Mayor was not there to present.

8. HED-Council Chambers Renovation

Why is the Council not involved? The project plan was provided

- Stump grinding to happen in the fall, mid-October.

- What can be done about cars going on the grass at parks? Most of the parks have a post and cable. DPW obtains the posts from the Road Commission at a discount as they have been cut.

- The guard rail and posts to be repaired at Beaudette Park and the Mill Dam.

- Will look at the cost of large stones and get back to Council. They tend to be costly due to the weight.

Adjourned: 1:07 p.m.

#3

**CLOSED
SESSION**

Pontiac City Council Resolution



Whereas, the Michigan Open Meetings Act allows a public body to go into closed session to discuss specific pending litigation; and

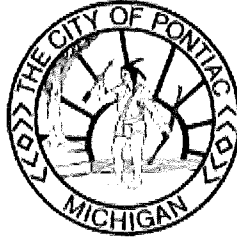
Whereas, the City Attorney and defense counsel wish to address the City Council on new activity in a pending matter;

Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss an attorney-client privileged memorandum pending litigation as permitted by the Open Meetings Act at MCL 15.268. The City Attorney and counsel of record request a closed session pursuant to MCL 15.268(e) to discuss pending litigation Blackwell v. City of Pontiac.

#4

RESOLUTION

Resolution of the Pontiac City Council



WHEREAS, the voters of the City of Pontiac approved the City of Pontiac Medical Marihuana Facilities Ordinance (Ordinance 2357 (B)) in 2018, and;

WHEREAS, Ordinance 2357 (B) section 9 gives the Clerk the authority to “award permits “to any applicant for a permit to operate a grower, processor, secure transporter, or safety compliance”, and;

WHEREAS, Ordinance 2357 (B) section 9 states that the Clerk “shall assess, evaluate, score and rank each application based upon a scoring and ranking procedure developed by the clerk” for provisioning center applications, and;

WHEREAS, Ordinance 2357 (B) section 16 states that “any applicant or permittee aggrieved by the denial or revocation of a permit or adverse decision under this ordinance may appeal to the clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the clerk”, and;

WHEREAS, the Clerk has appointed John Fraser, Esq. formerly of the law firm of Grewal Law, PLLC to serve as the hearing officer under Ordinance 2357(B) at a cost not to exceed \$45,000.00, and;

WHEREAS, John Fraser, Esq. is now an associate with Dykema Gossett PLLC; and

WHEREAS, the Clerk has now appointed John Fraser, Esq. and the law firm of Dykema Gossett PLLC to serve as the hearing officer under Ordinance 2357(B) at a cost not to exceed \$45,000.00, and;

WHEREAS, other attorneys of the Dykema Gossett, PLLC may serve as the hearing officer if necessary and;

NOW, THEREFORE, BE IT RESOLVED, the Pontiac City Council approves the agreement between the City of Pontiac and Dykema Gossett, PLLC to serve as the Hearing Officer under Ordinance 2357(B) at a cost not to exceed \$45,000.00 and authorizes the Mayor to sign the agreement.



Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

John W. Fraser

Direct Dial: (517) 374-9140

Direct Fax: (866) 497-6396

Email: JWFraser@dykema.com

August 19, 2021

Garland S. Doyle, M.P.A., CNP
Interim City Clerk
City of Pontiac
47450 Woodward Ave
Pontiac, MI 48342

Re: Engagement

Dear Mr. Doyle:

We are pleased to confirm the retention of Dykema Gossett PLLC ("we" or the "Firm") as legal counsel to assist the City of Pontiac (collectively, "Client" or "You") to serve as a Hearing Officer for pending Provisioning Center Applications in the Non-Overlay and Walton Boulevard Zoning Districts (the "Matter"). This letter and the enclosed Standard Terms of Representation describe the basis on which our Firm will provide these services. You will be our principal client contact for this Matter. If you have questions concerning any of the information provided in this letter, I welcome your call.

Client. For purposes of this engagement, and for present and future conflicts of interest purposes, our client is the City of Pontiac, and not any of their parents, subsidiaries, affiliates, partners, or individual owners, officers, directors, managers, employees, or agents, unless we otherwise agree in writing and/or in a separate engagement letter. Accordingly, representation of the Client in this Matter will not give rise to any conflict of interest in the event other clients of the Firm are adverse to any of such other entities or persons affiliated with the Client.

Scope of Engagement. In the course of the Representation, we will provide legal advice to the City Clerk, in his official capacity, in connection with his duties under the City of Pontiac Medical Marihuana Facilities Ordinance 2357(B) (hereinafter "the Ordinance") and matters related thereto. This includes legal advice with regard to applications for marihuana permits in the City of Pontiac, including but not limited to (1) serving as a hearing officer for the purposes of hearing appeals of medical marihuana facility applicants in accordance with the Ordinance; (2) hearing and deciding appeals in the role of the hearing officer; (3) drafting written proposals for decision for the Client following each appeal hearing; and (4) consulting with the Client for the purpose of drafting rules regarding the appropriate format for hearing officer appeal hearings consistent with the Ordinance.



August 19, 2021

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We will NOT provide any service or advice other than legal advice. This Engagement is limited to providing the hearing officer services outlined above for the Non-Overlay and Walton Boulevard Zoning Districts.

Conflict of Interest, Disclosure, and Waiver. The Firm agrees that it will not review, analyze, grade, or hear the appeal on any application for any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual submitting an application for a marihuana facility license with the City of Pontiac that it has previously represented in any capacity. To the extent permissible pursuant to the Michigan Rules of Professional Conduct, the Firm further agrees that it will provide disclosure of any such previous representation including (1) the client previously represented, (2) the nature of the representation, and (3) the time period of the previous representation. Such disclosure shall be updated on an ongoing basis as necessary.

The Firm has been retained by clients in the marihuana industry, including some of which have sought licensure in the City of Pontiac. The Firm is not terminating its relationship with any clients should it turn out that the client has applied in Pontiac. It will disclose the relationship to the City of Pontiac and advise the City of Pontiac to use another law firm to serve as "Hearing Officer" to review any matter relating to that client.

The Firm has been or may be retained by other clients from time to time who may be adverse to the City of Pontiac in matters unrelated to the Representation covered by this limited Engagement. The City of Pontiac hereby waives any conflict that may arise in the Firm's representation of other clients in such matters and agrees not to disqualify the Firm from such representation, provided that such matters are not substantially related to any matter in which the Firm represents the City of Pontiac or on a matter in which the City of Pontiac has provided us with confidential information material to the matter.

Fees; Costs; Payment. In order to manage costs, I will be principally responsible for the Representation. Other attorneys and professional staff may be utilized as appropriate. My curriculum vitae has been sent separately. Hourly rates shall be:

\$200 per hour for John W. Fraser and other attorneys

\$100 per hour for non-attorney staff

This engagement shall not exceed \$45,000.00 unless otherwise agreed upon by the parties in writing. Invoices will be addressed to the City of Pontiac, c/o Interim City Clerk Garland Doyle, 47450 Woodward Ave., Pontiac, MI 48342. Annual increases in attorney rates are the norm. Out of pocket expenses, if any, will be sent directly to the Client for payment, or we will pay those expenses and invoice the Client for the expense. A detailed invoice will be provided on a monthly



August 19, 2021

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basis and due within 30 days. Interest at 1% per month is charged to late payments. If necessary, costs of collection, including attorney fees, are chargeable to the Client.

Standard Terms of Representation. Additional information regarding fees and other important matters appear in the enclosed Standard Terms of Representation, which are incorporated as part of this letter and which you should review carefully before agreeing to our engagement.

Federal Law. As you are aware, marihuana is currently still illegal under federal law. The laws of the State of Michigan and the City of Pontiac that allow for medical marihuana are not recognized by the federal government or by federal law enforcement authorities. State and local law has no effect on applicable federal laws, which may impose criminal and civil penalties for the possession, transportation, sale, or distribution of marihuana or for any activity related to marihuana products, services, businesses, or other activities. We are not providing any advice with respect to any federal law, including federal marihuana laws, implicated by the City of Pontiac's decision to regulate and license medical marihuana facilities.

Other Legal Matters. We are Special Counsel to the Client, and we only represent the Client to the extent provided herein. We will not provide advice, including legal advice, on any matter outside the scope of this letter. Client should contact its General Counsel or the City Attorney on any matters falling outside the scope of this Representation.

Review and Acceptance. You are encouraged to consult with other counsel on any of the terms of this letter and the attachments, including the waiver provisions thereof.

Please indicate your acceptance of the terms of this letter and the Standard Terms of Representation by signing and returning a copy of this letter to me. If you do not sign and return this letter, but use our services, such use shall be considered your acceptance of this engagement letter and the enclosed Standard Terms of Representation.



August 19, 2021

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We are delighted that you have chosen to refer this Matter to us, and we look forward to continuing to work with you.

Sincerely,

DYKEMA GOSSETT PLLC

John W. Fraser

AGREED TO:

The City of Pontiac
By: Deirdre Waterman
Its: Mayor

Dated: August ____, 2021

John W. Fraser

Associate

Lansing

201 Townsend Street
Suite 900
Lansing, MI 48933



T: 517-374-9140 F: 866-497-6396 JWFraser@dykema.com

Areas Of Practice

Cannabis Law
Government Policy & Practice

Bar Admissions

Michigan, 2015

Court Admissions

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Western District of Michigan

U.S. District Court for the District of Colorado

U.S. District Court for the Southern District of Indiana

Education

- Michigan State University College of Law, J.D., *summa cum laude*, 2015
- 4.0 GPA
- Jurisprudence Achievement Awards [Highest Grade] in Mortgages; Law & Interpretation; Federal Jurisdiction; Antitrust Law; Copyright Law; Constitutional Law II; Equity; Property; Contracts; and Research, Writing & Analysis
- Michigan State Law Review, Managing Editor

John W. Fraser is an associate in Dykema's Lansing office and serves as the Michigan Team Leader of Dykema's Cannabis Practice. John's practice focuses on cannabis law, business law, general litigation, and appellate law.

John regularly advises and assists entrepreneurs seeking to operate cannabis-related businesses within Michigan's legal and regulatory framework. He currently serves as the Chairperson of the Cannabis Law Section of the State Bar of Michigan. In addition, John is an adjunct professor of law at Western Michigan University Cooley Law School where he teaches a course on Medical Marijuana and the Law. He also regularly lectures and presents on cannabis law topics to attorneys and the community.

John's practice primarily consists of counseling entrepreneurs, investors, patients, caregivers, municipal governments, and other attorneys on matters of cannabis law. John has been retained to serve as an expert witness and consultant in cases involving cannabis businesses to assist the parties and the court in breaking down and navigating complex cannabis-related legal issues. John focuses his representation by setting clear goals with clients at the outset and then working aggressively and creatively to meet those goals.

John has litigated cases in trial courts throughout the State of Michigan and has argued cases before the Michigan Court of Appeals and the Michigan Supreme Court. John's litigation skills have been recognized by his peers, as he was named a Top 5 Lawyer Under 35 by the Ingham County Bar Association and was recognized as a Pioneer by the State Bar of Michigan's Marijuana Law Section for his efforts in the published Michigan Court of Appeals opinion in *People v. Manuel*.

John earned his Bachelor of Science, *cum laude*, from Central Michigan University with a double major in Philosophy and Political Science and a minor in English. John graduated from Michigan State University College of Law, *summa cum laude*, with a 4.0 GPA, ranked first in his class. During law school, John served as a Managing Editor of the Michigan State Law Review and also served as a teaching assistant for Professors Bruce Ching and Philip Pucillo.

Memberships & Involvement

- State Bar of Michigan

John W. Fraser (Cont.)

- Central Michigan University, B.S., *cum laude*, 2011
- Philosophy and Political Science

- Ingham County Bar Association
- American Bar Association
- Federal Bar Association – Eastern District of Michigan Chapter
- Cannabis Law Section, State Bar of Michigan
- Criminal Defense Attorneys of Michigan
- International Cannabis Bar Association

Community/Civic Activities

- Volunteer Judge – 1L RWA Oral Arguments, Michigan State University College of Law (2016-present).
- Volunteer Judge – Moot Court Class Oral Advocacy Competition, Michigan State University College of Law (2015-present).
- National Multiple Sclerosis Society – Team Captain of Team Fraser for Walk MS Lansing (2013-Present).
- Featured Professor on Marijuana Law – People's Law School

Awards & Recognition

- Recognized by *Super Lawyers*® as a Rising Star, 2020
- Recognized by the Ingham County Bar Association as a Top 5 Lawyer Under 35, March 2018
- Recognized by the Marijuana Law Section of the State Bar of Michigan as a Pioneer in the area of marijuana law, 2018

#5

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President and City Council Members

FROM: Abdul H. Siddiqui, City Engineer

DATE: August 24, 2021

RE: 2021 CDBG Pontiac Senior Centers Parking Lot Replacement – Asphalt Specialists, Inc.

The City of Pontiac received and publicly opened bids for the referenced improvement project on Thursday, August 5, 2021. The project involves the reconstruction of parking lots at the Bowens and Ruth Peterson Senior Centers. The parking lots at these centers are in a dangerous condition and need to be reconstructed, including sidewalk and sewer work.

A total of three (3) bids were received for the project in the amounts as follows:

1. Asphalt Specialists, Inc. (ASI)	\$395,309.90
2. Gibraltar Construction	\$418,082.60
3. Great Lakes Contracting	\$429,296.35

The Engineering Division has reviewed the proposals and references submitted by all contractors and based on the attached is recommending the award to the low bidder, ASI.

Construction is scheduled to start in mid-September with anticipated completion at Bowens by the end of October and at Ruth Peterson by mid-November.

Funding for the project will be through a Community Development Block Grant (CDBG), administered by Oakland County, in the amount of \$265,000.00, with the remainder of the contract being paid out of account 445-265-974.021 (City Hall Lot Repairs).

Based upon the above information, it is recommendation of the Department of Public Works that the 2021 CDBG Pontiac Senior Centers Parking Lot Replacement project be awarded to ASI, in the amount of \$395,309.90.

WHEREAS, the City of Pontiac has advertised and received responses to a Request For Proposal for the 2021 CDBG Pontiac Senior Centers Parking Lot Replacement project on August 5, 2021, and publically opened bids; and

WHEREAS, a bid tabulation was prepared and reviewed, and;

WHEREAS, the City identified the low bidder as Asphalt Specialists, Inc. (ASI), and references of the low bidder checked and found acceptable, and;

WHEREAS, the funding for the project will be through a Community Development Block Grant in the amount of \$265,000.00 with the remaining funds identified in the Capital Improvements Fund.

NOW, THEREFORE,

BE IT RESOLVED, The Pontiac City Council authorizes the Mayor to enter into a contract with ASI for \$395,309.90 for the 2021 CDBG Pontiac Senior Centers Parking Lot Replacement project.

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 20____, by and between the City of Pontiac, Oakland County, Michigan, party of the first part, hereafter called the City, and **Asphalt Specialists, Inc.**, party of the second part, hereinafter called the Contractor:

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The CONTRACTOR shall commence and complete the construction of:

2021 CDBG Pontiac Senior Centers Parking Lot Replacement

in full conformance with the Contract Documents as enumerated in Article 6 of this Agreement.

2. The CONTRACTOR shall furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the PROJECT described herein, excepting those things which are specifically stipulated in the contract documents to be furnished or done by the City.

3. The CONTRACTOR shall commence the work required by the CONTRACT DOCUMENTS on or before the date stipulated in the NOTICE TO PROCEED and will complete the same on or before November 15, 2021. Time shall be considered to be of the essence of this Contract.

4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the contract price of:

\$ 395,309.90

unless the contract price is duly changed by the contract documents.

5. The CITY shall pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

6. The term "CONTRACT DOCUMENTS" means and includes the following:

- A. AGREEMENT
- B. BID BOND
- C. PERFORMANCE BOND
- D. LABOR AND MATERIAL BOND

E. MAINTENANCE BOND

F. CHANGE ORDER (Pursuant to General Conditions, Section 9)

G. ADDENDA:

No. _____, dated _____, 20____.

No. _____, dated _____, 20____.

No. _____, dated _____, 20____.

H. ADVERTISEMENT

I. INSTRUCTIONS TO BIDDERS

J. BIDDER'S PROPOSAL (Incl. final Compliance Plan as accepted by OWNER)

K. GENERAL CONDITIONS (Incl. SUPPLEMENTAL GENERAL CONDITIONS and SPECIAL CONDITIONS (if any))

L. SPECIFICATIONS (Incl. SUPPLEMENTAL SPECIFICATIONS and SPECIAL PROVISIONS (if any))

M. PLANS (As listed in Schedule of Drawings)

N. NOTICE OF AWARD

O. NOTICE TO PROCEED

This agreement, together with other documents enumerated in this ARTICLE 6, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 6 shall govern, except as otherwise specifically stated.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in five (5) copies, each of which shall be deemed an original, on the date first above written.

**CONTRACT AGREEMENT BETWEEN THE CITY OF PONTIAC
AND CONTRACTOR**

2021 FDCVT DOWNTOWN SIDEWALKS PROJECT

CONTRACTOR: ASPHALT SPECIALISTS, INC.

In witness whereof, the parties have executed this agreement the day and year last written below.

WITNESSES:

1) _____ By: _____
2) _____ Its: _____

CITY OF PONTIAC

WITNESSES:

DEPARTMENT OF PUBLIC WORKS

1) _____ By: _____
Allen Cooley Date
2) _____ Its: Acting Director

WITNESSES:

DEPARTMENT OF FINANCE

1) _____ By: _____
Darin Carrington Date
2) _____ Its: Finance Director

WITNESSES:

RISK MANAGEMENT DIVISION

1) _____ By: _____
Date
2) _____ Its: Risk Management Administrator

WITNESSES:

OFFICE OF THE MAYOR

1) _____ By: _____
Dierdre Waterman Date
2) _____ Its: Mayor

Approved as to form:

By: _____
_____, City Attorney

#6

RESOLUTION



CITY OF PONTIAC
Department of Building Safety & Planning
PLANNING DIVISION
47450 Woodward Ave | Pontiac, Michigan 48342
TELEPHONE: 248.758.2800

Mayor Deirdre Waterman

TO: HONORABLE MAYOR WATERMAN, COUNCIL PRESIDENT WILLIAMS & PONTIAC CITY COUNCIL

FROM: VERN GUSTAFSSON | PLANNING MANAGER

SUBJECT: ZMA 21-04 ZONING MAP AMENDMENT
DOLOR KONJA C/O FOUR BROTHERS REAL ESTATE HOLDINGS, LLC
327 MIDWAY AVE | 64-14-33-407-035, 036, & 037
R-1 SINGLE FAMILY DWELLING DISTRICT TO C-1 LOCAL BUSINESS

DATE: AUGUST 17, 2021 | REVISED AUGUST 25, 2021

The City of Pontiac is in receipt of application ZMA 21-04 for a Zoning Map Amendment [rezoning] per Section 6.802 of the Zoning Ordinance for parcel numbers 64-14-33-407-035, 036, & 037. The subject site is located at the intersection of Midway Ave. and S. Sanford St. The subject property is currently zoned R-1 One Family Dwelling, the applicant requests a rezoning to C-1 Local Business zoning district, and proposes a neighborhood grocery store in the current abandoned building. At the August 4, 2021 meeting of the Planning Commission, they recommended approval of this request to the Pontiac City Council.

Master Plan

According to the City's 2014 Master Plan Update any new economic prospects on which to build upon sustainable residential neighborhoods with local commercial is a major land use objective. It is with this spirit that is embedded in the Master Plan update.

The subject site is planned as Traditional Neighborhood Residential. These areas allow a range of building styles and uses with the local business & commercial uses located on select corridors. This Future Land Use designation includes most of the City's traditional residential neighborhoods.

Existing Zoning Districts

Properties to the north, east, south and west are zoned R-1 One Family Dwelling zoning district. The current residential zoning in the area is consistent with the City of Pontiac Master Plan Update.

Rezoning Criteria

The Pontiac City Council must consider the following criteria [section 6.804] that apply to the rezoning application in making findings, recommendations, and a decision to amend the Official Zoning Map [Section 6.804]. Additionally, the section also stipulates that the Pontiac City Council may also consider other factors that are applicable to this application. To assist in the evaluation of these criteria, we offer the following findings of fact for your consideration.

1. The Zoning Map Amendment request is consistent with the goals, policies and objectives of the Pontiac Master Plan Update and consistency with recent development trends in the area was also considered.
2. The proposed Zoning Map Amendment is compatible with potential uses allowed in the proposed C-1 Local Business zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.
3. The capacity of the City's utilities and services are sufficient to accommodate proposed uses permitted in the C-1 Local Business zoning district without compromising the health, safety and welfare of the City.
4. The capability of the street system can accommodate safe and efficient additional traffic generated by uses permitted in the requested C-1 Local Business zoning district.
5. The boundaries of the requested C-1 Local Business zoning district is reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the C-1 zoning district.
6. The rezoning is appropriate for the requested C-1 Local Business zoning district and is more appropriate from the City's perspective than other commercial zoning districts.
7. The request is for a specific use [neighborhood grocery store]. Rezoning the land is more appropriate than amending the list of permitted or special land uses in the current R-1 One Family Dwelling zoning district.
8. The requested rezoning will not create an incompatible zone in the Neighborhood.

ZMA 21-04 – Zoning Map Amendment
Parcel: 64-14-33-407-035, 036, & 037

Resolution

Whereas, The City has received an application for a Zoning Map Amendment at 327 Midway Ave identified as PIN 64-14-33-407-035, 036, & 037 from Dolor Konja c/o Four Brothers Real Estate Holdings, LLC for the rezoning of the aforementioned parcel; and

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

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

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

Whereas, On August 4, 2021, 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 327 Midway Ave, approving the change from the current R-1 One Family Dwelling zoning district to C-1 Local Business zoning district; and

Now Therefore, Be It Resolved, That the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment (ZMA 21-04) request for 327 Midway Ave, also known as Parcel No. 64-14-33-407-035, 036, & 037 to amend the zoning from R-1 One Family Dwelling to C-1 Local Business zoning district.



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 327 Midway Ave

Sidwell Number: 14-33-407-035, 14-33-407-036, 14-33-407-037

Date: 6-28-21

Office Use Only

PF Number: _____

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

Applicant (please print or type)

Name	Dolor Konja C/o: Four Brothers Real Estate Holdings, LLC.		
Address	6213 Malvern Dr.		
City	Troy		
State	Mi		
ZIP Code	48098		
Telephone	Main: 248.977.3191	Cell: 619.251.0145	Fax:
E-Mail	dave@abitofohope.net		

Project and Property Information

Name of Proposed Development: Unc's Market Place

The subject property is location at 327 Midway Ave on the N / S / E / W side of S. Sanford St.
between South Blvd and Osman.

The property is zoned: Residential

Proposed Zoning District: _____

It is proposed that the property will be used as: Conventional Grocery Market with only Beer & Wine.

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

14-33-407-035, 14-33-407-036, 14-33-407-037

Property Owner Information

Name	Dolor Konja C/o: Four Brothers Real Estate Holdings, LLC.		
Address	6213 Malvern Dr.		
City	Troy		
State	Mi		
ZIP Code	48098		
Telephone	Main: 248.977.3191	Cell: 619.251.0145	Fax:
E-Mail	dave@abitofohope.net		

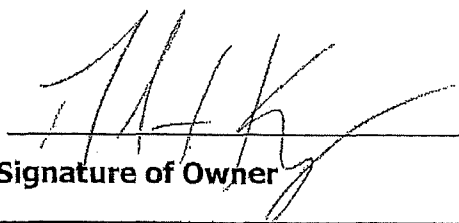
Are you the ☒ Owner _____ Agent/rep. of the owner _____ Other _____

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

Histrionically the property has operated for Decades as a Liquor Store. Our intent is to relabel the image and convert the location to a family orientated Market Place, offering staples like full-line of groceries, produce, fresh meats, fresh-cut deli meats, Beer & Wine and additional product's & services commonly found in typical grocery store. We believe, by default, this proposed conversion will benefit the public. It's no secret this region of Pontiac is in dire need of such a proposed operation. Moreover, we believe the proposed operation will Especially service those client's which have no means of transportation. Lastly, I was the owner and operator of GTM located on MLK & Perry as then... We strive to participate in community programs & events. My objective is to offer the same approach here.

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

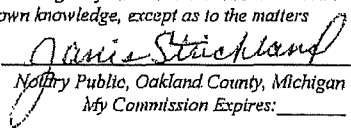
Offer a a family orientated Market Place, offering staples like full-line of groceries, produce, fresh meats, fresh-cut deli meats, Beer & Wine and additional product's & services commonly found in typical grocery store. I strongly believe the rezoning Shall NOT be detrimental to the public. In Fact, the proposed use shall only enhance the local area thus providing a much need destination to meet the day-to-day grocery needs, etc... Additionally, Histrionically a well operated grocery has only improved values in the vicinity.


Signature of Owner


Signature of Applicant

State of Michigan
County of Oakland

On this 28 day of June, A.D., 2021, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.


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

