

PONTIAC CITY COUNCIL

Mike McGuinness, District 7
President

William A. Carrington, District 6
President Pro Tem



Melanie Rutherford, District 1
Brett Nicholson, District 2
Mikal Goodman, District 3
Kathalee James, District 4
William Parker, Jr., District 5

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

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

65th Session of the 11th Council

December 27, 2022 at 6:00 P.M.

Meeting Location: City Council Chambers 47450 Woodward Pontiac, MI 48342

Meeting Agenda

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

- A. November 28, 2022 Law and the Courts Subcommittee Meeting Minutes
- B. November 28, 2022 Parks, Recreation and Public Works Subcommittee Meeting Minutes
- C. December 20, 2022 City Council Meeting Minutes
- D. Pontiac Funds Balance for Arts Commission for 2022

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Resolutions

City Council

- 1. Council Resolution Celebrating the Success and Talents of Pontiac Native Dr. Damani Phillips

Department of Public Works (DPW)

- 2. Resolution Authorizing the Extension of Covenant Contract for City of Pontiac Municipal Cemetery Operations

Office of the Mayor

- 3. Resolution to Authorize the City Clerk to Publish a Notice of Public Hearing on Land Sale of Parcel ID 14-21-485-003 to Rite Aid

Treasury

4. Resolution to Approve Micheal Lohmeier as the Oakland County Equalization Officer

Public Comment (Three Minutes Time Limit)

Communications

City Council

5. Grave Blankets at Oak Hill Cemetery and Ottawa Park Cemetery are still available for ordering, contact (248) 623-7705 for more information; grave blankets are able to be laid out starting November 15, 2022 per cemetery rules and regulations
6. Pre-New Year's Night of Jazz with the Phillips / Stewart Quintet, December 30, 2022 from 7:00 to 9:00 pm, held at Pontiac's Little Art Theatre, 47 N. Saginaw Street, Pontiac 48342, tickets \$26.50, available at [bit.ly / psqpontiac](https://bit.ly/psqpontiac)
7. Pontiac Regional Chamber of Commerce Fruitful Toast, January 6, 2023
8. Pontiac Regional Chamber of Commerce "Prosperity Pontiac" Annual Event, March 29, 2023
9. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023

Mayor's Office

10. Winter Festival, Saturday January 14, 2023 from 5pm to 9pm, City Hall Grounds 47450 Woodward Ave Pontiac, Michigan. For more information call (248) 758-3037

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)

Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA C

**Official Proceedings
Pontiac City Council
64th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, December 20, 2022 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Reverend Rodney Nathan Tolbert, Liberty Missionary Baptist Church, Pontiac Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness, Brett Nicholson, William Parker, Jr. and Melanie Rutherford

Mayor Greimel was present
A quorum was announced.

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Parker and second by Councilperson Nicholson.

Motion to remove A November 28, 2022 Law and the Courts Subcommittee Meeting Minutes & B November 28, 2022 Parks, Recreation and Public Works Subcommittee Meeting Minutes from the consent agenda. Move by Councilwoman Rutherford and second by Councilman Carrington.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington
No: None
Motion Carried

The vote was taken to approve the agenda as amended

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford
No: None
Motion Carried

Consent Agenda

22-333 **Resolution to approve the consent agenda C, D, E & F for December 20, 2022.**
Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the City Council has reviewed the consent agenda C, D, E & F for December 20, 2022.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda C, D, E & F for December 20, 2022 including December 5, 2022 Economic Development, Housing and Planning Subcommittee Meeting Minutes, December 8, 2022 Finance and Personnel Subcommittee Meeting

December 20, 2022 Draft

Minutes, December 8, 2022 Public Safety, Health and Wellness Subcommittee Meeting Minutes and the December 13, 2022 City Council Meeting Minutes.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman

No: None

Resolution Passed

Agenda Address

1. Dr. Deirdre Waterman addressed item #19
2. James Richardson addressed item #19
3. Chuck Johnson addressed item #19

Recognition of Elected Officials

1. Commissioner Angela Powell

Agenda Items

Resolutions

City Council

22-334

Resolution to approve Council Resolution honoring the life of Deborah Munson.

Moved by Councilperson Rutherford and second by Councilperson Carrington.

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

WHEREAS, it is feelings of the deepest regret that the Pontiac City Council mourns the passing of Deborah Munson, a devoted and loyal member of this community; and,

WHEREAS, Deborah Munson served the City of Pontiac (Reestablished) General Employees Retirement System since April 5, 1999, serving approximately 17 years as the Finance Officer and the last seven years as the Executive Director; and,

WHEREAS, upon arriving in the Retirement Office, Deborah Munson's ingenuity and creativity prompted her to transform and modernize the Office by implementing a number of innovative ideas, processes, systems and policies; and,

WHEREAS, Deborah Munson's interpersonal skills were exceptional as she provided exemplary customer service to more than 2,000 active employees, former employees and retirees and her expansive knowledge and expertise of the Pension Fund was not only amazing, but second to none; and,

WHEREAS, Deborah Munson was often "hard to read" as this was attributed to Deborah being extremely focused, detailed oriented and setting high standards and expectations for herself and others; and,

WHEREAS, Deborah Munson encouraged staff to strive for nothing less than excellence as was evidenced in everything Deborah did, including re-designing the Retirement Office; and,

WHEREAS, Deborah Munson's love of family and her church was immeasurable and her immense respect for the Trustees and their families was truly cherished; and,

WHEREAS, one of Deborah Munson's true loves, was her appreciation for large, beautiful handbags which she often carried while wearing her 5 to 6 inch, high heel shoes. Deborah Munson will be truly missed, but we know she will be high stepping in her next life.

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

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James

No: None

Motion Carried

22-335 **Resolution to approve City Council 2023 Meeting Schedule.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Motion to amend Resolution to approve City Council 2023 Meeting Schedule to change the Tuesday, February 14, 2023 6pm meeting to Thursday, February 16, 2023 at 6pm; Tuesday, October 31, 2023 6pm meeting to Thursday, November 2, 2023 at 6pm; and Tuesday, December 26, 2023 6pm meeting to Wednesday, December 27, 2022 at 12pm. Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Motion Carried

WHEREAS, the Pontiac City Council announces its 2023 schedule of meetings.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council approves the attached amended 2023 Schedule of Meetings.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

****2023 meeting schedule attached as Exhibit A****

Communications

22-336 **Resolution to authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023, Increase the budget appropriation in the following 231-Cable Fund GL accounts 231-291-731.001 Computer Supplies (\$2,000), 231-291-740.000 Operating Supplies (\$1,000), 231-291-976.001 Building Addition and Improvements (\$6,500), 231-291-977.005 Furniture and Fixtures (\$4,000) and 231-291-977.014 Video Equipment (\$58,910) (Cable Division).** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, City council appropriated funds for the Cable Department to begin on July 1, 2022; and,

WHEREAS, that appropriation assumed certain variables that did not come into being; and,

WHEREAS, that appropriation did not include enough allocation for the continued updates to Cable department: projector system, PTZ cameras, video equipment, computer supplies, operating supplies, and the Billboard System in the City Hall lobby; and,

WHEREAS, this budget amendment decreases the fund balance by \$72,410;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts:

231-291-731.001	Computer Supplies	\$2,000
231-291-740.000	Operating Supplies	\$1,000
231-291-976.001	Building Addition and Improvements	\$6,500
231-291-977.005	Furniture and Fixtures	\$4,000
231-291-977.014	Video Equipment	<u>\$58,910</u>

Total requested increase in the budget appropriation \$72,410

Ayes: Rutherford, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Resolution Passed

Councilman Parker was absent during the vote

22-337 **Resolution to approve Budget Amendments for Budget Year 2022-2023 to increase the budget appropriation in the following General Fund GL accounts 101-447-749-001 Motor Fuel, Oil & Lubricants \$6,000; 101-447-806-002 Asset Management \$40,000, 101-447-806-004 Plan review \$80,000.00; 101-458-932-004 Services – Maintenance – vehicles \$19,000.00; 101-818-749-001 Motor Fuel, Oil & Lubricants \$10,000.00, 101-447-806-000, engineering services \$420,000.00, 101-818-914-000, Insurance Property Coverage \$6,600.00 and increase the budget in the following Special Revenue Fund accounts 202-463-749-001 Motor Fuel, Oil & Lubricants \$15,000.00; 202-463-749-002 Tools & Supplies \$10,000.00; 202-463-806-002 Asset Management \$80,000.00; 202-478-749-001 Motor Fuel, Oil & Lubricants \$28,500.00; 203-463-749-001 Motor Fuel, Oil & Lubricants \$15,000.00; 203-463-749-002 Tools & Supplies \$10,000.00, 203-463-806-002 Asset Management \$80,000.00; 203-478-719-000 Workers Compensation Insurance \$18,000.00 and increase the budget in the following Capital Improvement Fund GL accounts 445-265-974-021 City Hall Lot Repairs \$150,000.00; Building Additions & Improvements \$115,000.00. Reduce the budget appropriation in General Fund Engineering Department GL accounts 101-447-702-000 salaries & wages \$305,000.00, 101-447-702-004 Overtime Wages \$4,417.50; 101-447-707-003 Cell Phone Stipend \$3,000.00; 101-447-715-000 FICA – City Contribution \$23,332.50; 101-447-716-000 Medical Insurance \$32,000.00; 101-447-718-500 MERS Employer Contributions \$15,250.00; 101-447-719-000 Workers Compensation Insurance \$15,000.00; 101-447-719-001 Dental Insurance \$2,000.00; and 101-447-721-010 Healthcare Waiver \$20,000.00. Moved by Councilperson Nicholson and second by Councilperson Rutherford.**

WHEREAS, City council appropriated funds for the Department of Public Works to begin on July 1, 2022 and,

WHEREAS, that appropriation assumed certain variables that did not come into being; and,

WHEREAS, that appropriation did not include enough allocation for motor fuels and asset management software and services:

NOW THEREFORE, BE RESOLVED, that the City Council approves the budget amendments for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following General Fund GL accounts 101-447-749-001 Motor Fuel, Oil & Lubricants \$6,000; 101-447-806-002 Asset Management \$40,000, 101-447-806-004 Plan review \$80,000.00; 101-458-932-004 Services – Maintenance – vehicles \$19,000.00; 101-818-749-001 Motor Fuel, Oil & Lubricants \$10,000.00, 101-447-806-000, engineering services \$420,000.00, 101-818-914-000, Insurance Property Coverage \$6,600.00 and increase the budget in the following Special Revenue Fund accounts 202-463-749-001 Motor Fuel, Oil & Lubricants \$15,000.00; 202-463-749-002 Tools & Supplies \$10,000.00; 202-463-806-002 Asset Management \$80,000.00; 202-478-749-001 Motor Fuel, Oil & Lubricants \$28,500.00; 203-463-749-001 Motor Fuel, Oil & Lubricants \$15,000.00; 203-463-749-002 Tools & Supplies \$10,000.00, 203-463-806-002 Asset Management \$80,000.00; 203-478-719-000 Workers Compensation Insurance \$18,000.00 and increase the budget in the following Capital Improvement Fund GL accounts 445-265-974-021 City Hall Lot Repairs \$150,000.00; Building Additions & Improvements \$115,000.00. Reduce the budget appropriation in General Fund Engineering

Department GL accounts 101-447-702-000 salaries & wages \$305,000.00, 101-447-702-004 Overtime Wages \$4,417.50; 101-447-707-003 Cell Phone Stipend \$3,000.00; 101-447-715-000 FICA – City Contribution \$23,332.50; 101-447-716-000 Medical Insurance \$32,000.00; 101-447-718-500 MERS Employer Contributions \$15,250.00; 101-447-719-000 Workers Compensation Insurance \$15,000.00; 101-447-719-001 Dental Insurance \$2,000.00; and 101-447-721-010 Healthcare Waiver \$20,000.00

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote

22-338 **Resolution to approve the proposed budget amendment for Budget Year 2022-2023, temporary / part-time labor – treasury, Increase the budget appropriation in the following General Fund GL account 101-253-819-000 Contractual Temp/PT Labor by \$6,000.** Moved by Councilperson Nicholson and second by Councilperson James.

Motion to amend Resolution to approved the proposed budget amendment for Budget Year 2022-2023 to change General Fund GL account 101-253-819-000 Contractual Temp/PT Labor by \$6,000 to \$6,300. Moved by Councilperson Carrington and second by Councilperson Nicholson.

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman

No: None

Motion Carried

Councilwoman Rutherford was absent during the vote

WHEREAS, City Council appropriated funds for part-time/temporary work in the treasurer's office; and, WHEREAS, that funding needs to be increased to cover the cost of providing a temporary worker until the department was completely staffed; and

WHEREAS, the department is now fully staffed; and

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101-General Fund by \$6,300.00;

NOW, THEREFORE, BE RESOLVED, that the City Council hereby approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL account:

101-253-819.000 Contractual Temp/PT Labor \$6,300.00

Ayes: Goodman, James, McGuinness, Nicholson, Parker and Carrington

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote

22-339 **Resolution to approve the proposed Budget Amendment for Budget Year 2022-2023, Increase the budget appropriation in the following General Fund GL accounts 101-270-702.000 salaries and wages, 101-270-715-000 F.I.C.A., 101-270-716-000 Medical Insurance, 101-270-**

717-000 Life Insurance, 101-270-718-500 MERS Employer Contributions, 101-270-719-000 Workers Compensation Insurance, 101-270-719-001 Dental Insurance. (This budget amendment is for the newly established Payroll Clerk position.) Moved by Councilperson Nicholson and second by Councilperson Goodman.

WHEREAS City council approved the creation of a new position of Payroll Clerk; and,
WHEREAS, funding needs to be appropriated for that position; and,
WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$32,726;

NOW THEREFORE, BE RESOLVED, that the City Council hereby approve the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts:

101-270-702.000	salaries and wages	\$21,500
101-270-715.000	F.I.C.A.	\$1,645
101-270-716.000	Medical Insurance	\$7,863
101-270-717.000	Life Insurance	\$330
101-270-718.500	MERS Employer Contributions	\$1,075
101-270-719.000	Workers Compensation Insurance	\$43
101-270-719.001	Dental Insurance	\$270

Total requested increase in the budget appropriation \$32,726

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James

No: None

Resolution Passed

Grants

22-340

Resolution authorizing the Mayor to sign an Interlocal Agreement with Oakland County on the receipt of \$100,000 in Funding to support Arts and Cultural Activities in Pontiac.

Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City of Pontiac has been awarded \$100,000 as part of an Oakland County Commissioner Special Project to fund arts and culture programming in the City of Pontiac; and,
WHEREAS, the County agrees to provide the City of Pontiac with funding up to One Hundred Thousand Dollars (\$100,000.00) for sponsorship of the Pontiac Arts Commission programming and events for the 2023 calendar year beginning January 1, 2023 through December 31, 2023; and,
WHEREAS, Commissioner Powell worked diligently to advocate and lobby for support of this proposal and was successful in securing these resources for the City of Pontiac; and,
WHEREAS, the City of Pontiac thanks Commissioner Powell for being a strong advocate for all things Pontiac, especially arts and culture programming; and,
WHEREAS, the award does not require matching funds; and,
WHEREAS, the Pontiac Arts Commission is an extension of City operations per the City's Charter and must adhere to City policy and procedure.
NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes Mayor Tim Greimel to execute the Intergovernmental Sponsorship Contract between Oakland County and City of Pontiac in acceptance of the \$100,000 award for sponsorship of the Pontiac Arts Commission.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

22-341 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 to increase the budget appropriation in the GL account 101-699-969-003 – PONART – Contribution to Pontiac Arts Commission in the amount of \$100,000, and increase the revenue estimate in the GL account 101-000-582-000 –PONART –Grants from Oakland County by \$100,000. Moved by Councilperson Nicholson and second by Councilperson Rutherford.**

WHEREAS, the City of Pontiac was awarded an \$100,000 grant from the Oakland County Board of Commissioners, and;

WHEREAS, the purpose of the grant is to support the Pontiac Arts Commission programming and events for the 2023 calendar year beginning January 1, 2023 through December 31, 2023; and,

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2022-23 in the amount of \$100,000, and increase the appropriations, in the amount of \$100,000; and,

WHEREAS, the increased appropriations will not decrease the fund balance as the increase in the appropriation is offset by the increase in the grant revenue for the same amount.

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the General Fund GL account 101-699-969.003-PONART – Contribution to Pontiac Arts Commission

Increase the revenue estimate in the General Fund GL account 101-000-582.000-PONART- Grants from Oakland County

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Resolution Passed

Purchasing

22-342 **Resolution establishing the position of Purchasing Assistant. Moved by Councilperson Rutherford and second by Councilperson Parker**

WHEREAS, the Purchasing Division has a dire need for a Purchasing Assistant to meet the City's purchasing needs;

WHEREAS, The Purchasing Manager is currently operating alone to meet the City's Purchasing needs;

WHEREAS, The Purchasing Assistant will report to the Purchasing Manager and become part of the Finance Division.

NOW, THEREFORE, BE IT RESOLVED the Pontiac City Council authorizes the Finance budget to be amended to include the Purchasing Assistant position for the current fiscal year and subsequent fiscal years.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

22-343 **Resolution to authorize the City Clerk to publish the proposed Budget Amendment for Budget Year 2022-2023 (purchasing Assistant position) Increase the budget appropriation in the following General Fund GL accounts 101-206-702-000 salaries and wages (\$26,500), 101-206-715-000 F.I.C.A. (\$2,028), 101-206-716-000 Medical insurance (\$7,638), 101-206-717-000 Life**

Insurance (642), 101-206-718-500 MERS Employer Contributions (&1,325), 101-206-719-000 Workers Compensation insurance (\$78), 101-206-719-001 Dental insurance (264) (This budget amendment is for the Purchasing Assistant position.). Moved by Councilperson Parker and second by Councilperson Rutherford.

WHEREAS City council approved the creation of a new position of Purchasing Assistant; and,
WHEREAS, funding needs to be appropriated for that position; and,
WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$38,475;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts (January of 2023 to June of 2023):

101-206-702.000	salaries and wages	\$26,500
101-206-715.000	F.I.C.A.	\$2,028
101-206-716.000	Medical Insurance	\$7,638
101-206-717.000	Life Insurance	\$642
101-206-718.500	MERS Employer Contributions	\$1,325
101-206-719.000	Workers Compensation Insurance	\$78
101-206-719.001	Dental Insurance	\$264

Total requested increase in the budget appropriation \$38,475

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

No: None

Resolution Passed

22-344 **Resolution to approve a two-month Renewal Agreement Extension for CompOne Administrators.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The Compone agreement is due to expire on December 31, 2023. There remain four employees who are receiving managed care services through the third-party administrator;

WHEREAS, purchasing will commence with the solicitation process to check the market for third-party administrator pricing in accordance with DIVISION 2. PURCHASING, 2-516 Legislative purpose, article (c);

WHEREAS, purchasing and human resources will recommend a bid award once all bid tabulations are complete and proposals are reviewed; Purchasing will pursue an agreement for a five-year term.

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby approves extending the Compone agreement until February 28, 2023, when the competitive bid process for third-party administrators would have concluded. And that Mayor Tim Greimel may execute the extension agreement for Compone's continued care management services.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

Resolution Passed

Ordinance

Motion to postpone City of Pontiac Adult-Use Marihuana Business Ordinance to January 3, 2022. Moved by Councilperson Parker and second by Councilperson Goodman.

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman

No: None
Abstain: Rutherford
Motion Passed

Discussion

Land Sale to Rite Aid Parcel ID 14-21-485-003

Public Comment

1. Jacqueline White
2. Pastor Kathy Desseuru
3. Dr. Deirdre Waterman
4. Chuck Johnson

Closed Session

22-345 **Resolution to Proceed in Closed Session to Consider and Discuss the Purchase Of Real Property; and to Discuss the Confidential Legal Opinion Concerning Settlement Strategy in Connection with Pending Litigation.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, in September 2022 a complaint relief was filed against the City of Pontiac in the Circuit Court of Oakland County, Katz v City of Pontiac, Case No. #22-195877-CH; and
WHEREAS, Section 8(e) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consult with its attorney regarding settlement strategy in connection with pending litigation, but only if an open meeting would have a detrimental financial effect on the litigation or settlement position of the City; and

WHEREAS, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider material exempt from discussion or disclosure by state or federal statute; and

WHEREAS, written confidential communications that are the subject of attorney-client privilege are exempt from disclosure and may be discussed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h).

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(e) and 8(h) of the Open Meetings Act, MCL 15.268(e) and (h), to discuss settlement strategy and the confidential legal opinion of counsel in connection with pending litigation, Katz v City of Pontiac.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James

No: None

Resolution Passed

Motion to come out of closed session at 11:20 p.m. Moved by Councilperson Nicholson and second by Councilperson Carrington.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James and McGuinness.

No: No

Motion Passed

Motion to amend the agenda to direct the City's Legal Counsel to proceed with making an offer for consideration of real estate on the purchase of real property. Moved by Councilperson Rutherford and second by Councilperson Carrington.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Motion Passed

Motion to direct the City's Legal Counsel to entertain and proceed with making an offer for the purchase of real property as discussed in closed session. Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Motion Passed

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Mayor Greimel, Clerk Doyle, Councilman Parker, Councilwoman James, Councilman Goodman, Councilman Nicholson, Councilwoman Rutherford, Council President Pro-Tem Carrington and Council President McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Goodman and second by Councilperson Rutherford.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 11:40 p.m.

Garland S. Doyle
City Clerk

Exhibit A



The Pontiac City Council

Announces

THE 2023 SCHEDULE OF MEETINGS OF THE PONTIAC CITY COUNCIL

To comply with the Michigan Open Meeting Act (MCL 15.265)

The Pontiac City Council will hold its regular meeting on Tuesday evenings at 6:00 p.m. in the Council Chambers of City Hall 47450 Woodward Ave Pontiac, Michigan 48342 unless otherwise noted.

Internet website where meetings are posted www.pontiac.mi.us

The dates are as follows:

Tuesday, January 3, 2023 6:00 p.m.
Tuesday, January 10, 2023 6:00 p.m.
Tuesday, January 17, 2023 6:00 p.m.
Tuesday, January 24, 2023 6:00 p.m.
Tuesday, January 31, 2023 6:00 p.m.
Tuesday, February 7, 2023 6:00 p.m.
Thursday, February 16, 2023 6:00 p.m.
Tuesday, February 21, 2023 6:00 p.m.
Tuesday, February 28, 2023 6:00 p.m.
Tuesday, March 7, 2023 6:00 p.m.
Tuesday, March 14, 2023 6:00 p.m.
Tuesday, March 21, 2023 6:00 p.m.
Tuesday, March 28, 2023 6:00 p.m.
Tuesday, April 4, 2023 6:00 p.m.
Tuesday, April 11, 2023 6:00 p.m.
Tuesday, April 18, 2023 6:00 p.m.
Tuesday, April 25, 2023 6:00 p.m.
Tuesday, May 2, 2023 6:00 p.m.
Tuesday, May 9, 2023 6:00 p.m.
Tuesday, May 16, 2023 6:00 p.m.
Tuesday, May 23, 2023 6:00 p.m.
Tuesday, May 30, 2023 6:00 p.m.
Tuesday, June 6, 2023 6:00 p.m.

Tuesday, June 13, 2023 6:00 p.m.
Tuesday, June 20, 2023 6:00 p.m.
Tuesday, June 27, 2023 6:00 p.m.
Thursday, July 6, 2023 6:00 p.m.
Tuesday, July 11, 2023 6:00 p.m.
Tuesday, July 18, 2023 6:00 p.m.
Tuesday, July 25, 2023 6:00 p.m.
Tuesday, August 1, 2023 6:00 p.m.
Tuesday, August 8, 2023 6:00 p.m.
Tuesday, August 15, 2023 6:00 p.m.
Tuesday, August 22, 2023 6:00 p.m.
Tuesday, August 29, 2023 6:00 p.m.
Tuesday, September 5, 2023 6:00 p.m.
Tuesday, September 12, 2023 6:00 p.m.
Tuesday, September 19, 2023 6:00 p.m.
Tuesday, September 26, 2023 6:00 p.m.
Tuesday, October 3, 2023 6:00 p.m.
Tuesday, October 10, 2023 6:00 p.m.
Tuesday, October 17, 2023 6:00 p.m.
Tuesday, October 24, 2023 6:00 p.m.
Thursday, November 2, 2023 6:00 p.m.
Tuesday, November 7, 2023 6:00 p.m.
Tuesday, November 14, 2023 6:00 p.m.
Tuesday, November 21, 2023 6:00 p.m.
Tuesday, November 28, 2023 6:00 p.m.
Tuesday, December 5, 2023 6:00 p.m.
Tuesday, December 12, 2023 6:00 p.m.
Tuesday, December 19, 2023 6:00 p.m.
Wednesday, December 27, 2023 12:00 p.m.

City of Pontiac 47450 Woodward Avenue Pontiac, Michigan 48342 248-758-3200

CONSENT AGENDA D



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council

FROM: Alexandra Borngesser, Director of Grants and Philanthropy

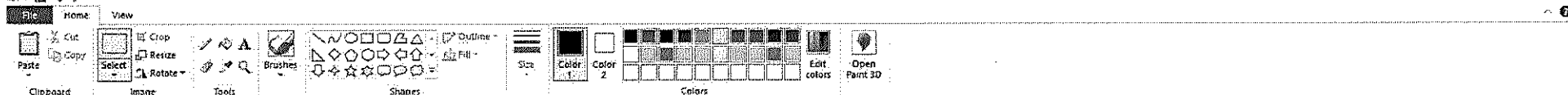
DATE: December 27th, 2022

RE: **City of Pontiac Fund Balance**

The City of Pontiac Fund Balance is attached and shows Art Commission spending from 2022 as managed by the Pontiac Community Foundation.

Pontiac Community Foundation
Account QuickReport
 January 1 - December 31, 2022

Date	Transaction Type	Num	Name	Memo/Description	Account	Clr	Amount	Balance
06/08/2022	Transfer		DTE/Williams Int.	First 2 checks received through fiscal sponsorship agreement with City of Pontiac; Pontiac Arts Commission (PAC)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		36,000.00	35,000.00
06/07/2022	Transfer		PCF	7.5% Fee charged on checks received on behalf of PAC through COP Fund	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-2,625.00	32,375.00
6/16/2022	Transfer		Kevadiya	Kiravadya Donation to Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		2,000.00	34,375.00
6/16/2022	Transfer		PCF	7.5% Fee charged on Kevadiya check donation	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-150.00	34,225.00
6/30/2022	Expense		Dick Kroll	LawnChair Concert Series 6/30 - Pontiac Arts Commission (Performer)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-750.00	33,475.00
6/30/2022	Expense		Mike Geeter	LawnChair Concert Series 6/30 - Pontiac Arts Commission (Performer)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-350.00	33,125.00
6/30/2022	Expense		Bryan Nesbitt	LawnChair Concert Series 6/30 - Pontiac Arts Commission (Equipment)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-1,500.00	31,625.00
6/30/2022	Expense		Keith Webb	LawnChair Concert Series 6/30 - Pontiac Arts Commission (Casual Labor for Event)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-500.00	31,125.00
6/30/2022	Expense		MAD Power	LawnChair Concert Series 6/30 - Pontiac Arts Commission (Electricity Services)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-885.00	30,240.00
7/10/2022	Expense		Jay's Septic Service	LawnChair Concert Series 6/30 - Pontiac Arts Commission (Lavatory Services)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-380.00	29,860.00
7/12/2022	Expense		In Tune Rentals, LLC	LawnChair Concert Series - Pontiac Arts Commission (Equipment)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-1,200.00	28,660.00
7/14/2022	Expense		Bryan Nesbitt	LawnChair Concert Series - Pontiac Arts Commission (Equipment)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-1,500.00	27,160.00
7/14/2022	Expense		Karema DeJesus	LawnChair Concert Series - Pontiac Arts Commission (Performer)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-1,000.00	26,160.00
7/21/2022	Expense		Marlon Hayden	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-2,500.00	23,660.00
7/21/2022	Expense		Michael List	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-500.00	23,160.00
7/21/2022	Expense		Dr. Tia Harvey	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-300.00	22,860.00
7/21/2022	Expense		Utobah McConner	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-250.00	22,610.00
7/21/2022	Expense		Fortino Antonio Ybarra	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-300.00	22,310.00
7/21/2022	Expense		Accent Pontiac, Inc.	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		-250.00	22,060.00
7/25/2022	Transfer		SMART	Donation	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		2,500.00	24,560.00
7/25/2022	Transfer		Ottawa Towers	Donation	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund		2,000.00	26,560.00



7/25/2022	Transfer	PCF	Fee charged on 07/25 contributions total of \$4500 donated = \$337.50	Pontiac Fund	-337.50	26,222.50
7/27/2022	Expense	Kathy Koslins	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-450.00	25,772.50
07/28/2022	Expense	1093 Accent Pontiac, Inc.	LawChair Concert Series - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-250.00	25,522.50
07/28/2022	Expense	1092 Fortino Antonio Yarras	LawChair Concert Series - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-600.00	24,922.50
07/28/2022	Expense	1090 Bryan Nesbitt	LawChair Concert Series - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,500.00	23,422.50
08/03/2022	Expense	1101 Margaret McGuinness	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-135.00	23,287.50
08/03/2022	Expense	1094 Bryen Nesbitt	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-3,000.00	20,287.50
08/03/2022	Expense	1096 Malcolm Stewart	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-250.00	20,037.50
08/03/2022	Expense	1100 M.A.D. Power	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-3,197.00	16,840.50
08/03/2022	Expense	1095 Charles Urban	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-250.00	16,590.50
08/03/2022	Expense	1088 InkBird Print Studio	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-522.00	16,068.50
08/03/2022	Expense	1097 Keith Webb	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,750.00	14,318.50
08/03/2022	Expense	Winning Imprints and Trophies	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-55.00	14,263.50
08/03/2022	Expense	Original Print Shopp	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-829.00	13,434.50
08/03/2022	Expense	1099 Unique Food Management	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-600.00	12,834.50
08/04/2022	Expense	1106 Andre Sheppard Jr.	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-600.00	12,234.50
08/04/2022	Expense	1104 Aaron L. Wiggins Jr.	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-450.00	11,784.50
08/04/2022	Expense	1102 Steve Coleman	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-299.00	11,485.50
08/04/2022	Expense	1105 Frank Johnson III	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-450.00	11,035.50
08/04/2022	Expense	1103 Reinforcement, LLC	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-2,000.00	9,035.50
08/04/2022	Expense	1107 InTune Rentals, LLC	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-2,400.00	6,635.50
08/04/2022	Expense	1107 Sean Neal	Pontiac Arts Crawl	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-100.00	6,535.50
8/10/2022	Transfer	Micah6	Donations for Arts Crawl Brochure	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	2,000.00	8,535.50
8/10/2022	Transfer	PCF	Fee charged on 08/10 donations	Pontiac Fund	-150.00	8,385.50

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Copy of PCF_COPFund_Account+QuickReport Fund Balance as of 30 Nov. 2022.xlsx

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8/10/2022	Expense	Robert Jensen	LawnChair Concert Series 08/11 - Pontiac Arts Commission	Pontiac Fund	-1,800.00	6,479.50	
8/10/2022	Expense	Keith Webb	LawnChair Concert Series 08/11 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-500.00	5,979.50	
8/10/2022	Expense	Little Angel Productions	LawnChair Concert Series 08/11 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-250.00	5,729.50	
8/10/2022	Expense	M.A.D. Power	LawnChair Concert Series 08/11 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-885.00	4,844.50	
8/10/2022	Expense	Bryan Nesbitt	LawnChair Concert Series 08/11 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,500.00	3,344.50	
8/10/2022	Expense	Quincy Stewart	LawnChair Concert Series 08/11 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-750.00	2,594.50	
08/25/2022	Expense	1115	Keith Webb	LawnChair Concert Series 08/25 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-500.00	2,094.50
08/25/2022	Expense	1116	Robert Jensen	LawnChair Concert Series 08/25 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,800.00	294.50
08/25/2022	Expense	1118	Jill M. Hamilton	LawnChair Concert Series 08/25 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-750.00	-455.50
08/25/2022	Expense	1117	William Cyprian	LawnChair Concert Series 08/25 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-250.00	-705.50
08/25/2022	Expense	1119	Bryan Nesbitt	LawnChair Concert Series 08/25 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,500.00	-2,205.50
08/25/2022	Expense	1120	M.A.D. Power	LawnChair Concert Series 08/25 - Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-885.00	-3,090.50
9/21/2022	Transfer	Cymerge Consulting, Inc.	Donation to Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	1,000.00	-2,090.50	
9/21/2022	Transfer	All Saints Episcopal Church	Donation to Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	500.00	-1,590.50	
9/21/2022	Transfer	Karen Kobylak	Donation to Pontiac Arts Commission	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	100.00	-1,490.50	
9/21/2022	Transfer	PCF	Admin fee charged on donations made 09/21/2022	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-120.00	-1,610.50	
9/22/2022	Expense	1122	James Shelton	Performer Fee 08/22 LawnChair Concert Series	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,000.00	-2,610.50
9/26/2022	Transfer	North End Studios, LLC	Donation to The Arts Commission; Ad In Arts Crawl Brochure	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	150.00	-2,460.50	
9/26/2022	Transfer	PCF	Admin Fee charged on donation made 09/26/2022	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-11.25	-2,471.75	
9/29/2022	Transfer	Pleasantrees/ CQP	Donation to Arts Commission from Pleasantrees, pass through City of Pontiac	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	4,500.00	2,028.25	
9/29/2022	Transfer	PCF	Admin Fee charged on donation made 09/29/2022	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-337.50	1,690.75	
10/5/2022	Transfer	Rotary Club of Pontiac	Rotary Donation to Arts Commission, check dated 09/29/22	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	500.00	2,190.75	
10/6/2022	Transfer	PCF	Admin Fee charged on donation made 10/06/2022	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-37.50	2,153.25	
10/6/2022	Expense	Robert Jensen	LawnChair Concert Series - Pontiac Arts Commission - Stage 9/22	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,800.00	353.25	
10/11/2022	Transfer	City of Pontiac / OU	Check directly from the City of Pontiac, funds on hold for Arts Commission released to PCF (NO ADMIN FEE)	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	5,000.00	5,353.25	
10/11/2022	Expense	Keith Webb	LawnChair Concert Series - Pontiac Arts Commission - stage hand 9/22	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-500.00	4,853.25	
10/11/2022	Expense	Bryan Nesbitt	LawnChair Concert Series - Pontiac Arts Commission - sound equipment 9/22	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-1,500.00	3,353.25	
10/11/2022	Expense	M.A.D. Power	LawnChair Concert Series - Pontiac Arts Commission - generator 9/22	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-885.00	2,468.25	
10/11/2022	Expense	M.A.D. Power	Invoice due from July 2022; had gone unpaid until request in Oct.; July 14th and 28th concerts	Assets:Bank Accounts:Fiscal Sponsorship Savings:City of Pontiac Fund	-995.00	1,473.25	

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11/6/2022 Expense

Service

Portable Toilets September 7th Invoice, submitted for payment in November 2022

Assets:Bank Accounts:Fiscal Sponsorship Savings:City of
Portland Fund

-179.00 1,254.25

+250.00 1,044.25

\$ 1,044.25

\$ 1,044.25

Tuesday, Dec 20, 2022 2:07:12 AM GMT-7

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12/22/2022

#2

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President, and City Council Members

FROM: Alicia Martin, Purchasing Manager

DATE: December 22, 2022

RE: Two-Year Agreement Extensions – Covenant Cemetery

Covenant Cemetery has provided the City of Pontiac with administrative and burial management services for Oak Hill and Ottawa Park Cemeteries since 2017 due to a previous contractor leaving after failed negotiations; Covenant provided services on a month-to-month basis during this time. On November 27, 2018, City Council passed a resolution authorizing the Mayor to enter into a contract with Covenant Cemetery Services for 2018-2023. However, the contract has a term end date of December 2022.

WHEREAS, The Covenant Cemetery agreement is due to expire on December 31, 2022. Oak Hill and Ottawa Park Cemeteries require ongoing administrative and management care services;

WHEREAS, Covenant Cemetery will continue providing grounds maintenance service, as well as administrative and burial management services;

WHEREAS, purchasing will review renewal options prior to end of the contract term to decide if the competitive bid process must be conducted prior to the contract expiring on December 31, 2024.

NOW, THEREFORE,
BE IT RESOLVED, that City Council hereby approves extending the Covenant Cemetery agreement **until December 31, 2024**. And that Mayor Tim Greimel may execute the extension agreement for continued administrative and burial management services.

AM

#3

RESOLUTION



THE CITY OF PONTIAC

Resolution to authorize the City of Pontiac Clerk to schedule a Public Hearing to consider the sale of land

WHEREAS, the City has been identified as owning a proeprty interest in certain real property located at the corner of Martin Luther King Jr. Boulevard and University Drive, within the City, and consisting of approximately 0.059 acres, property index number 14-21-482-003 (the "Property"); and

WHEREAS, Perry Drug Stores, Inc. ("Rite Aid") has been listed as the owner of the Property on the City's assessment records and has paid property taxes since at least 1999; and,

WHEREAS, Rite Aid also owns the properties contiguous to the Property for its location of the Rite Aid store at 360 Martin Luther King Jr. Boulevard; and,

WHEREAS, Rite Aid has requested the City convey its interest in the Property to Rite Aid and City Administration recommends transfer of the City's interest in exchange for value received by Rite Aid; and,

WHEREAS, the City Charter provides that public notice by publication and hearing is required before the City may sell, lease, exchange or in any way dispose real property of the City.

NOW THEREFOR BE IT RESOLVED, the City Council hereby schedules a public hearing on the sale of the City's interest in the property located at the corner of Martin Luther King Jr. Boulevard and University Drive, within the City, and consisting of approximately 0.059 acres, property index number 14-21-482-003; and

BE IT FURTHER RESOLVED, the City Clerk shall publish a notice of the public hearing.

#4

RESOLUTION



MEMORANDUM

City of Pontiac

Treasurer

47450 Woodward Avenue

Pontiac, Michigan 48342

Telephone: (248) 758-3064

Fax: (248) 758-3177

DATE: 12/20/2022

TO: Honorable Mayor and City Council

FROM: Porche Prater, Treasurer for Khalfani Stephens

SUBJECT: Interlocal Agreement Designating Micheal Lohmeier as the Assessor for Oakland County

WHEREAS pursuant to Public Act 660 of 2018, each county is required to notify the State Tax Commission, no later than December 31, 2020, of the individual that will serve as the County's Designated Assessor; and

WHEREAS the Designated Assessor is part of a process to ensure that local units of government are

in compliance with statutory provisions of the Audit of Minimum Assessing Requirements; and

WHEREAS the Designated Assessor is the individual designated by an Interlocal Agreement executed between the County Board of Commissioners and a majority of the assessing districts (cities and townships) within the county, subject to final approval of the State Tax Commission; and

WHEREAS the Designated Assessor serves as the assessor of record and assumes all duties and

responsibilities as the assessor of record for an assessing district that is determined to be noncompliant

with an audit; and

WHEREAS each county must also provide the State Tax Commission with the interlocal agreement

executed by the County Board of Commissioners, a majority of the assessing districts within the county, and the proposed Designated Assessor for the county; and

WHEREAS the interlocal agreement must provide enough detail regarding the assessment responsibilities for the Designated Assessor including, but not limited to, the following:

1. Information related to the scope of services being provided by the Designated Assessor, including preparation of assessment rolls, timeline for delivery of documents and execution of forms, attendance at Boards of Review meetings, duties and responsibilities related to property tax appeals, both Small Claims and Entire Tribunal, filed with the Michigan Tax Tribunal, responsibility to meet with local unit officials, and obligations of local unit assessing staff members,

2. Duties and responsibilities for each local unit within the county, including providing the Designated Assessor with reasonable access to records, documents and information, and

3. Details relating to cost and compensation for overseeing and administering the annual assessment and operating the assessing office, including payment terms and cost reimbursement; and

WHEREAS an Interlocal Agreement was previously entered into between Oakland County and the

participating Assessing Districts under the former Oakland County Equalization Director; and

WHEREAS Oakland County has a new Oakland County Equalization Director, Micheal Lohmeier,

and as a result, a new Interlocal Agreement is required with the Assessing Districts within the County

that approve the Agreement; and

WHEREAS Oakland County Corporation Counsel is developing the Designated Assessor Interlocal

Agreement to be entered into with any and all Assessing Districts within the County that approve the

Agreement.

NOW THEREFORE BE IT RESOLVED that the City of Pontiac's City Council approves designating Oakland County Equalization Director Micheal Lohmeier, who is an individual qualified

and certified by the State Tax Commission as a Michigan Master Assessing Officer, to be the Designated Assessor for Oakland County.

**INTERLOCAL AGREEMENT FOR OAKLAND COUNTY TO APPROVE
THE DESIGNATED ASSESSOR FOR THE PERIOD January 1, 2023
THROUGH December 31, 2027**

Public Act 660 of 2018 requires a county to have a Designated Assessor on file with the State Tax Commission as of December 31, 2020. On December 29, 2020, Oakland County met this requirement, having a majority of the Assessing Districts in favor of the Equalization Officer serving as its Designated Assessor. On August 4, 2022, Oakland County Commissioners voted to retain Micheal R Lohmeier, MMAO as its new Equalization Officer for its Equalization Division, and as a result, the interlocal agreements were required to be revised. A majority of the Assessing Districts are in favor of the Equalization Officer serving as its Designated Assessor.

The following interlocal agreement (hereinafter "Agreement") has been executed by the Board of Commissioners for Oakland County, a majority of the Assessing Districts in Oakland County, and the individual put forth as the proposed Designated Assessor. Oakland County and the Assessing Districts are collectively referred to throughout this Agreement as the "Parties."

RECITALS

WHEREAS, The Assessing Districts are Municipal Corporations (cities and townships) located within the County of Oakland, in the State of Michigan;

WHEREAS, The Michigan Constitution of 1963, Article 7, Section 28 permits a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common with each other and which each might exercise separately;

WHEREAS, The Urban Cooperation Act of 1967, being MCL 124.505 *et seq*, and the Intergovernmental Transfer of Functions and Responsibilities Act, give effect to the Constitutional provision by providing that public agencies may enter into interlocal agreements to carry out their respective functions, powers and authority;

WHEREAS, P.A. 660 of 2018 requires each County to enter into an Agreement that designates the individual who will serve as the County's Designated Assessor. That interlocal agreement must be approved by the County Board of Commissioners and a majority of the Assessing Districts in the County.

WHEREAS, P.A. 660 of 2018 mandates that the Designated Assessor shall be an advanced assessing officer or a master assessing officer.

NOW, THEREFORE, based on the foregoing Recitals, and in consideration of the terms of this Agreement, the Parties agree as follows:

BACKGROUND INFORMATION

Oakland County names **MICHEAL R. LOHMEIER (R-6101)**, in his official capacity as the Equalization Officer for Oakland County, as the Designated Assessor for all of the Assessing Districts within Oakland County¹. Included as an addendum to this Agreement are the Oakland County SEV totals by class, including special act values, those properties deemed unique or complex by a local Assessing District, and a listing of the total number of parcels, by classification, including special act rolls, within each Assessing District.

If the State Tax Commission (STC) invokes the Designated Assessor process for any Assessing District in Oakland County, the Parties agree that the Designated Assessor will perform the duties associated with being the Assessor of Record for an Assessing District at the Oakland County Equalization Division offices in the City of Pontiac, County of Oakland, State of Michigan, unless the duties of the Designated Assessor require on-site visits to the Assessing District's location.

QUALIFICATIONS OF DESIGNATED ASSESSOR

Micheal R. Lohmeier has been certified as a Michigan Master Assessing Officer since 2012. In his capacity as the Oakland County Equalization Officer, he is responsible for managing the Oakland County Equalization Division. Along with its statutory duties, the Equalization Division currently acts as the contracted Assessor of Record for thirty of the fifty-two Assessing Districts in Oakland County.

Micheal R. Lohmeier has disclosed any conflicts of interest involving the proposed Designated Assessor, the County, or any Assessing District, if applicable: **[NONE]**.

It is understood that Micheal R. Lohmeier will, during the length of this agreement, maintain his assessor certification in good standing with the State Tax Commission and if required to serve as the Designated Assessor for an Assessing District in Oakland County shall act as the Assessor of Record for that Assessing District. When acting as the Assessor of Record for an Assessing District, the Designated Assessor shall meet all the requirements as set forth by the State Tax Commission's *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.

Any additional requirements that are agreed to by the Designated Assessor, the County and the Assessing Districts may not conflict with the State Tax Commission's *Supervising Preparation of the Rolls*.

¹ Oakland County contains 52 Assessing Districts (cities and townships), two of which (City of Fenton and City of Northville) are not considered to be "in" Oakland County for purposes of MCL 211.10g as the largest share of their state equalized value is located in another county.

A list of the remaining 50 Assessing Districts can be found here:

<https://www.oakgov.com/mgtbud/equal/Pages/assessing-offices.aspx>

1.0 DUTIES AND RESPONSIBILITIES OF DESIGNATED ASSESSOR

- 1.1 The Designated Assessor, while serving as the Assessor of Record for an Assessing District within Oakland County, shall satisfy all requirements contained State Tax Commission's *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.
- 1.2 Within 30 (thirty) days of being appointed as the Assessor of Record for the Assessing District by the STC or the voluntary election by the Assessing District to utilize the Designated Assessor, the Designated Assessor shall prepare and transmit to the Assessing District's supervisor, manager, or chief executive a detailed proposal, including a schedule for delivery of documents, to correct deficiencies identified by the STC's audit.
- 1.3 The Parties agree that the Designated Assessor, while serving as the Assessor of Record for an Assessing District, shall do the following things, as applicable to bring the Assessing District into compliance with the Audit of Minimum Assessing Requirements:
 - 1.3.1 Make assessments of real and personal property within the Assessing District;
 - 1.3.2 Appraise all property, process all real and personal property description changes, and prepare the assessment roll for real and personal property in the Assessing District;
 - 1.3.3 Attend (or have a designee attend) all March, July, and December Board of Review meetings;
 - 1.3.4 Be available for consultation on all Michigan Tax Tribunal real and personal property and special assessment appeals, and assist the Assessing District in the preparation of both the oral and written defense of appeals;
 - 1.3.5 Prepare all necessary reports for review by the supervisor, manager, chief executive, board, or council of the Assessing District, as applicable;
 - 1.3.6 Performs any other duties required under PA 660 of 2018.
- 1.4 For an Assessing District employing assessing staff other than the Assessor of Record, assessing staff will conduct their duties as under the direction and supervision of the Designated Assessor, subject to any limitations as may be agreed by the applicable Assessing District and the Designated Assessor. However, no members of said assessing staff will become employees or independent contractors of Oakland County.
- 1.5 While not acting in the capacity as the Designated Assessor for an Assessing District, the Designated Assessor will have the following duties and responsibilities for Oakland County and the Assessing Districts within Oakland County: Equalization Officer.
- 1.6 The parties understand and agree that the duties outlined in this Agreement only apply if and when the Designated Assessor is required, or the Assessing District chooses to request the Designated Assessor, to take over the assessing duties for an Assessing District

pursuant to the terms of PA 660 of 2018. This Agreement will have no effect on any pre-existing agreements that the parties may have, under which Oakland County performs contracted assessing services for the Assessing District.

2.0 DUTIES AND RESPONSIBILITIES OF ASSESSING DISTRICTS

- 2.1 Any Assessing District in Oakland County that is required to utilize the services of the Designated Assessor will, during the period the Assessing District is required to or chooses to utilize the services of the Designated Assessor, do the following:
 - 2.1.1 Provide the Designated Assessor with reasonable access to records, documents, databases and information in order to allow the Designated Assessor to serve as the Assessor of Record for the Assessing District and satisfy all requirements *Supervising Preparation of the Assessment Roll* approved by the State Tax Commission August 21, 2018.
 - 2.1.2 Furnish the Designated Assessor with any applicable policies and procedures that the Designated Assessor may be subject to during the period of time the Designated Assessor serves as the Assessing District's Assessor of Record.
 - 2.1.3 Provide, while the Designated Assessor or his designee is physically working on behalf of the Assessing District and within the geographical boundaries of the Assessing District, any technology, equipment, and workspace necessary for the Designated Assessor or his designee to carry out their requirements under this Agreement.
- 2.2 The Assessing District shall, at all times and under all circumstances, remain solely liable for any and all costs, legal obligations, and/or civil liabilities associated with or in any way related to any Assessing District tax appraisal or assessment functions or any other Assessing District legal obligation under any applicable State Property Tax Laws. The Assessing District shall employ and retain its own legal representation, as necessary, to defend any such claim or challenge before the State Tax Tribunal or any other court or review body.
- 2.3 Except for those express statutory and/or regulatory obligations incumbent only upon licensed Equalization Division Personnel (i.e., State Licensed and Certified Real and/or Personal Property Tax Assessors) to defend property tax appraisals and assessments that they either performed, or were otherwise performed under their supervision, before the Michigan Tax Tribunal, the Parties agree that no other County employees, including any County attorneys shall be authorized, required and/or otherwise obligated under this Agreement or pursuant to any other agreement between the Parties to provide any legal representation to or for the Assessing District and/or otherwise defend, challenge, contest, appeal, or argue on behalf of the Assessing District before the Michigan Tax Tribunal or any other review body or court except to the extent the matters have been traditionally and previously handled by assessing staff, such as, but not limited to, Michigan Tax Tribunal small claims division hearings and matters before the State Tax Commission.

- 2.4 The Assessing District shall, at all times and under all circumstances, remain solely liable for any and all costs, legal obligations, and/or civil liabilities associated with or in any way related to any tax appraisal or assessment functions or any other legal obligation. The Assessing District agrees that under no circumstances shall the County or the Designated Assessor be responsible for any costs, obligations, and/or civil liabilities or any responsibility under any State Property Tax Law.

3.0 DESIGNATED ASSESSOR COMPENSATION

- 3.1 The Designated Assessor may charge an Assessing District that is required to contract with the Designated Assessor and that Assessing District shall pay for the reasonable costs incurred by the Designated Assessor in serving as the Assessing District's Assessor of Record, including, but not limited to, the costs of overseeing and administering the annual assessment, preparing and defending the assessment roll, and operating the assessing office.
- 3.2 If the Designated Assessor is required to serve as the Assessor of Record for an Assessing District within Oakland County, the parties understand and agree that he will be serving in his official capacity as the Oakland County Equalization Officer. Therefore, an Assessing District will not make any direct payments to the Designated Assessor. Instead, the Assessing District will be responsible for paying a fee to Oakland County which fee is intended to compensate Oakland County for the reasonable costs incurred by the Designated Assessor and his staff. Oakland County will charge the Assessing District a fee equal to the average rate per parcel that it charges those districts for whom it already performs contracted assessing services, as of the date the Designated Assessor is required to serve as the Assessor of Record. The parties agree that should the standard fee not reasonably reflect the actual cost of the provision of the services required that the standard fee will be modified to a higher or lower fee, and so the fee is reasonable. The modification of the standard fee will be dependent upon the complexity of the work to be performed by the Designated Assessor, the number of staff needed to assist in completing the work and whether the Assessing District provides its own staff to assist the Designated Assessor. The Assessing District is not required to pay a retainer fee. In the event that the Designated Assessor is acting on behalf of an Assessing District for which Oakland County Equalization Department is currently contracted with to provide assessing services, the Designated Assessor will provide its Designated Assessor services at no additional cost to said Assessing District.
- 3.3 If the Assessing District fails, for any reason, to pay the County any monies when and as due under this Contract, the Assessing District agrees that unless expressly prohibited by law, the County or the County Treasurer, at their sole option, shall be entitled to a setoff from any other Assessing District funds that are in the County's possession for any reason. Funds include but are not limited to the Delinquent Tax Revolving Fund ("DTRF"). Any

setoff or retention of funds by the County shall be deemed a voluntary assignment of the amount by the Assessing District to the County. The Assessing District waives any claims against the County or its Officials for any acts related specifically to the County's offsetting or retaining such amounts. This paragraph shall not limit the Assessing District's legal right to dispute whether the underlying amount retained by the County was actually due and owing under this Agreement.

- 3.4 If the County chooses not to exercise its right to setoff or if any setoff is insufficient to fully pay the County any amounts due and owing the County under this Contract, the County shall have the right to charge up to the then-maximum legal interest on any unpaid amount. Interest charges shall be in addition to any other amounts due to the County under this Agreement. Interest charges shall be calculated using the daily unpaid balance method and accumulate until all outstanding amounts and accumulated interest are fully paid.
- 3.5 Nothing in this Section shall operate to limit the County's right to pursue or exercise any other legal rights or remedies under this Contract against the Assessing District to secure reimbursement of amounts due the County under this Agreement. The remedies in this Section shall be available to the County on an ongoing and successive basis if Assessing District at any time becomes delinquent in its payment. Notwithstanding any other term and condition in this Contract, if the County pursues any legal action in any court to secure its payment under this Contract, the Assessing District agrees to pay all costs and expenses, including attorney's fees and court costs, incurred by the County in the collection of any amount owed by the Assessing District.

4.0 EFFECTIVE DATE AND TERM OF AGREEMENT

This Agreement shall become effective when it is executed by the Oakland County Board of Commissioners, Micheal R. Lohmeier, and the governing bodies of a majority of the Assessing Districts within Oakland County, and shall expire on December 31, 2027. The terms and conditions in Section 3.0 (Compensation) shall survive and continue in full force beyond the termination of this Agreement if the Assessing District owes money to the County under this Agreement.

5.0 DESIGNATED ASSESSOR EMPLOYMENT STATUS

It is understood by the parties that Micheal R. Lohmeier is appointed as the Designated Assessor based on his employment status as Oakland County Equalization Officer and that if his employment status materially changes, the parties will request that the State Tax Commission designate and approve an interim Designated Assessor until the parties are able to amend this Agreement.

6.0 ENTIRE AGREEMENT

This Agreement sets forth all covenants, promises, agreements, conditions and understandings between the parties and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, between the Parties other than are set forth in this Agreement.

7.0 AMENDMENTS

This Agreement cannot be modified unless reduced to writing and signed by both Parties.

8.0 SEVERABILITY

If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms or conditions shall remain in full force and effect.

9.0 GOVERNING LAW

This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan.

10.0 COUNTERPARTS

This Agreement may be executed in one or more counterparts, including facsimile copies, each of which shall be deemed an original, but all of which shall together constitute one instrument.

IN WITNESS WHEREOF, _____ [name and title of assessing district official] hereby acknowledges that he/she has been authorized by a resolution of the _____ [name of assessing district], a certified copy of which is attached, to execute this Agreement on behalf of Public Body and hereby accepts and binds Public Body to the terms and conditions of this Agreement.

[Signatures contained on following page]

EXECUTED: _____
Name and Title:

DATE: _____

WITNESSED: _____
Name and Title:

DATE: _____

IN WITNESS WHEREOF, David Woodward, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____
David Woodward, Chairperson
Oakland County Board of Commissioners

DATE: _____

WITNESSED: _____
Name and Title:

DATE: _____

MICHEAL R. LOHMEIER, in his official capacity as Equalization Officer for Oakland County, hereby accepts the role of Designated Assessor as outlined in this Agreement.

EXECUTED: _____
Micheal R. Lohmeier
Oakland County Equalization Officer

DATE: _____

ADDENDUM – SEV TOTALS

OAKLAND COUNTY SEV TOTALS BY CLASS

Class	Parcel Counts	State Equalized Values
Agricultural	392	87,150,370
Commercial	20,907	14,614,165,290
Industrial	4,441	2,896,770,040
Residential Personal Property	448,068 52,372	68,274,369,769 3,863,299,665
Special Acts	650	507,403,698

#10

COMMUNICATION



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