

PONTIAC CITY COUNCIL

President Mike McGuinness, District 7
Pro Tem William A. Carrington, District 6
Melanie Rutherford, District 1
Brett Nicholson, District 2
Mikal Goodman, District 3
Kathalee James, District 4
William Parker, Jr., District 5



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

Phone: (248) 758-3200

131st Session of the 11th Council – Tuesday, February 20, 2024, at 6:00 p.m.

Meeting Location: City Council Chambers, Pontiac City Hall, 47450 Woodward Pontiac, Michigan 48342

MEETING AGENDA

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call of Councilmembers

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

- A. February 8, 2024, Finance and Personnel Subcommittee Meeting Minutes
- B. February 8, 2024, Public Safety Health & Wellness Subcommittee Meeting Minutes
- C. February 13, 2024, City Council Meeting Minutes including Closed Session Minutes

Special Presentation

- 1. February 27, 2024 Presidential Primary Election
Presenter: Garland Doyle, City Clerk

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Ordinances

City Council

- 2. Resolution to approve the First Reading, an Ordinance to Amend the City of Pontiac Municipal Code Article III, Division 1, Chapter 78, Sections 56 through 65 to include Human Rights Protections and Article III, Division 2, Chapter 78, Section 66 to Prohibit Housing Discrimination based on source of legal income
(First Reading)

Code Enforcement Division

- 3. Resolution to approve First Reading of the Municipal Code Ordinance Text Amendments to Article VI, Division 7, Chapter 22, Sections 801 and 806 to include all housing structures be registered with the City of Pontiac if occupied by persons other than the owner **(First Reading)**

Planning Division

4. Adoption of an Ordinance to Amend the City of Pontiac Municipal Ordinance to Amend Licensing Requirements for Mobile Food Trucks and to Regulate Special Events to include: Article XIXa, Chapter 26, Sections 26-1030 through 26-103 (**Second Reading**) (**Deferred from the February 13, 2024 City Council Meeting**)
5. Adoption of an Ordinance to Amend the City of Pontiac Zoning Ordinance to Define Minor and Major Temporary Uses and to Regulate Mobile Food Vendors to include: Amend Article 2, Chapter 2, Section 2.204, Table 2; Amend Article 2, Chapter 5, Section 2.542; Amend Article 2, Chapter 5, Section 2.544; add Article 2, Chapter 5, Section 2.551 - Mobile Food Parklet, Amend Article 7, Chapter 2, Section 7.207 (**Second Reading**) (**Deferred from the February 13, 2024 City Council Meeting**)
6. Resolution to approve the First Reading, Zoning Ordinance Map Amendment, an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103—Zoning Map, to change the Zoning Classifications for Two (2) Specific Parcels on the West Side of Baldwin Avenue between West Tennyson Avenue and West Kennett Road. (**First Reading**)

Resolutions

City Council

7. Resolution Honoring the 200th Anniversary of First Presbyterian Church in Pontiac
8. Resolution calling upon the Mayor to make an appointment to the Pontiac Housing Commission to fill the Tenant Seat Vacancy
9. Resolution Requesting Information from the Michigan Department of Transportation on the Feasibility of Sidewalk Establishment Along Perry at Pontiac Road
10. Resolution Requesting Administration Clarity on Feasibility of Sidewalk Establishment Along Golf Drive
11. Resolution urging the acquisition of Additional Sound Decibel Detection Devices for Code Enforcement

Department of Public Works (DPW)

12. Resolution to authorize entering into a contract with the Michigan Department of Transportation for sidewalk construction in Pontiac along the west side of Opdyke Road at Centerpoint Parkway (**Postponed for one week at the February 13, 2024 City Council Meeting**)

Purchasing Division

13. Resolution to add CTI Contractor Services, LLC, DMC Consultants, Inc. and White Pine Building and Development, LLC to the Pontiac Home Repair Program and enter into contractor services agreements

Public Comment (Three Minutes Time Limit)

Public Communications

City Council

14. Beyond Martin and Rosa Black History Creative Arts Contest, Submission Accepted Starting February 1, 2024 and Submissions Due on February 21, 2024 at 12:00 Midnight. For Students in Grade 3-5, either an Essay or Creative Story of 150 Words or a Photo of your Handmade Poster. For Middle School (6-8 Grade) or High School (9-12 Grade), Categories are 1. Essay or Creative Story (500 Words), 2. Two-Minute Video of a Spoken Word, Poetry, Rap, or Drama Performance, 3. Two-Minute Video of a Dance Routine or Playing an Instrument. Applicants Must be a Pontiac Resident and a Student in Grades 3-12. Email Submissions with Name & Grade to PontiacUnited@gmail.com
15. M.A.N. U.P. Presents “Laying the Foundation: Male Youth Mentorship Program.” Free program for male youth ages 10 and up with Mentors Dachary ‘Dac’ Davis and Jermaine ‘Max Maine’ Branner. Held every

- Tuesday from 6:00 to 8:00 pm at Pontiac Academy for Excellence, 196 Cesar E. Chavez Avenue in Pontiac.
16. Pontiac United Presents After School Tutoring Club: All Children Can Use a Boost in Education. Held Wednesdays from 4:30 to 6:30 pm at the UWM Sports Complex Classroom, 867 South Boulevard East, Pontiac 48341. First through Fifth Grade, Math and Reading, and Middle School, Reading. Free; limited slots.
 17. Pontiac District Six Community Meeting, Thursday, February 22, 2024 from 5:00 to 6:30 pm, held at Ruth Peterson Senior Center, 990 Joslyn Road, Pontiac 48340. For more information, contact Pontiac City Council President Pro Tem William Carrington at (248) 758-3014 or wcarrington@pontiac.mi.us
 18. Master Ghanaian Gyil Xylophone Performer Jerome Balsab Performance, Friday, February 23, 2024 at the Pontiac Little Art Theatre, 47 N. Saginaw Street in Downtown Pontiac. Free Admission, Presented by the Oakland University School of Music, Theatre, and Dance and Sponsored by the Judd Family Endowed Fund.
 19. The Prince Project Performs at the Flagstar Strand Theatre, Friday, February 23, 2024 at 7:30 pm. The theatre is at 12 N. Saginaw Street in Downtown Pontiac; contact their Box Office for ticket information.
 20. Pontiac District One Monthly Meeting, Saturday, February 24, 2024 from 3:00 to 5:00 pm, held at the Alley Cat, 31 N. Saginaw Street in Downtown Pontiac. For more information, contact District One's City Councilwoman Melanie Rutherford.
 21. A Manique French Jazz Quartet French Jazz Quartet featuring Allison Laakko and Sean Blackman "Rhythm of Love." Saturday, February 24, 2024 with doors opening at 8:00 pm. Held at Pontiac Little Art Theatre, 47 N. Saginaw Street in Downtown Pontiac.
 22. Black History Month Celebration, Sunday, February 25, 2024 from 4:00 to 7:00 pm. Held at Silver Lake Church, 520 W. Walton Boulevard, Pontiac 48340. Presented by VBTouray Empowerment Events and Silver Lake Church. Call (248) 250-3766 or visit www.vbtouray.com for more information.
 23. Next District Two Monthly Community Advisory Meeting is Monday, February 26, 2024 at 7:00 pm, Held at Goldner Walsh Garden and Home, 559 Orchard Lake Road, Pontiac 48341. For more information, contact City Councilman Brett Nicholson.
 24. Greater Pontiac Community Coalition Committee of Fifty Meeting, Tuesday, February 27, 2024 at 8:30 am, held at Welcome Missionary Baptist Church, 143 Oneida Road, Pontiac 48341. For more information, contact Ann Porterfield at greaterpontiaccommunity@gmail.com
 25. StArt Youth Theatre Presents "Disney Lion King Jr." at the Flagstar Strand Theatre, March 1-9, 2024. The theatre is at 12 N. Saginaw Street in Downtown Pontiac; contact their Box Office for ticket information.
 26. Seed Starting Workshop at Goldner Walsh, Saturday, March 2, 2024 from 10:00 to 11:00 am, held at Goldner Walsh Garden and Home, 559 Orchard Lake Road, Pontiac 48341. Visit the store or www.goldnerwalsh.com for more information.
 27. CARE House is offering a free 15-week Nurturing Parent Program beginning Thursday, March 7. For more information, email smcdonald@carehouse.org
 28. Dirk Kroll Ban Live at Goldner Walsh, Thursday, March 7, 2024 at 7:30 pm, held at Goldner Walsh Garden and Home, 559 Orchard Lake Road, Pontiac 48341. Tickets and info at goldnerwalsh.com
 29. New Springfield Missionary Baptist Church 50th Year Anniversary Bowling Fundraiser, Saturday, March 9, 2024 from 2:00 to 5:00 pm at Classic Lanes in Rochester Hills. For tickets and more information, call (248) 332-8242 or (248) 214-6135.
 30. "Music for the Soul," a Benefit Concert for Accent Pontiac, Sunday, March 10, 2024 at 6:00 pm, held at the

Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac

31. Next Eastside Community Meeting is Monday, March 11, 2024 from 7:00 to 9:00 pm, held at Prospect Missionary Baptist Church, 351 Prospect Street, Pontiac 48341. For more information, contact District Seven's representative, Pontiac City Council President Mike McGuinness.
32. Pontiac Regional Chamber Prosperity Pontiac 2024 Dinner, held Wednesday, March 13, 2024 from 5:30 to 8:30 pm at the Centerpoint Marriott, 3600 Centerpoint Parkway, Pontiac 48341. Tickets are \$70 for Chamber Members, or \$85, or included with a \$125 individual membership to the Chamber. Contact the Pontiac Regional Chamber for more information.
33. Next District Five Citizens Council Meeting is Thursday, March 14, 2024 at 5:00 pm, held in the Lions Den of Pontiac City Hall. There is also a virtual option for meeting participation. For more information, contact City Councilman William Parker, Jr.
34. The Psychology of Serial Killers, March 15, 2024, at 8:00 pm, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac. For more information and to purchase tickets, visit flagstarstrand.com or call the box office at (248) 309-6445.
35. "Brushed Aside" Art Sale and Fundraiser, March 16, 2024 in the studio at The Art Experience, 175 S. Saginaw Street in Downtown Pontiac VIP Hour is from 12:00 to 1:00 pm, and the Main Event from 1:00 to 5:00 pm.
36. Rend Collective Performs at the Strand Theatre, Wednesday, April 3, 2024 at 7:00 pm, the Flagstar Strand Theatre is located at 12 N. Saginaw Street in Downtown Pontiac. Visit flagstarstrand.com or call (248) 309-6445 for more information.
37. M1 Concourse Cars and Coffee: Ford, Lincoln, and Mercury, Saturday, April 6, 2024 from 8:00 to 11:00 am, held at M1 Concourse at 1 Concourse Drive, Pontiac 48341. Visit m1concourse.com for more information.
38. Identify Your Dream Foundation "Strike Out for Violence" Bowling Fundraiser, Sunday, April 7, 2024 from 1:30 to 4:30 pm. Held at Classic Lanes in Rochester Hills. For more info, visit identifyyourdream.org
39. Comedian Paula Poundstone Performs, Saturday, April 13, 2024, at 8:00 pm, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac. For more information and to purchase tickets, visit flagstarstrand.com or call the box office at (248) 309-6445.
40. Glenn Miller Orchestra Performs, Sunday, April 14, 2024, at 8:00 pm, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac. For more information and to purchase tickets, visit flagstarstrand.com or call the box office at (248) 309-6445.
41. Tuske Performs, Wednesday, April 24, 2024, at 8:00 pm, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac. For more information and to purchase tickets, visit flagstarstrand.com or call the box office at (248) 309-6445.
42. Pontiac Skate Park Ribbon Cutting, Friday, May 3, 2024
43. Eaglemania Performs, Friday, May 3, 2024, at 8:00 pm, held at the Flagstar Strand Theatre, 12 N. Saginaw Street in Downtown Pontiac. For more information and to purchase tickets, visit flagstarstrand.com or call the box office at (248) 309-6445.
44. 10th Annual Art Fish Fun Festival, Saturday, June 8, 2024 held at Beaudette Park in Pontiac

Mayor's Office

45. Pontiac Youth Recreation Winter Programs are Underway, Contact (248) 758-3037 or visit pontiacrecreation.recdesk.com for more information. Programs include Baking Class, Kickboxing, The Voice,

Mentoring, Robotics, Tutoring, Boxing, 3D Printing, Intermediate Band, Digital Content, and More.

46. Pontiac Youth Recreation Spring Bash and Egg Hunt is Saturday, March 23, 2024

47. City of Pontiac is Currently Hiring for Multiple Positions and Encourages Pontiac Residents to Apply:
Building Maintenance Foreman, Building Maintenance Laborer, Building Technician, Chief Assistant Clerk,
Code Enforcement Officer, Events Coordinator, Finance Director, Grants and Philanthropy Director, Grant
Accountant, Public Works Director, Public Works Director's Assistant, Public Works Foreman, Public Works
Laborer I, Public Works Laborer II, Youth Recreation Instructor

48. Our 50th District Court is Also Hiring, with Openings for a Full-Time Court Clerk, a Full-Time Court Officers,
and a Part-Time Court Magistrate. Pontiac Residents are Encouraged to Apply.

City Clerk's Office

49. Absentee Ballots for the Presidential Primary Election on February 27, 2024, are available in the City Clerk's
beginning January 18, 2024-February 26, 2024. In-Person absentee voting ends at 4:00 p.m. on February 26,
2024. The Clerk's Office Hours are 8:30 a.m.-4:30 p.m. Mon-Fri

50. Early Voting is February 17-25, 2024, at the Pontiac Public Library 60 E. Pike St., Pontiac, MI 48342

The following are early voting hours:

Monday 8:30 a.m.-4:30 p.m.

Tuesday 8:30 a.m.-4:30 p.m.

Wednesday 8:30 a.m.-4:30 p.m.

Thursday 12:00 p.m.-8:00 p.m.

Friday 8:30 a.m.-4:30 p.m.

Saturday 8:30 a.m.-4:30 p.m.

Sunday 8:30 a.m.-4:30 p.m.

51. Clerk's Office will be open on Saturday, February 24, 2024, 10:00 a.m.-2:00 p.m. and Sunday, February 25,
2024, 10:00 a.m.-2:00 p.m.

52. Presidential Primary Election Day is Tuesday, February 27, 2024. Polls are open 7:00 a.m.-8:00 p.m.

53. **Next Week's City Council Meeting is Thursday, February 29, 2024, at 6:00 p.m.**

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)

Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA A



Pontiac City Council
Finance and Personnel Subcommittee Meeting
February 8, 2024
2:00 P.M.

Meeting Location: Pontiac City Hall, Legislative Conference Room
47450 Woodward Avenue
Pontiac, Michigan 48342

Committee Members: Kathalee James (Present), William Parker Jr. (Present), and Brett Nicholson (Absent) President Michael McGuinness (Present)

Others Present: Angelita Santiago, Debrah Younger, Shannon Hensel, Melinda Durakovic, Deputy Mayor Khalfani Stephens, Sekar Bawa, and Michael Martin.

The Meeting Commenced at 2:05 PM.

Updates from Deborah Younger and Michael Martin with Grants and Philanthropy: The MLK (Martin Luther King) contract for 10 million Dollars is currently being worked on and is being reviewed by the legal Department.

Updates from Deborah Younger with Economic Development: In partnership with Grants and Philanthropy along with Pontiac Collective Impact is pursuing a Youth Build Grant, which is a training program in construction trades between ages of 16-24. The City of Pontiac would be the fiduciary and is currently discussing to hire a project manager and staff to assist with the program. Discussion to rehab a home with the City of Pontiac and if the grant is received the city will purchase the house and utilize it for the Youth Build Program. Carlise Project Townhomes has completed the Brownfield plan and has been submitted to the Brownfield Authority for potential approval.

Updates from Sekar Bawa with Finance Department: As of January 31, 2024, the total cash and investments across all City funds amounted to \$115,364,000, showing a slight increase from \$115,078,000 as of December 31, 2023. The \$286,000 rise in the cash balance compared to the previous month is attributed to seasonal fluctuations. Notably, January transactions, including payroll expenses, are yet to be fully reflected in the general ledger. As of January 31, 2024, the accounting division (department 201) has already expended 88.2% of its budget, with a total expenditure of \$306,261 out of the allocated budget of \$347,247. Recognizing this expenditure trend and especially with the departure of the Finance Director, the Finance Department intends to propose a budget amendment soon.



Pontiac City Council
Finance and Personnel Subcommittee Meeting
February 8, 2024
2:00 P.M.

Meeting Location: Pontiac City Hall, Legislative Conference Room
47450 Woodward Avenue
Pontiac, Michigan 48342

Committee Members: Kathalee James (Present), William Parker Jr. (Present), and Brett
Nicholson (Absent) President Michael McGuinness (Present)

Updates from Shannon Hensel and Melinda Durakovic: Human Resources team will be taking on
the Courts benefit plans for better employee communication and processing for their
employees.

No one participated in any public comments.

The Meeting adjourned at 3:33 PM

CONSENT AGENDA B



Pontiac City Council Public Safety Health & Wellness Subcommittee

Minutes

February 8, 2024

4:30 PM

Pontiac City Hall

City Council Conference Room Second Floor

47450 Woodward Avenue

Pontiac, Michigan 48342

Committee Members: William Carrington (Chair), Kathalee James, and Councilperson William Parker

Others Present: Sennel Threlkeld, H. Weir, Jim Cooper, James McQueen, Matthew Covey, S. Hawkins, Tradina Taylor, Charles Hughes, and Deputy Mayor Khalfani Stephens.

The meeting convened at 4:34 p.m.

The meeting started with a presentation from Tradina Taylor, Manager of Access at Oakland Community Health Network. She explained the services that Oakland County Health Network provided. Crisis services include the OCHN network service provider, Common Ground in an emergency/crisis to public mental health and community services. Common Ground's responsibilities include:

Addressing the needs of all individuals in crisis, including those who have Medicaid, Medicare, Healthy MI, private insurance, or no insurance

Authorizing psychiatric hospitalization

Determining network service eligibility

Identifying follow up resources and supports

Managing the Resource and Crisis Helpline

The Oakland Youth Mobile Crisis Team, provided by New Oakland Family Centers, is available to families and individuals across Oakland County. The mobile team travels to homes, foster care homes, schools, emergency rooms, and other public places in Oakland County. The service is available for individuals 0 to 21 years of age who have Medicaid or are presumed Medicaid eligible and are experiencing a mental health crisis.

The mobile crisis service includes:

Assessment and coordination for continued stabilization

On the spot counseling by mental health professionals



Pontiac City Council Public Safety Health & Wellness Subcommittee
Minutes

February 8, 2024

4:30 PM

Pontiac City Hall

City Council Conference Room Second Floor

47450 Woodward Avenue

Pontiac, Michigan 48342

Committee Members: William Carrington (Chair), Kathalee James, and Councilperson William Parker

Others Present: Sennel Threlkeld, H. Weir, Jim Cooper, James McQueen, Matthew Covey, S. Hawkins, Tradina Taylor, Charles Hughes, and Deputy Mayor Khalfani Stephens.

Rapid mobile response with therapists and social work technicians who come to your location to help Referrals to ongoing stabilization care and services.

Oakland County Sheriff presented their update accompanied by a written report.

The Waterford Regional Fire Department represented a written and oral report which included that latest response times. He noted that firefighters were trained on Fire Extinguishment tactics and ongoing CE Training. EMS Training-OCMA protocols update and ongoing monthly CE training.

Star EMS presented a written report which included the Number of 911 request: 1003

Priority 1 (Emergent lights and siren) 791

Average response time is 6 minutes

Priority 2 (Emergent, no lights and no siren) 212

Average response time is 8 minutes

No individuals participated in public comment.

Meeting adjourned at 6:20 p.m.

CONSENT AGENDA C

February 13, 2024, Draft

**Official Proceedings
Pontiac City Council
130th Session of the Eleventh Council**

Call to order

A Regular 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, February 13, 2024, at 6:08 p.m. by Council President Mike McGuinness.

Invocation – Pastor Chris Johnson – Pontiac, Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

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

Mayor Tim Greimel was present.

A quorum was announced.

Authorization to Excuse Councilmembers

Motion to excuse Councilmember Brett Nicholson from the meeting for personal reasons. Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Carrington, James, McGuinness, Parker and Rutherford

No: None

Motion Carried

Amendments to and Approval of the Agenda

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

Councilman Goodman arrived at 6:14 p.m.

Motion to remove agenda items #8 Resolution to approve the First Reading, Zoning Ordinance Map Amendment, an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103—Zoning Map, to change the Zoning Classifications for Two (2) Specific Parcels on the West Side of Baldwin Avenue between West Tennyson Avenue and West Kennett Road. (First Reading) and #11 Resolution to approve First Reading of The Municipal Code Ordinance Text Amendments to Article VI, Division 7, Chapter 22, Sections 801 and 806 to include all housing structures be registered with the City of Pontiac if occupied by persons other than the owner (First Reading) from the agenda. Moved by Councilperson Carrington and second by Councilperson Rutherford.

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

No: None

Motion Carried

February 13, 2024, Draft

Motion to remove agenda items #9 Adoption of an Ordinance to Amend the City of Pontiac Municipal Ordinance to Amend Licensing Requirements for Mobile Food Trucks and to Regulate Special Events (Second Reading) and #10 Adoption of an Ordinance to Amend the City of Pontiac Zoning Ordinance to Define Minor and Major Temporary Uses and to Regulate Mobile Food Vendors (Second Reading) from the agenda. Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Parker, Rutherford, Carrington and Goodman

No: McGuinness and James

Motion Carried

The vote was taken to approve the agenda as amended.

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

No: None

Motion Carried

Consent Agenda

24-41 **Resolution to approve the consent agenda for February 13, 2024.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City Council has reviewed the consent agenda for February 13, 2024.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for February 13, 2024, including the February 5, 2024, Economic Development, Housing, and Planning Subcommittee Meeting Minutes and February 6, 2024, City Council Meeting Minutes.

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

No: None

Resolution Passed

Subcommittee Reports

1. Economic Development, Housing & Planning
2. Facilities and Property
3. Communications, Engagement & Operations
4. Finance & Personnel
5. Law & The Courts
6. Parks, Recreation & Public Works
7. Public Safety, Health & Wellness

Recognition of Elected Officials

1. Beatrice Wright, Precinct Delegate
2. H. Bill Maxey, Library Board Trustee

Agenda Address

1. Beatrice Wright addressed item #13
2. Carlton Jones addressed items #1 & #4
3. Dr. Deirdre Waterman addressed marihuana
4. Darlene Clark addressed item #11

February 13, 2024, Draft

Agenda Items

Resolutions

City Council

24-42 **Resolution Honoring the Life and Service of Letyna Roberts.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

WHEREAS, the City of Pontiac has been blessed to have many dedicated community members serve in professional capacities to protect and improve the quality of life for all residents; and,
WHEREAS, Ms. Letyna Roberts was a longtime resident of Pontiac, Michigan and worked for the City of Pontiac as an Elections Assistant in the City Clerk's Office, among other impactful roles; and,
WHEREAS, the City of Pontiac is better today because of her years of service, including as an elected member of the School District of the City of Pontiac Board of Education and as Board President; and,
WHEREAS, Ms. Roberts passed away on January 28, 2024 at the age of 63, which is a tragic loss for her family and our entire community, though her amazing legacy will surely endure;
NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council and Pontiac Mayor Tim Greimel hereby acknowledges the life and service of Ms. Letyna Roberts, and mourns her passing; and
FURTHER RESOLVED, the Pontiac City Council, the Mayor of Pontiac, and the entire City of Pontiac extends our deepest sympathies to the family, friends, neighbors, and colleagues of Ms. Roberts; and
FURTHER RESOLVED, we celebrate the life and impact of Ms. Roberts, and salute her years of admirable service to the City of Pontiac.

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

No: None

Resolution Passed

Department of Public Works (DPW)

24-43 **Resolution to authorize entering into a contract with the Michigan Department of Transportation for sidewalk construction in Pontiac along the west side of Opdyke Road at Centerpoint Parkway.** Moved by Councilperson Carrington and second by Councilperson Rutherford.
Discussion.

Motion to postpone Resolution to authorize entering into a contract with the Michigan Department of Transportation for sidewalk construction in Pontiac along the west side of Opdyke Road at Centerpoint Parkway for one (1) week. Moved by Councilperson Rutherford and second by Councilperson Goodman.

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

No: None

Motion Carried

Economic Development Division

24-44 **Resolution to approve the sale of Various Side Lots Pursuant to Section 3.113 of the Pontiac City Charter.** Moved by Councilperson Rutherford and second by Councilperson James.
Discussion.

Motion to amend the resolution to replace in the second WHEREAS "and authorized the sale of the referenced side lots" with "as required by the Pontiac City Charter to consider the sale of the referenced side lot" and in the last WHEREAS replace "his principal lot" with "their principal lot". Moved by Councilperson Carrington and second by Councilperson Rutherford.

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

February 13, 2024, Draft

No: None

Motion Carried

The vote was taken approve the amended resolution

WHEREAS, the City of Pontiac owns certain real property located in the City of Pontiac legally described in Exhibit A; and

WHEREAS, on October 10, 2023, the Pontiac City Council held a public hearing as required by the Pontiac City Charter to consider the sale of the referenced side lot; and

WHEREAS, the purchase price for the sale of each side lot is established at Five-Hundred Dollars and 0/100, (\$500.00) which includes the fee to combine both parcels; and

WHEREAS, the purchaser must combine said lot with their principal lot located adjacent to the newly purchased lot as a condition of the sale.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council hereby authorizes the sale of the City-owned vacant side lots listed in Exhibit A for Five-Hundred Dollars (\$500) on condition that the purchaser combine the side lot with the principal parcel and where the sale price includes the lot combination fee.

BE IT FURTHER RESOLVED that the Pontiac City Council authorizes the Mayor or his Designee to execute quit claim deeds in accordance with the satisfaction of the aforementioned condition for the appropriate recording.

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

No: None

Amended Resolution Passed

****Exhibit A is attached****

24-45 **Resolution to approve the sale of the Property Located at 95 Mark Avenue Pursuant to Section 3.113 of the Pontiac Charter.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City intends to sell the vacant lot known as 95 Mark Ave, Parcel Number 14-30-476-023; and

WHEREAS, on October 10, 2023, a public hearing took place for the sale of vacant lots as required under Section 3.113 of the Pontiac Charter; and

WHEREAS, the sale of 95 Mark Ave. is part of a larger development project connected to 94 Dwight Street, Parcel Number 14-30-476-002.; and

WHEREAS, the purchase price for 95 Mark Avenue will be Four-Thousand, Three Hundred, Forty-nine Dollars (\$4,349); and

WHEREAS, the purchaser must apply for and receive approvals for rezoning, preliminary and final site plans, civil drawings and building occupancy; and

WHEREAS, the purchaser of 95 Mark Ave. is required to enter into a rehabilitation agreement and a development agreement for the proposed development related to 94 Dwight Street.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council hereby authorizes the sale of 95 Mark Avenue, Parcel Number 14-30-476-023 for Four-Thousand, Three Hundred, Forty-nine Dollars (\$4,349).

BE IT FURTHER RESOLVED that the Pontiac City Council authorizes the Mayor or his Designee to execute a Purchase Agreement, a rehabilitation agreement and a Development Agreement with the purchaser of 95 Mark Avenue.

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

No: None

Resolution Passed

Human Resources Department

24-46

Resolution to approve USI Insurance as the Broker of Record for the City of Pontiac. Moved by Councilperson Parker and second by Councilperson Rutherford. Discussion.

Motion to amend the resolution to replace in the third WHEREAS “Finance Subcommittee approved” with “Finance Subcommittee recommended”. Moved by Councilperson Carrington and second by Councilperson Goodman.

Ayes: Parker, Carrington, Goodman, James and McGuinness

No: Rutherford

Motion Carried

The vote was taken approve the amended resolution

WHEREAS, the Human Resources Department requires assistance with ensuring that the City’s benefit coverages are in compliance with state and federal guidelines; and

WHEREAS, the City’s received RFPs and selected to formally interview 5 insurance brokers and vendors during a HR & Finance Subcommittee for consideration to audit and manage the City’s benefit line; and

WHEREAS, Human Resources recommended and the HR and Finance Subcommittee recommended entering into a Letter of Recommendation beginning in 2024 with USI Insurance for the referenced services. Any of the benefit programs USI would be able to take over immediately upon completion of individual Letters of Recommendation addressed to each individual benefit carrier. However, any lines of liability or workers compensation coverages won’t transition until all those individual policies expire on their annual anniversary dates (these most likely will vary).

NOW THEREFORE, BE IT RESOLVED, the Pontiac City Council authorizes the Mayor or his Designee to enter into a Letter of Intent with USI Insurance to be the City of Pontiac’s broker of record and for auditing and managing the City’s benefit lines.

Ayes: Parker, Carrington, Goodman, James and McGuinness

No: Rutherford

Amended Resolution Passed

Public Comment

1. Beatrice Wright
2. H. Bill Maxey
3. Billie Swazer
4. Roslyn Northcross
5. Carlton Jones
6. Dr. Deirdre Waterman
7. Pastor Kathy Dessureau
8. Darlene Clark

Closed Session

24-47

Resolution to proceed in Closed Session to discuss trial or settlement strategy and to consider matters exempt from discussion or disclosure by State or Federal Law in accordance with MCL 15.2689 (e) & (h) at 7:56 p.m. Moved by Councilperson Rutherford and second by Councilperson James.

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

February 13, 2024, Draft

WHEREAS, the referenced discussions are the subject of attorney-client privilege and is exempt from disclosure and may be discussed in Closed Session pursuant to MCL 15.268(e) and (h) of the Open Meetings Act.

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8 (e) and (h) of the Open Meetings Act.

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

No: None

Resolution Passed

Motion to come out of closed session at 9:43 p.m. Moved by Councilperson Rutherford and second by Councilperson Parker.

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

No: None

Motion Carried

Communications

City Council, Mayor's Office & City Clerk's Office

Mayor, Clerk and Council Closing Comments

Mayor Tim Greimel, Deputy Mayor Khalfani Stephens, Councilman William Parker Jr., Councilwoman Kathalee James, Councilwoman Melanie Rutherford, Council President Pro-Tem William Carrington and Council President Mike McGuinness made closing comments.

Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 9:56 p.m.

Garland S. Doyle
City Clerk

EXHIBIT A

232 W Wilson	14-33-334-009
Parkdale	14-20-106-006
182 Rockwell	14-32-430-027
32 Bennett	14-20-383-026
S Jessle	14-33-180-006
113 W Strathmore	14-17-328-011
Arthur	19-05-252-032
S Anderson	14-33-278-021
Stout	14-32-107-040
S Sanford	14-28-460-012
505 Luther	19-05-278-003
548 California	19-05-207-026
Unaddressed parcel	14-22-129-021

#2

ORDINANCE



City Council

TO: Pontiac City Council
FROM: Councilman Mikal Goodman
CC: Mayor Tim Greimel
Deputy Mayor Khalfani Stephens
DATE: February 20, 2024
RE: Resolution To Approve Including Human Rights Amendments to Chapter 78, Article III, Division 1, Sections 56-65 and Division 2, Section 66 of the Municipal Code for First Reading

Councilman Mikal Goodman in concert with The Kelly Law Firm worked on the proposed amendments to Chapter 78, Article III, Division 1, Sections 56-65 and Division II, Section 66 of the Municipal Code to include provisions that provide basic human rights protections including prohibiting discriminatory housing and employment practices, discriminatory public accommodation practices, and barring discrimination by city contractors. There is also a definition section for the referenced terms and phrases in the ordinance. Violations will result in prosecution of a civil infraction if the ordinance receives City Council approval. (See Attached Ordinance)

Additionally, the proposed amendments would add a provision to prohibit discrimination based on source of legal income. The amendment to Section 57(33) will define “source of legal income” as:

“[a]ny lawful source of money paid directly to an individual or family or indirectly on behalf of an individual or family, including, but not limited to:

- (a) Money derived from any lawful profession or occupation.
- (b) Money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy.
- (c) Money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; unemployment; child support; spousal support; disability benefits; veterans benefit; Social Security or other retirement program; supplemental security income; or other program administered by any federal, state, or local agency or nonprofit entity. Any monthly housing assistance administered by any federal, state, or local agency or nonprofit entity shall be treated

as income in the amount of 3x the value of that monthly rental assistance.”

In light of the above, Councilman Goodman request that City Council approves the first reading of the proposed Municipal Code Ordinance Amendments to Chapter 78, Article III, Division 1, Sections 56-65 and Division 2, Section 66.



CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO APPROVE THE FIRST READING OF THE PROPOSED AMENDMENTS TO THE PONTIAC MUNICIPAL CODE, CHAPTER 78, ARTICLE III, DIVISION 1, SECTIONS 56-65 and DIVISION 2, SECTION 66 TO INCLUDE HUMAN RIGHTS PROTECTIONS AND TO PROHIBIT HOUSING DISCRIMINATION BASED ON SOURCE OF LEGAL INCOME.

WHEREAS, before the Pontiac City Council’s consideration is an ordinance to amend Chapter 78, Article III, Division 1, Sections 56-65 and Division 2, Section 66, to include human rights protections and to prohibit housing discrimination based on source of legal income; and

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to approve the first reading of the proposed amendments to the Municipal Code Ordinance Text Amendments as presented.

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council hereby approves the first reading of the text amendments as presented to the City Council on February 20, 2024, to the City’s Municipal Code.

CITY OF PONTIAC
ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE ARTICLE III, DIVISION 1, CHAPTER 78, SECTIONS 56 THROUGH 65 TO INCLUDE HUMAN RIGHTS PROTECTIONS AND ARTICLE III, DIVISION 2, CHAPTER 78, SECTION 66 TO PROHIBIT HOUSING DISCRIMINATION BASED ON SOURCE OF LEGAL INCOME TO INCLUDE:

ARTICLE III, DIVISION 1, CHAPTER 78, SECTIONS 56-65

ARTICLE III, DIVISION 2, CHAPTER 78, SECTION 66

The City of Pontiac Ordains:

Amend Article III, Division 1, Chapter 78, Sections 56-65 are amended to include Human Rights protections.

Amend Article III, Division 2, Chapter 78, Section 66 is amended to prohibit housing discrimination based on source of legal income.

Chapter 78- HUMAN RELATIONS

ARTICLE III. DISCRIMINATION

DIVISION 1. GENERALLY

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78-56 — Intent.

It is hereby declared to be contrary to the public policy of the City of Pontiac (City) for any person to deny any individual the enjoyment of civil rights, or for any person to discriminate against any individual in the exercise of civil rights because of actual or perceived color, race, religion or creed, sex, gender identity or expression, sexual orientation, national origin, genotype, age, marital status, familial status, medical condition, disability, height, weight, or source of lawful income (cumulatively known as protected classes).

78-57 Definitions.

As used in this Chapter, the following words and phrases shall mean:

- (1) Age: The length of time in years that an individual has lived.
- (2) Agent: Any person acting on behalf of an employment, housing, public accommodation, or public services entity.

- (3) Bias: A tendency, opinion, or inclination that is preconceived, unreasoned or based on protected class status including, but not limited to, prejudice in favor of or against one person, or group compared with another, usually in a way considered to be unfair or based on stereotypes.
- (4) Bona Fide Occupational Qualification: A condition, characteristic, or factor which informs decisions and conduct with respect to a protected class in the area of employment when there are no less discriminatory means, but which is lawful, reasonable, necessary, and narrowly tailored to the safe, efficient, and standard operation of the employer, as further described in this Chapter.
- (5) City: The City of Pontiac, Michigan.
- (6) Color: pigmentation of the skin.
- (7) Conviction Record: the history of all criminal convictions of an individual in any jurisdiction, including time served in prison, jail, juvenile detention, probation, rehabilitation or diversionary programs, or placement on a sex offender registry.
- (8) Creed: A system of beliefs, principles, or opinions that guides an individual's actions.
- (9) Disability: A physical or mental characteristic of an individual which may result from disease, injury, congenital condition, or functional disorder, if the characteristic:
- (a) For purposes of employment, substantially limits one or more of the major life activities of an individual but is unrelated to that individual's qualifications for employment or ability to perform the duties of a particular job or position; or
 - (b) For purposes of public accommodation, is unrelated to an individual's ability to use and benefit from a place of public accommodation or public service; or
 - (c) For purposes of housing, substantially limits one or more of an individual's major life activities but is unrelated to that individual's ability to acquire, rent or maintain property.
 - (d) For the purposes of this Chapter, disability shall include, but not be limited to, the use of adaptive aids, devices, or guides, but shall not include temporary impairments associated with drug or alcohol consumption
- (10) Discrimination: To make or refrain from making a decision, selectively furnish or withhold access, or act or threaten to act in an adverse way in the areas of employment, housing, public accommodation, public services, or other benefit, based in whole or in part on the actual or perceived status of an individual as a member of a protected class. Discrimination includes:
- (a) The use of facially neutral practices that have an adverse impact on members of a protected class.
 - (b) Harassment directed at a protected class; harassment does not need to be both severe and pervasive.

(c) Any act which results in unequal treatment or segregation of an individual.

- (11) Employee: An individual performing lawful work for another person who does not share familial status with that person, in exchange for monetary compensation.
- (12) Employer: Any person compensating one or more individuals for the performance of work in a lawful business or enterprise.
- (13) Equal: Subject alike to all requirements, qualifications, conditions, and considerations that are not prohibited grounds of discrimination.
- (14) Familial Status: An individual's position within the network of that individual's biological and legal relations within three degrees of consanguinity, or through marriage, adoption or other legal custodial relationship.
- (15) Gender Identity or Expression: An individual's actual or perceived sex including identity, self-image, appearance, expression, or behavior, whether or not that identity, self-image, appearance, expression, or behavior is different from that traditionally associated with the individual's biological sex assigned at birth.
- (16) Genotype: The genetic constitution of an individual.
- (17) Harassment: Conduct or communication directed at another individual intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, public accommodation, public services, or housing.
- (18) Height: Length of an individual's body as measured in feet and inches.
- (19) Housing: Any real property, building, structure, or portion thereof which is used or occupied, or is intended to be used or occupied, as the home or residence of one or more individuals. This includes, but is not limited to, a house, apartment, condominium unit, rooming house, housing cooperative, homeless shelter, hotel, motel, tourist home, retirement home, or nursing home.
- (20) Marital Status: The state of being married, remarried, never married, divorced, or widowed.
- (21) Medical Condition: All past or present physical or mental health diagnoses, treatments, and procedures an individual has received, associated symptoms and risk factors, and effects of such diagnoses, treatments, and procedures.
- (22) National Origin: An individual's nation of origin, or the physical, cultural, or linguistic characteristics associated with that nation or a part thereof.
- (23) Perceived: The perception of a person who acts, but not necessarily the perception of an individual for or against whom the action is taken.

- (24) Person: An individual, association, partnership, agency, organization, or corporation, public or private, including all employees thereof. The term, when applied to partnerships, associations, and corporations, includes members and officers.
- (25) Protected Class: Any group or status identified in this Chapter.
- (26) Public Accommodation: A facility, including a governmental entity or business, offering or furnishing goods, services, places, privileges, or advantages to the general public for purchase, consumption, use, or acquisition, including, but not limited to, hotels, motels, housing, restaurants, taverns, concert and entertainment venues, retail and service enterprises, public services, and certain educational institutions. Public services include those goods or services provided by the City in the public interest to the people living within its jurisdiction, either directly or under contract.
- (27) Race: The perceived status of human beings as belonging to distinct groups based on inherited characteristics primarily identified by skin color, and which is a social construct unsupported by the science of genetics.
- (28) Religion: A particular system of faith and worship.
- (29) Retaliation: Adverse action taken against the person who filed a complaint or participated in a complaint investigation under the Human Rights Ordinance.
- (30) Sex: The biological designation of male or female assigned at birth. For gender, see subsection (16) above.
- (31) Sexual Harassment: A type of discrimination including, but not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:
- (a) Submission to such conduct or communication by an individual is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodation, public services, or housing.
 - (b) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting the individual's employment, public accommodation, public services, or housing.
 - (c) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodation, public services, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, public services, or housing environment.
- (32) Sexual Orientation: An individual's sexual and/or romantic identity in relation to the gender(s) to which the individual is attracted, or the absence of such sexual and/or romantic identity.

(33) Source of lawful income: Any lawful source of money paid directly to an individual or family or indirectly on behalf of an individual or family, including, but not limited to:

- (a) Money derived from any lawful profession or occupation.
- (b) Money derived from any contract, agreement, loan, or settlement; from any court order, such as court-ordered child support or alimony; from any gift or bequest; or from any annuity or life insurance policy.
- (c) Money derived from any benefit or subsidy program, including, but not limited to, any housing assistance, such as Housing Choice Vouchers, Veterans Affairs Supportive Housing (VASH) Vouchers, or any other form of housing assistance payment or credit whether or not paid or attributed directly to a landlord; public assistance; emergency rental assistance; unemployment; child support; spousal support; disability benefits; veterans benefit; Social Security or other retirement program; supplemental security income; or other program administered by any federal, state, or local agency or nonprofit entity. Any monthly housing assistance administered by any federal, state, or local agency or nonprofit entity shall be treated as income in the amount of 3x the value of that monthly rental assistance.

(34) Weight: The body mass of an individual measured in pounds.

78-58 In General.

- (1) No person shall adopt, enforce, or employ any policy, requirement, qualification, practice, or factor which has the effect of creating unequal treatment or opportunities relating to housing, employment, public accommodations or public services on the basis of actual or perceived membership in a protected class as defined in this Chapter, except as exempted under Section 64 Exceptions of this Chapter.
- (2) The prohibitions against discrimination as provided for in this Chapter shall not be deemed preempted by state or federal law, but are intended to supplement such law.
- (3) This Chapter shall be construed and applied in a manner consistent with the First and 14th Amendments of the U.S. Constitution and Art. I, § 2 of the Constitution of Michigan regarding freedom of speech and free exercise of religion.

78-59 Discriminatory Housing Practices.

- (1) The opportunity to purchase, lease, rent, sell, use, convey, and finance housing without discrimination on the basis of actual or perceived membership in a protected class as identified in this Chapter is hereby recognized and declared to be a civil right.
- (2) The provisions of Chapter 78, Section 66 of the City Code shall also apply to discriminatory housing practices, including but not limited to those provisions governing discriminatory housing and financial practices, exceptions, blockbusting, and violations.
- (3) In addition to the exemptions contained in Chapter 78-66 of the City Code, the following considerations may result in exceptions to discriminatory housing practices:
 - (a) Safety. Any decision based upon the reasonable and well-substantiated belief that an individual's physical or mental health poses a serious threat to the health, safety, and welfare of the individual, other residents, or other persons
 - (b) Conviction Record. History of criminal conviction may be considered in housing decisions, although arrest with no conviction may not be considered. An outright ban on prospective tenants with a criminal background is prohibited. Landlords must carefully consider, on a case-by-case basis, the nature and severity of the crime, the age of the individual at the time of the crime, whether there have been repeat offenses, whether the individual maintained a good tenant history before or after the conviction, evidence of rehabilitation efforts, and whether the crime for which the individual was convicted may pose a demonstrable risk to the health, safety or welfare of other residents or persons (which would include manufacturing or distributing illegal drugs) or to property.
 - (c) Competence. Any decision which is based upon the reasonable and well-substantiated belief that an individual is incapable of satisfactorily fulfilling reasonable responsibilities associated with the housing arrangement.
 - (d) The following are not legitimate exceptions:
 - i. The anticipated or actual objections of other residents, neighbors, or persons.
 - ii. Mere inconvenience, less than an undue hardship, to a housing agent in procuring or providing reasonable aid to a member of a protected class to accommodate that individual's needs.

78-60 Discriminatory Employment Practices.

- (1) No person shall discriminate in the hire, employment, compensation, work classifications, conditions or terms, promotion or demotion, or termination of employment of any individual.
- (2) No person shall discriminate in limiting membership, conditions of membership or termination of membership in any labor union or apprenticeship program.

78-61 Discriminatory Public Accommodation Practices.

No person shall discriminate in making available full and equal access to all goods, services, activities, privileges and accommodations of any place of public accommodation. No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any public accommodation where she and the child would otherwise be authorized to be.

78-62 Other Prohibited Practices.

- (1) No person shall adopt, enforce or employ any policy or requirement, publish, post or broadcast any advertisement, sign or notice which discriminates or indicates discrimination in providing housing, employment or public accommodations.
- (2) No person shall discriminate in the publication or distribution of advertising material, information or solicitation regarding housing, employment or public accommodations.
- (3) No agent, broker, labor union, employment agency or any other intermediary shall discriminate in making referrals, listings or providing information with regard to housing, employment or public accommodations. A report of the conviction of any such person for a violation of this chapter shall be made to the applicable licensing or regulatory agency for such person or business.
- (4) No person shall coerce, threaten or retaliate against an individual for making a complaint or assisting in the investigation regarding a violation or alleged violation of this chapter, nor require, conspire with, assist or coerce another person to retaliate against an individual for making a complaint or assisting in an investigation.
- (5) No person shall conspire with, assist or coerce another person to discriminate in any manner prohibited by this chapter.
- (6) No person shall discriminate against individuals based on their use of a government-issued identification card and all persons shall accept a government-issued identification card as valid identification unless:
 - (a) There are reasonable grounds for determining that the government-issued identification card is counterfeit, altered, or improperly issued to the individual or that

- the individual presenting the government-issued identification card is not the individual to whom it was issued; or
- (b) Federal law, state law, or a valid court order requires the person to obtain different identification from the individual presenting the identification.

78-63 Nondiscrimination by City Contractors

- (1) All contractors proposing to do business with the City shall satisfy the City Code, and any policies based thereon as adopted by the City.
- (2) A contractor shall, as a condition of being deemed a responsible bidder, at the time of its submission to the City in responding to an invitation to bid or request for proposal, certify in writing that it is in compliance with the provisions of this Chapter, and any applicable policies.
- (3) Each City contract shall provide that a breach of the obligation not to discriminate shall be considered a material breach of the contract.

78-64 Exceptions

Notwithstanding anything contained in this chapter, the following practices shall not be violations of this chapter.

- (1) For a religious organization or institution to restrict any of its facilities of housing or accommodations which are operated as a direct part of religious activities to individuals of the denomination involved or to restrict employment opportunities for officers, religious instructors and clergy to individuals of that denomination.
- (2) For the owner of an owner-occupied 1-family or 2-family dwelling, or a housing facility or public accommodation facility, respectively, devoted entirely to the housing and accommodation of individuals of 1 sex, to restrict occupancy and use on the basis of sex.
- (3) To limit occupancy in a housing project or to provide public accommodations or employment privileges or assistance to individuals who are of low income, over 65 years of age or disabled, in circumstances in which such limitations are appropriately designated.
- (4) To engage in a bona fide effort to establish an affirmative action program to improve opportunities in employment for groups, including, but not limited to, minorities and women, where allowed or required by law.
- (5) To discriminate based on an individual's age when such discrimination is required by state, federal or local law.

- (6) To refuse to enter a contract with an unemancipated minor.
- (7) To refuse to admit to a place of public accommodation serving alcoholic beverages an individual under the legal age for purchasing alcoholic beverages.
- (8) To refuse to admit individuals under 18 years of age to a business providing entertainment or selling literature which the operator of said business deems unsuitable for minors.
- (9) For an educational institution to limit the use of its facilities to those affiliated with such institution.
- (10) To provide discounts on products or service to students, minors, veterans, and senior citizens.
- (11) To discriminate in any arrangement for the sharing of a dwelling unit by an individual who is sharing the unit.
- (12) To restrict use of lavatories and locker room facilities on the basis of sex.
- (13) For a governmental institution to restrict any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to federal and state laws and regulations.
- (14) To restrict participation in an instructional program, athletic event or on an athletic team on the basis of age or sex.
- (15) To restrict employment on the basis of a bona fide occupational qualification.
- (16) Nothing herein contained shall be construed to prohibit any affirmative action laws passed by any level of government. Preferential treatment of, or benefits conferred on any of the classes protected from discrimination under this chapter are permissible to the extent allowed by law.

78-65 Reserved. ☒ Violations.

- (1) The City Attorney's Office may prosecute a violation of this Chapter referred to it by the Oakland County Sheriff's Department or any other City Department.
- (2) Violation of this Chapter shall be prosecuted by the City Attorney's Office as a municipal civil infraction pursuant to the provisions of Michigan law.
- (3) A municipal civil infraction is punishable by a fine of not more than five hundred dollars (\$500.00) and all other costs, damages, expenses, sanctions, and remedies as authorized by Michigan law.
- (4) Nothing contained in this Chapter shall be construed to limit in any way the remedies, legal or equitable, available to the City or any person for the prevention or correction of discrimination including, but not limited to false information pursuant to the City Code or false report of a crime pursuant to the Michigan Penal Code, MCL 750.411a. Such remedies shall be governed by applicable law.

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DIVISION 2. HOUSING

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78-66 Prohibited.

No owner of real property, lessee, sublessee, real estate broker or salesman, builder or supplier of building materials, lender, financial institution, advertiser, or agent of such designated persons, shall discriminate against any other person because of the religion, source of lawful income, race, color or national origin of such other person in regard to the sale, rental of or dealings concerning real property located in the city.

(Code 1985, § 14-146)

#3

ORDINANCE



Department: Code Enforcement

TO: Pontiac City Council

FROM: Jack McIntyre, Code Enforcement Manager
Deja Vasquez, Kelly Law Firm

CC: Mayor Tim Greimel
Khalfani Stephens, Deputy Mayor

DATE: February 13, 2024

RE: Resolution To Approve First Reading of the Municipal Code Ordinance Text Amendments to Amend Article VI, Division 7, Chapter 22, Sections 801 and 806.

The City of Pontiac adopted Amendment 2421 on August 1, 2023, to allow tenants to place their rent money in escrow with the City of Pontiac when their landlord has not registered their property as a rental unit or is not complainant with the City of Pontiac Code Enforcement Department.

Recently, the language in the City of Pontiac Municipal Ordinances could be interpreted as excluding cooperative homes and thus not subject to the requirements for rentals properties (including registration and obtaining certificate of occupancies). As a result, Section 806 which allows tenants to withhold rent and place it into escrow with the City would not be applicable to this type of property.

This Amendment will include all types of dwellings that may be occupied as rentals. This is to ensure that every rental property, including condominiums, cooperatives, mobile homes, etc. are regulated under the City of Pontiac's Housing Code, are properly registered with the City, and are up-to-Code. In amending Section 801 of the Municipal Code, it is necessary to amend Section 806 for consistency. The amendment allows for all dwellings stated in Section 801 to be regulated under Section 806.

In light of the above, the Code Enforcement Manager requests approval of the first reading of the proposed Amendments to Article VI, Division 7, Chapter 22, Sections 801 and 806 of the Municipal Code to provide that all rental properties such as cooperative homes are included and subject to the City of Pontiac's Housing Code.



CITY OF PONTIAC CITY COUNCIL

RESOLUTION OF THE PONTIAC CITY COUNCIL TO APPROVE FIRST READING OF THE MUNICIPAL CODE ORDINANCE TEXT AMENDMENTS TO ARTICLE VI, DIVISION 7, CHAPTER 22, SECTIONS 801 AND 806 TO INCLUDE ALL HOUSING STRUCTURES BE REGISTERED WITH THE CITY OF PONTIAC IF OCCUPIED BY PERSONS OTHER THAN THE OWNER.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Municipal Code Ordinance to amend Article VI, Division 7, Chapter 22, Sections 801 and 806 to include the requirement of all housing structures to be registered with the City of Pontiac if occupied by persons other than the owner; and

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to approve the first reading of the amendments to the Municipal Code Ordinance Text Amendments as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the text amendments to the City's Municipal Code, Article VI, Division 7, Chapter 22, Sections 801 and 806 as presented to the City Council on February 13, 2024.

CITY OF PONTIAC
ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE ARTICLE VI, CHAPTER 22, DIVISION 7, SECTIONS 801 AND 806 TO INCLUDE THE REQUIREMENT OF ALL HOUSING STRUCTURES TO BE REGISTERED WITH THE CITY OF PONTIAC IF OCCUPIED BY PERSONS OTHER THAN THE OWNER TO INCLUDE:

ARTICLE VI, DIVISION 7, CHAPTER 22, SECTION 801 AND 806

The City of Pontiac Ordains:

Amend Article VI, Chapter 22, Division 7, Section 801- Registry of owners and premises is amended to modify subsection (b) to include all housing types and Section 806- Certificate of compliance is amended to modify subsection (c) to include all dwellings regulated by this division.

DIVISION 7. INSPECTIONS OF ONE- AND TWO-FAMILY DWELLINGS

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22-801 Registry of owners and premises.

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(a) A registry of owners and premises shall be maintained by the Department of Building Safety.

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(b) The owners of one- and two-family dwellings which are occupied by persons other than the owner, which may be evidenced by the homestead declaration on the property being less than 100 percent and a dwelling unit not occupied by the titled owner of the property, or a one- or two-family dwelling for which an owner is offering to others for purposes of occupancy through rental or lease agreements, or by other mutually acceptable agreements leading to occupancy including ~~land contracts~~, but not limited to, land contracts, cooperative housing (co-ops), townhomes, apartments, condominiums, single-family homes, semi-detached homes, multifamily homes, tiny homes, manufactured homes, and/or similar contractual agreements between parties for occupancy of a dwelling shall register their names, places of residence or usual places of business, Social Security or taxpayer identification number, state identification number, name(s) of the tenant(s), and the location of the premises regulated by this division with the Department of Building Safety. If the premises are managed or operated by an agent, the agent's name, place of business, Social Security or taxpayer identification number, and state identification number shall also be provided. The owners shall register by June 30, 2012, after the enactment of this division, without additional penalty. Within 60 days after change of ownership or change of agent, the new owner or agent shall reregister with the Department of Building Safety in the same manner as previously set forth. The Department of Building Safety may require information in addition to the information

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required by this division for purposes of registration. A fee shall be paid upon registration. Such registration shall be valid until changed. Late registration fees paid after their due date shall be assessed a \$25.00 late fee per rental unit per month until paid.

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(c) A property that has a land contract recorded with the Oakland County Register of Deeds that names the occupant of the dwelling unit shall be exempt from the requirements of this division.

(Code 1985, § 14-165; Ord. No. 2247, § 1, 1-26-12; Ord. No. 2255, § 1, 4-17-12; Ord. No. 2345, 6-15-17)

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22-806 Certificate of compliance.

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(a) An owner or agent shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this division and with rules and procedures established by the Building Code Official.

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(b) An application for a certificate of compliance shall be made when the owner enrolls in the registry of owners and premises. If the owner fails to register within the time required, any occupant of unregistered or uncertified premises may make application.

(c) ~~Single and two-family dwellings~~ Dwellings regulated by this division shall not be occupied unless a certificate of compliance has been issued by the Department of Building Safety. The certificates shall be issued only upon prior inspection of the premises, except as provided in subsection (h) of this section. The certificate shall be issued within 15 days if the dwelling is entitled thereto at the date of inspection.

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(d) Inspections shall be made prior to first occupancy of single- and two-family dwellings regulated by this division when the construction or alteration is completed.

(e) Upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and the premises are otherwise fit for occupancy, the certificate of compliance shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with this division shall be issued immediately and served upon the owner in accordance with section 22-807. On reinspection and proof of compliance, the order shall be rescinded, and a certificate issued.

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(f) When a certificate of compliance is withheld pending compliance, no premises that have not been occupied for dwelling purposes shall be so occupied, and those premises that have been or are occupied may be ordered vacated until reinspection and proof of compliance have been established by the Department of Building Safety.

(g) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful, and fit condition for occupancy. If upon reinspection the Department of Building Safety determines that conditions exist that constitute a hazard to health or safety, the certificate may be immediately suspended, a notice shall be served upon the owner to comply with this division, and the areas may be vacated as provided in subsection (f) of this section.

(h) The Department of Building Safety may authorize the issuance of a temporary certificate without inspection for those premises in which there are no violations of record and shall issue such temporary certificates upon application in cases where inspections are not made within a reasonable time. Temporary certificates may also be issued for premises with violations of record when the owner can show proof of having undertaken to correct such conditions.

(i) A violation of this division shall not prevent the issuance of a certificate of compliance, but the Department of Building Safety shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(j) It shall be required, and the responsibility of the owner, to maintain and post on the inside of the main entrance to the dwelling unit one copy of the certificate of compliance, either temporary or permanent, as such certificates are issued, at the premises for which they have been issued.

(k) No certificate of compliance shall be issued for any property unless all property taxes and water and sewer bills associated with the parcel in question are current and that the owner is in compliance with the provisions of the Pontiac Income Tax Ordinance.

(l) Any certificate of compliance issued by the Department of Building Safety after September 1, 2011, with an expiration date less than one year from the date of issuance, shall be deemed to expire three years after the date of issuance. The Department of Building Safety shall correct all records to reflect this change.

(m) It shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to collect rent from a tenant for occupancy of a rental property, during or for any time in which there is not a valid certificate of compliance for the rental property and/or the property is not registered as a rental property with the City of Pontiac. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

(n) Tenants of an occupied rental property that lacks a certificate of compliance and/or has not registered with the City of Pontiac as a rental property shall pay the rent that would otherwise have been due into an escrow

account with the City of Pontiac under section 22-765. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

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If the owner of the rental property obtains a certificate of compliance and/or registers the property as a rental property with the City of Pontiac within the first 30 days in which payments are made into the escrow account, the rent in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution. If the owner fails to obtain a certificate of compliance and/or properly register the rental property within those first 30 days, the rent in the escrow account shall be paid, at the end of those 30 days, to the tenant and the administrative fees shall be paid by the owner.

Thereafter, the tenant shall continue paying rent into the escrow account until the owner obtains a certificate of compliance and/or properly registers the rental property with the City of Pontiac. At the end of every 30 days in which the owner fails to obtain a certificate of compliance and/or properly register the rental property, the rent in the escrow account shall be paid to the tenant, and the administrative fees shall be paid by the owner. If the owner of the rental property obtains a certificate of compliance and/or registers the rental property, the rent accrued in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution.

(o) The administrative fee is a monthly fee that will be accrued every month the escrow account remains open. The amount of that fee shall be established by the Building Department. If the rent held in escrow is being paid to the owner, the administrative fees will be deducted at that time. However, if the administrative fees are greater than the amount held in escrow, the remaining balance will be levied as a fine against the owner. If rent held in escrow is being paid to the tenant, all administrative fees will be levied as a fine against the owner. All costs in connection with this section, including administrative fees, shall be a lien upon the land and all the costs of such fees remaining unpaid each year, pursuant to provisions contained in the Charter of the City, shall be collected in the same manner that other special assessments are collected under the Charter.

(p) When the certificate of compliance and/or registration of rental property has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

(q) If the tenant terminates his or her tenancy or right to occupy prior to the owner's undertaking to repair or if an order to vacate is issued, the tenant shall be returned any unexpired part of the rent paid in escrow and the administrative fees shall be paid by the owner pursuant to subsection (o) of this section.

(r) Nothing in this article shall be construed to permit eviction of an existing tenant from a rental property or to deprive existing tenants of their rights to possession of a rental property under the laws of this state and this code, and such existing tenants shall have a right under this code to retain possession of a rental property notwithstanding an owner's inability to collect rent from such tenants pursuant to this section. An owner may not use eviction as a form of retaliation.

(s) Subsection (m) of this section shall not be construed to penalize the tenant or occupant of a rental property for occupancy of a rental property that does not have a valid certificate of compliance.

(t) An owner shall not retaliate in any way, including but not limited to using eviction against a tenant and/or increasing rental rates, for a tenant exercising their rights under this section. If a court rules that an owner has retaliated against a tenant, the court shall award that tenant all fines and costs, including attorney fees incurred by the tenant in bringing or defending against any associated court proceedings. The court shall award any actual damages incurred by the tenant or alternatively at the discretion of the court, liquidated damages treble the amount of the monthly rent payment the tenant is or had been paying to the owner.

(Code 1985, § 14-170; Ord. No. 2247, § 1, 1-26-12; Ord. No. 2255, § 1, 4-17-12; Ord. No. 2345, 6-15-17; Ord. No. 2421, 8-1-23)

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#4

ORDINANCE



TO: City Council

FROM: Mark Yandrick, Planning Manager

DATE: November 8, 2023, Updated January 31, 2024

RE: Municipal Ordinance Amendment: Mobile Food Vendors

Executive Summary

The City is proposing zoning code amendments to amend regulations for Mobile Food Vendors and Temporary Uses. This will establish regulations within each zoning district for mobile food vendors, and clearer regulations for Temporary Uses within the City.

As part of this, the Planning Division is also proposing several municipal code amendments from the Mobile Food Truck Ordinance to align with the Zoning Code Changes. The first reading was held on November 14, 2023.

Overview

There are four (4) overall amendments proposed for the municipal ordinance. They are as follows, with the rationale in italics below each amendment.

1. Clarifies Language on waiving the fee. Religious, charitable, and nonprofit organizations may provide documentation of their 501(C)(3) or other similar status.
Rationale: This does not change the policy of religious, charitable, and nonprofit organizations with a mobile food truck but clarifies the language.
2. Prohibits mobile food vendors from operating on public streets unless approved as part of a Temporary Use with a street closure.
Rationale: With the zoning code changes prohibiting parking on public streets in several zoning districts, including residential zoned districts and the C-2 Downtown District, this amendment aligns with the language that states that Mobile Food Vendors may only operate on private property or part of an approved temporary use, where there is an approved road closure.
3. Clarifies language that a mobile food vendor needs a mobile food vendor license instead of a business license. Business licenses are needed for all other businesses, which are traditionally brick-and-mortar businesses or businesses that have a permanent address. This license is in addition to any zoning requirements for a temporary use.
Rationale: This amendment aligns with the current practice of mobile food vendors obtaining an annual mobile food vendor license from the City instead of a business license.
4. Temporary Events: Intent, Definitions and General Provisions
Rationale: This is being added to complement the zoning code text amendment and establish that it is unlawful to conduct a Special Event or Temporary Use without a Zoning Permit.

Staff Recommendation

Staff recommends that City Council consider the adoption of these Municipal Code Amendments for Mobile Food Vendors and Temporary Uses, to align with the proposed Zoning Code Amendments.

Attachments:

Proposed Municipal Ordinance



TO: City Council

FROM: Mark Yandrick, Planning Manager

DATE: February 15, 2024

RE: Amendment Memo: Mobile Food Trucks

Executive Summary

This is an amendment memo to the staff report identifying how this ordinance affects mobile food vendors.

Background

These changes, if adopted, will continue to require each mobile food vendor to get an annual mobile food vendor permit from the Planning Department, which is tied to the annual Fire Inspection for mobile food vendors.

The biggest change to the ordinance is that a mobile food vendor must be operating under a zoning permit, whether it's a temporary use permit or part of a site plan. However, with most mobile food vendors that are operating a special event, temporary use, or mobile food parklet, either the property owner or event organizer is responsible for obtaining that zoning permit. In these cases, mobile food vendors do not need to apply for a permit.

In cases where a Zoning Permit for an Annual Mobile Food Vendor Location is sought, such as a food truck operating regularly outside a convenience store, the property owner or their designee, is required to apply for the permit annually. In some situations, the property owner may elect to have the mobile food vendor, which operates daily or regularly, to apply on the property owner's behalf.

The only other significant difference is that to operate a food truck, there needs to be a certificate of occupancy on the site. A mobile food vendor would not be able to operate on a vacant or abandoned site. This change was proposed for safety reasons and to encourage redevelopment of the primary use on the site.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC

ORDINANCE NO. _____

MUNICIPAL ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL ORDINANCE
TO AMEND LICENSING REQUIREMENTS FOR MOBILE FOOD TRUCKS AND TO
REGULATE SPECIAL EVENTS TO INCLUDE:

ARTICLE XIXa, CHAPTER 26, SECTIONS 26-1030 THROUGH 26-1037

ARTICLE ____, CHAPTER ____, SECTION ____

THE CITY OF PONTIAC ORDAINS:

ARTICLE XIXa. MOBILE FOOD VENDORS

26-1030 Mobile food vendors. ☒

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

26-1031 Short title.

This article may be referred to as the “City of Pontiac Mobile Food Vendor Ordinance.”

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

26-1032 Definitions.

As used in this article, the following term shall have the meaning indicated:

“Mobile food vendor” means a motorized vehicle, temporary stationary stand, or trailer used for the purpose of selling prepared foods to the general public.

“Mobile Food Vendor Permit” means a permit issued in accordance with this section to operate as a Mobile Food Vendor within the City of Pontiac.

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

26-1033 Scope.

The provisions of this article apply to mobile food vendors engaged in the business of cooking, preparing, and distributing food or beverages for sale to the general public in public and private restricted spaces. *All sites on which mobile food vendors operate must apply and receive approval for a mobile food vendor permit from the City of Pontiac Planning Department pursuant to the City of Pontiac Zoning Ordinance Section 2.544 and must receive annual inspection from the Waterford Regional Fire Department.* This article does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts and stands located on sidewalks.

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

26-1034 ~~License~~ Permit required.

- A. It shall be unlawful for any person or business organization, including any religious, charitable, or nonprofit organizations, to operate within the City a mobile food vendor without a ~~license~~ Permit for that purpose. *Any costs and fees will be waived for religious, charitable, and nonprofit organizations provided the same can provide documentation of their 501(C)(3) or other similar status.*
- B. Applicants for a ~~business license~~ Mobile Food Vendor Permit as a mobile food vendor shall obtain all necessary licenses and permits from the Oakland County Health Department and other applicable governments.
- C. A person desiring to operate as a mobile food vendor shall make written application for such ~~license~~ Permit to the Planning Division. The application for a ~~license~~ Permit shall be on forms provided by the City and shall include the following:

- 1 Name, signature, phone number, email contact, and business address of the applicant.
- 2 Information on the mobile food vendor equipment to include year, make and model of the vehicle or trailer (if applicable) and dimensions, which shall not exceed 36 feet in length or nine feet in width.
- 3 Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
- 4 Insurance coverage.

D. Proof of a general comprehensive liability policy with limits of no less than \$2,000,000.00 combined single limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.

E. Proof of a public liability and property damage motor vehicle policy (if applicable) with limits of no less than \$1,000,000.00 issued by an insurer licensed to do business in this state.

- 1 Any other information reasonably required by the Planning Division.

F. All vendors receiving a ~~license~~ *Permit* under this article shall pay the annual fee *in accordance with the fee schedule as set from time to time by City Council with the exception of religious, charitable, and nonprofit organizations provided the same can provide documentation of their 501(C)(3) or other similar status.*

G. ~~Mobile food vendors are not subject to the team inspection requirement of the City's business license ordinance.~~

H. All mobile food vendors shall be subject to the *permit renewal* ~~renewal business license~~ *fee with the exception of religious, charitable, and nonprofit organizations provided the same can provide documentation of their 501(C)(3) or other similar status.*

- I. Each Mobile Food ~~license~~ *Vendor Permit* issued during a calendar year shall expire on December 31 of that year.
- J. A ~~license~~ *Mobile Food Vendor Permit* issued under this article shall not be transferable from person to person *or between vendors*.
- K. A ~~license is valid for one mobile food vendor only and shall not be transferred between vendors.~~

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

26-1035 Regulations.

- A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the ~~license~~ *Mobile Food Vendor Permit* holder has not been authorized to operate. Public areas where parking by mobile food vehicles is permitted shall be identified by the Planning Division. *Operation by mobile food vendors on public streets is prohibited unless operating as part of an approved Temporary Use that has received approval for street closure.*
- B. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving-lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.
- C. No mobile food vendor shall provide or allow any dining area within ten feet of the mobile food operation, including but not limited to tables and chairs, booths, stools, benches, or stand-up counters.
- D. Customers shall be provided with single-service articles, such as plastic utensils and paper plates, ~~and a waste container for their disposal.~~ All mobile food vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vendors shall be collected and disposed of *off-site* by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed. Barbeque pits shall require coals to be disposed of in a metal container with

a securable lid. Coals must be emptied from the barbeque pit at the end of each day by the operators.

- E. No mobile food vendor shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles, including generators, shall adhere to the standards set forth in chapter 58, article IV – Non-Vehicular Noise. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- F. ~~No flashing or blinking lights or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.~~
- G. Mobile food vehicles, when parked on public streets, shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles.
- H. A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended on public streets shall be considered a public safety hazard and may be ticketed and impounded.
- I. A mobile food vendor shall not operate within 150 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained written permission from the event sponsor or obtained a special permit from the Planning Division. The City shall not charge a fee for such special permits.
- J. The issuance of a Mobile Food Vendor ~~license~~ *Permit* does not grant or entitle the vendor to the exclusive use of any service route or parking space to the ~~license~~ *Permit* holder.
- K. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner.
- L. No mobile food vendor shall use seating, tables or other equipment unless such equipment is ordinarily stored within the vending apparatus. When extended, awnings

for mobile food vendors shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.

- M. Any power required for mobile food vendors located on a public way shall be self-contained, and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vendors on private property may use electrical power from the property being occupied or an adjacent property when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk. It is not permissible to connect mobile food vendors to the public natural gas lines or large tanks of propane/natural gas. Portable gas containers or generators running on gasoline or diesel fuel are permitted.
- N. Mobile food vendors shall not be located within 150 feet of an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business, unless they either obtain written permission from such brick-and-mortar restaurant. ~~or obtain a special permit from the Planning Division. The City shall not charge a fee for such special permits.~~
- O. Mobile food vendors shall not be located within 150 feet of a residential building, unless they either are located on private property zoned *multi-family residential*, commercial, industrial or mixed use. ~~or obtain a special permit from the Planning Division. The City shall not charge a fee for such special permits.~~

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2323, § 1, 11-1-14; Ord. No. 2393, 5-24-22)

26-1036 Enforcement.

- A. Any ~~license~~ *Mobile Food Vendor Permit* holder operating as a mobile food vendor in violation of any provision of this article or any rules and regulations promulgated by the City shall be subject to a civil fine of \$500.00 per day. Each day of violation shall constitute a separate and distinct offense.
- B. Once a ~~license~~ *Mobile Food Vendor Permit* has been issued, it may be revoked, suspended or not renewed by the ~~Community Development Director~~ *Planning*

Division for failure to comply with the provisions of this article and any rules or regulations promulgated by the City.

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

26-1037 Denials and appeals.

- A. Pursuant to section 26-43, Denial; revocation; suspension, the issuance of ~~licenses~~ *Permit* applied for under this article may be denied by the ~~Director of Community Development Planning Division~~ and ~~licenses~~ *Permits* issued may be revoked or suspended by the ~~Director of Community Development Planning Division~~ at any time for the reasons set forth in section 1-24 and in accordance with the procedures contained therein, unless specifically provided for otherwise in this article.

- B. Pursuant to section 26-44, Hearing procedures, any person whose application for a ~~license~~ *Permit* is denied shall have the right to a hearing before the Board of Appeals, provided a written request therefor is filed with the ~~Administrator Planning Division~~ within ten days following the denial of the application for a *Permit* ~~license~~. The Board of Appeals may reverse any determination to deny the issuance of a ~~license~~ *Permit* and the Board of Appeals may grant any ~~license~~ *Permit*. No person shall operate any business during any time when his ~~license~~ *Permit* therefor has been suspended, revoked or cancelled. Before a ~~license~~ *Permit* issued pursuant to this article may be suspended or revoked, the notice and hearing procedures contained in section 1-24 shall be followed.

(Ord. No. 2320, § 1, 3-17-14; Ord. No. 2393, 5-24-22)

26-1038—26-1075 Reserved.

ARTICLE _____, CHAPTER _____, SECTION _____ – to regulate Special Events and/or Temporary Uses held on public and/or private property:

Intent.

The intent of this ordinance is to protect the public health, safety and general welfare of the City of Pontiac residents by establishing regulations relating to the operation, control and management of Special Events, to provide for traffic, parking, security and nuisance abatement; to provide penalties for violation of said ordinance.

Definitions.

Special Event means any event, whether conducted on public or private property, that may generate or invite public attendance, participation, or spectators for a particular and limited purpose and time, including but not limited to for profit parties, festivals, concerts, shows, exhibitions, carnivals, circuses, parade, fundraising walks or runs, fairs, or any similar events or activities. Also referred to as a Temporary Use.

Temporary Use Permit means a permit issued by the Community Development Direct which allows the Applicant to conduct a Temporary Use and/or Special Event.

General Provisions.

It is unlawful for any Person to hold or conduct any Special Event or Temporary in the City of Pontiac unless the Planning Division has first issued a Temporary Use Permit in compliance with Section 2.542 of the Pontiac Zoning Ordinance.

#5

ORDINANCE



TO: City Council

FROM: Mark Yandrick, Planning Manager
DATE: November 8, 2023, Updated February 8, 2024

RE: Zoning Text and Map Amendment: Mobile Food Vendors and Temporary Uses

Executive Summary

The City is proposing zoning code amendments to amend regulations for Mobile Food Vendors and Temporary Uses to establish regulations per zoning district for mobile food vendors and establish more clear regulations for Temporary Uses in the City.

This Zoning Ordinance accompanies a Municipal Code Amendments. Both Ordinances were heard by City Council for first reading on October 24, 2023.

Planning Commission recommended approval to City Council of these Text Amendments, 6-0.

Quick Facts	
Planning Commission Public Hearing Date	October 11, 2023
Ordinance	Mobile Food Vendor and Temporary Use/Special Events
Location	Citywide, although the Overlay District are in specific areas on the attached map

Overview #1: Mobile Food Truck

Part A: Mobile Food Trucks

The City currently has a municipal ordinance and license program for mobile food trucks. The ordinance establishes processes for mobile food vendors in the City but does not contain any regulations for hours, locations (other than 150' from a restaurant) or specific site regulations for each of the zoning districts in the City. These regulations contain more prohibitions than guidelines.

Staff is proposing regulations that define how a mobile food truck may operate within the City. These regulations govern the way food trucks may operate within specific zoning districts, time of day, and whether they are part of a Special Event or Temporary Use.

Responsibilities

These proposed amendments establish that Mobile Food Vendors would need an annual City License and fire department inspections on food trucks. Additionally, all food trucks must operate where a zoning certificate ((Major, Minor, or Annual Mobile Food Vendor Location) is issued for the temporary use. The only exceptions to the zoning certificate are City Events and Private Events.

For Temporary Use permits, a property owner may obtain an Annual Mobile Vendor Temporary Use permit to follow the prescribed regulations and number of food trucks allowed per the zoning district. They may additionally apply for a Major or Minor Temporary use application, depending on the scale of the event. This is a separate application that may allow more food vendors than what is regulated for the Annual Mobile Food Vendor Temporary Use

Permissions by Zoning District (Annual Food Vendor Location Temporary Use)

R-1, R-1a, R-1b, R-2 Zoning Districts

Within these zoning districts, mobile food vendors are prohibited from operating on private property or in the street, unless it is located in a School, Park or Community Center property, with permission from the property owner and a Temporary Use (Major or Minor) Zoning Permit.

R-3, and R-4 Zoning Districts

In these zoning districts, the property owner, or someone on the property owner's behalf, must seek a Temporary Use Zoning Permit. This permit establishes and permits no more than one (1) mobile food truck to operate to six (6) hours a day between the hours of 8am and 8pm. The property may have different mobile food vendors each day but they may not have more than one (1) mobile food vendor at a time, unless approved through a separate Temporary Use Permit. The property must share what mobile food vendors are operating under this permit to ensure these mobile food vendors are in full compliance with the City.

C-0 and C-1, C-3, C-4, T-C, C-C, MUD Zoning Districts

With these regulations, one (1) mobile food vendor may operate up to 10 hours a day on a property within these zoning districts. A food truck vendor must be more than 150' from the property line of a restaurant, unless written permission from every restaurant within 150' of the mobile food truck has been provided.

C-2 Zoning District (Downtown)

One (1) mobile food vendor may operate up to 10 hours a day on a property within these zoning districts. A food truck vendor must be more than 150' from the property line of a restaurant unless written permission from every restaurant within 150' of the mobile food truck has been provided.

Mobile Food Vendors are prohibited from operating in on-street parking spaces, unless part of an approved temporary use that closes the road on which that parking space is located.

IP-1, M-1, and M-2 (Industrial Zoning Districts)

In these zoning districts, sites are often larger, with larger operations and employers. These amendments propose up to two (2) food trucks at one time with an annual zoning permit, up to ten hours a day.

Exhibit 1: Hours of Operation for Annual Mobile Vendor Location Permit

Zoning District	Hours/Day	Hours of Operation
R-1 and R-2 (Parks/Community Centers)	Temporary Use Events Only	
R-3 and R-4	6	8am - 8pm
C-0 and C-1, C-3, C-4, T-C, C-C, MUD	10	8am - 9pm
C-2	n/a	8am - 3am
I-1, M-1 and M-2	10	8am - 9pm
Mobile Food Parklet Overlay District (Not Downtown)	n/a	7am - 9pm
Mobile Food Parklet Overlay District (Downtown)	n/a	7am - 3am

Private and Catered Events

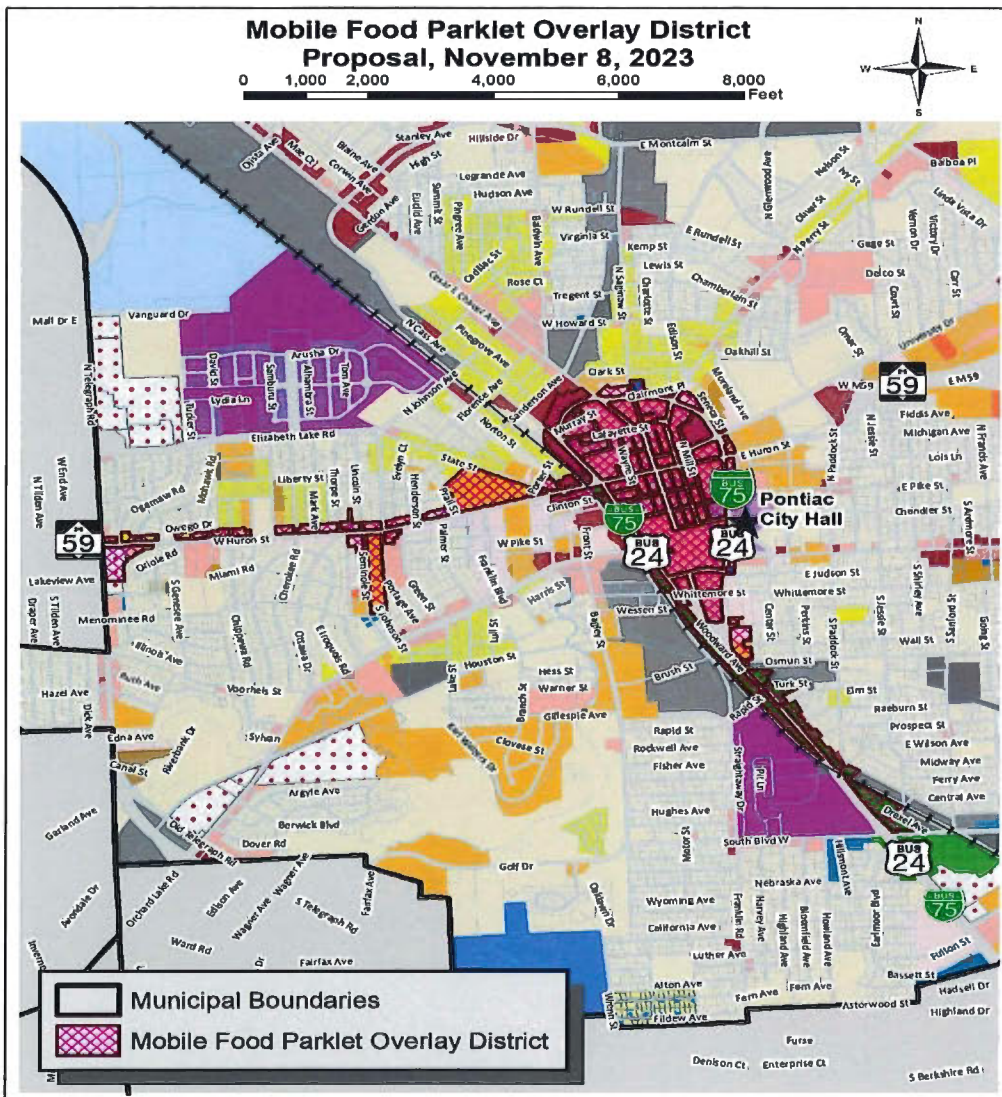
Private and catered events that do not open to the public, and where people are not being charged to receive food, are exempt from this ordinance. These catering and/or food vendors must still receive all necessary safety licenses and permits from Building, Fire, and County Health departments, as required.

Mobile Food Parklet

The City is proposing regulations to permit Mobile Food Parklets in a new Mobile Food Parklet Overlay District.

This new overlay district is on West Huron Street, Woodward Avenue, and in Downtown Pontiac, which includes properties on the inside and outside of the Woodward Loop.

Exhibit 2: Mobile Food Parklet Overlay District



A Mobile Food Parklet is a permanent location for temporary mobile food vendors. The owner would need to go through a site plan process and establish curb separation between cars and vendors, benches, electrical connections, lighting, and landscaping to comply with the zoning code. A temporary zoning permit would not be needed since they are receiving a zoning certificate for a permitted use. The permitted hours of operation are 7am – 9pm, however, in the C-2 district, the hours are permitted to be open until 10 am.

Exhibit 3: Example of Mobile Food Parklet



This is being established to create an atmosphere of placemaking within this overlay district, providing a permanent, and reliable location(s) for mobile food vendors, which have become quite popular in the community. Some of the locations in the Overlay District lend themselves to a mix of both pedestrian and vehicular traffic for customers, as they are close to residential neighborhoods and places of business.

Part B: Special Event and Temporary Uses

The City also wants to clarify in the Zoning Code the difference between Special Events and Temporary Uses. These amendments establish that Special Events and larger events are Major Temporary Uses and require a permit under that name. These events require more coordination and have a higher application fee.

Smaller events, like a sidewalk sale, would be considered a Minor Temporary Use and takes less planning, coordination, and review, and would require a lower application fee.

The City is also establishing an application for an Annual Mobile Food Vendor Location Permit. This application and permit allows a property owner or their designee to apply for mobile food vendor or vendors for specific zoning districts

If any of the following are proposed, it constitutes a Major Temporary Use. If it does not have any of these items, it would be a Minor Temporary Use. Staff would be able to use discretion to determine if an event requires additional review where fire, police, and public works need to coordinate for a Major Temporary Use.

- i. 200 or more individuals are expected to attend.
- ii. Three (3) or more mobile food vendors or commercial vendors.
- iii. Consumption of alcohol on the premises.
- iv. Temporary stages for concerts and/or performances.
- v. Multiple entertainment areas.
- vi. One large entertainment area.
- vii. Fireworks.

Fees

No Changes to the City's Fee Schedule are proposed as part of this ordinance.

These text amendments establish the following deposit and payments for the event.

Minor Temporary Use and Annual Mobile Food Vendors Location Temporary Use: Requires a cash deposit to clean up the site after the event. The funds will be returned if public services are not used for the event.

Major Temporary Use: The applicant will be required to provide payment for sheriff's services, fire services, and/or public works services for time spent in setup, during, or after the event. In addition, the applicant will have to provide the City with proof of liability insurance in advance of the event.

*Exhibit 4:
Required
Licenses and
Fees*

Mobile Food Vendor Annual License	
\$25, Returning Vendor from the previous year	
\$75, Did not have license the previous year	
Event in Park, Minor Event	
Park Permit Only (\$130, which includes \$100 returnable deposit)	
Event on Private Property, Minor Event	
\$150, Temporary Use (Minor) Zoning Permit	
Annual Mobile Food Vendor Location Permit	
\$150, Temporary Use - Annual Mobile Food Vendor Location	
Event in Park, Major Event	
\$500, Temporary Use - Major	
Event on Private Property, Major Event	
\$500, Temporary Use - Major	

Note: This list does not include any required building, electric or right-of-way permits, which is custom to the request of the event.

Other Jurisdictions	Mobile Food Vendor License Fee	Event Fee
Auburn Hills	Prohibited	\$200 (Parks)
Pontiac (First Time)	75	150/500
Pontiac (Renewal)	25	150/500
Ferndale	275	200
Detroit	215	400
Royal Oak	500	125
Berkely	500	200

Exhibit 5: Other Jurisdictions Mobile Food Vendor and Event Fees

Garage and Estate Sales on Residentially Zoned Properties

The City has identified several properties that are having continuous garage sales. The City recognizes that Garage and Estate sales are an occasional, key function for a single-family residential property. These amendments limit this to two (2) periods in a calendar year of no more than three (3) days. This proposal also codifies that property owners need to apply for a Temporary Use zoning certificate to operate a garage or estate sale prior to the sale, although the fee will be waived.

Exemptions

The proposed ordinance provides exemptions for receiving a temporary use permit. These include funerals, city events, and private events that are not open to the public. While these items are exempt from the zoning ordinance but are still required to file any necessary applications or notifications to the City of Pontiac Building Department, Waterford Township Fire Department, and Oakland County Sheriff's Office.

Application Deadline

While these text amendments do not change the time required to apply before the event, it reinforces that an applicant must apply 60 days before the event.

Summary

These Zoning Text Amendments aim to establish a process for the City and mobile food vendors. The regulations ensure a balance to protect the City's neighborhoods, promote business within the City and protect existing businesses in the City. They help to ensure safety for the customers as well as for the businesses. The introduction of the Mobile Food Vendor Overlay District allows a more permanent setting for these mobile operations which will assist in placemaking within the corridor.

For Temporary Events, these amendments give better clarity to the process and expectations for applicants, allowing them to better understand the requirements for submittal and approval.

Planning Commission Recommendation

Planning Commission recommends APPROVAL, 6-0, as their recommendation to the City Council for Mobile Food Vendors and Temporary Use Ordinances.

Attachments:

Proposed Zoning Ordinance
Proposed Mobile Food Vendor Overlay District Map
Proposed Municipal Ordinance

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC**

ORDINANCE NO. _____

ZONING ORDINANCE TEXT AND MAP AMENDMENT

**AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO
DEFINE MINOR AND MAJOR TEMPORARY USES AND TO REGULATE MOBILE
FOOD VENDORS TO INCLUDE:**

AMEND ARTICLE 2, CHAPTER 2, SECTION 2.204, TABLE 2 ;

AMEND ARTICLE 2, CHAPTER 5, SECTION 2.542;

AMEND ARTICLE 2, CHAPTER 5, SECTION 2.544;

ADD ARTICLE 2, CHAPTER 5, SECTION 2.551 - MOBILE FOOD PARKLET

AMEND ARTICLE 7, CHAPTER 2, SECTION 7.207.

THE CITY OF PONTIAC ORDAINS:

Amend Article 2, Chapter 2, Section 2.204, Table 2:

2.204 Zoning District Design Standards.

The following Table 2 lists the uses that may be permitted in each zoning district; provided, that the development also meets the design and building standards set forth for each district in Chapters 3 through 6 of this ordinance, along with all other development standards contained in this ordinance. For instance, while multiple family apartment buildings may be permitted in various zoning districts, each zoning district will have different standards for building bulk, location, and design. The customized design standards set forth in each zoning district are tailored to the existing and intended character of each zoning district, and are further intended to prevent contextually inappropriate development from occurring within the City.

Table 2. Uses Permitted by District

Key: ■ Principal Permitted Use ○ Special Exception Use [blank] Use Not Permitted * Special Exception Permit Uses Outside ● Principal Permitted Uses in the Medical Marihuana the Medical Marihuana Overlay Districts Overlay Districts													
USE	Residential Districts ^(A)			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD	
	R-1 ^(B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1		
Residential Uses													
Mixed Use Building – residential with non-residential			○	○	■	■	■						Section 2.501
Boarding or Lodging House			○	○									Section 2.502
Multiple Family Manor House (3-4 units)		○	■	○									Section 2.503
Multiple Family Apartment Building (3+ units)			■		○	■							Section 2.504
One Family Dwelling Unit	■	■	■	■									Section 2.505
State Licensed Residential Facility and/or Home (6 or fewer clients)	■	■	■	■									Section 2.506
State Licensed Residential Facility and/or Home (7 or more clients)		○	○	○									Section 2.506
Unlicensed Residential Facility and/or Home			○										Section 2.506.1
Townhouse (3+ units)		○	■	○	○	○							Section 2.507
Two Family Dwelling Unit		■	■										Section 2.505
Commercial, Office, and Service Uses													
Automobile Service (Commercial)				○			○	○	■	■			Section 2.509
Bakery or Confectionary		○		■	■	■	■						Section 2.510
Bank or Financial Institution		○		■	■	■	■						
Bar, Tavern, or Alcohol Service Establishment				■	■	■	■						
Business Service Establishment				■	■	■	■						

Table 2. Uses Permitted by District

Key:	■ Principal Permitted Use	○ Special Exception Use	[blank] Use Not Permitted										
* Special Exception Permit Uses Outside the Medical Marihuana Overlay Districts		● Principal Permitted Uses in the Medical Marihuana Overlay Districts											
USE	Residential Districts ^(A)			Mixed Use Districts				Industrial Districts			DEVELOPMENT STANDARD		
	R-1 ^(B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2		IP-1	
Child Care Center or Day Care Center		○	○	○	■	○	■	■				Section <u>2.511</u>	
Funeral Home or Mortuary					■	■	■						
Gallery or Studio			○	■	■	■	■	■	■	■			
Lodging Uses													
<i>Bed & Breakfast</i>	○	○	○	○	○	■						Section <u>2.512</u>	
<i>Inn</i>				○	○	■	■	■					
<i>Hotel</i>						■	■	■					
Learning Center			○	■	■	■	■	■					
Medical Clinic					○	■	○						
Medical Marihuana Grower (D)									●	●	●	Section <u>2.545</u>	
Medical Marihuana Processor (D)									●	●	●	Section <u>2.546</u>	
Medical Marihuana Provisioning Centers (D)					*	●	●	*	*	●	●	Section <u>2.547</u>	
Medical Marihuana Safety Compliance Facility (D)					*	●	●	*	*	●	*	●	Section <u>2.548</u>
Medical Marihuana Secure Transporter (D)					*	●	●	*	*	●	*	●	Section <u>2.549</u>
<i>Mobile Food Parklet (allowed in the Mobile Food Parklet Overlay District only)</i>												Section <u>2.551</u>	
Office			○	■	■	■	■	■					
Pawn Shops				○	○	○	○					Section <u>2.513</u>	
Personal Service Establishment			○	■	■	■	■	■					

Table 2. Uses Permitted by District

Key: ■ Principal Permitted Use o Special Exception Use [blank] Use Not Permitted * Special Exception Permit Uses Outside ● Principal Permitted Uses in the Medical Marihuana the Medical Marihuana Overlay Districts Overlay Districts												
USE	Residential Districts ^(A)			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD
	R- 1 ^(B)	R-2	R-3	C- O	C-1	C-2	C-3	C-4	M- 1	M- 2	IP- 1	
Pet Boarding Facility				■			■	■	■	■	■	Section 2.532
Place of Assembly (<50 persons at maximum occ.)			o	o	■	■	■	■	■	■		Occupancy determined by fire code
Place of Assembly (51+ persons at maximum occ.)					o	■	■	■	■	■		
Restaurant			o	o	■	■	■	■				Only on A or B Street
Retail Sales												
<i>Small indoor – up to 5,000 sq. ft.</i>			o		■	■	■	■				
<i>Medium indoor – 5,001 – 75,000 sq. ft.</i>					■	■	■	■				
<i>Large indoor – no area limit</i>								■				
<i>Unlimited outdoor</i>							o	o	■	■		Section 2.514
Retail Sales (packaged alcoholic beverages)					o	o	o	o				Section 2.515
Sexually Oriented Businesses									o	o	o	Section 2.508
Workshop/Showroom					o	■	■		■	■	■	Section 2.516
Industrial Uses												
Automobile Service (Industrial)							o		■	■	o	
Heliport									o	o		
Manufacturing, Fabrication and Processing												
<i>Light</i>							■		■	■	■	Section 2.517
<i>General</i>									o	■	o	Section 2.517

Table 2. Uses Permitted by District

<p>Key: ■ Principal Permitted Use o Special Exception Use [blank] Use Not Permitted</p> <p>* Special Exception Permit Uses Outside ● Principal Permitted Uses in the Medical Marihuana</p> <p>the Medical Marihuana Overlay Districts Overlay Districts</p>												
USE	Residential Districts ^(A)			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD
	R-1 ^(B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
<i>Heavy</i>										o		Section 2.518
Mini-Warehouse								o	■	■		Section 2.519
Movie and Television Production Facility						■	o		■	■	■	
Outdoor Storage or Outdoor Yard (major)									o	o	o	Section 2.520
Recycling Center									o	■		
Recycling Plant or Scrap Processing										o		
Research Facility (general)									■	■	■	
Research Facility (major)									o	■	o	
Salvage Yards/Resource Recovery Facilities/Junk Yards										o		
Service and Repair (industrial)									■	■	■	
Terminal, Public Transportation	o	o	o	o	■	■	■	■	■	■	■	
Terminal, Freight									■	■	o	
Wholesale Storage/Distribution												
<i>Nontoxic, nonhazardous materials</i>							■		■	■	■	
<i>Toxic or hazardous materials</i>									o	■	o	
Community, Education and Institution uses												
Assisted Living Facility		o	o	o	■	■	■					Section 2.521
Cemetery or Crematorium	o	o	o		o		o		o	o	o	Section 2.522

Table 2. Uses Permitted by District

Key:	■ Principal Permitted Use			○ Special Exception Use					[blank] Use Not Permitted			
* Special Exception Permit Uses Outside the Medical Marihuana Overlay Districts			● Principal Permitted Uses in the Medical Marihuana Overlay Districts									
USE	Residential Districts ^(A)			Mixed Use Districts				Industrial Districts			DEVELOPMENT STANDARD	
	R-1 ^(B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2		IP-1
Community Center Building	■	■	■									
Community Service Facility		○	○	○	○		○		■	■		Section 2.523
Cultural or Municipal Use	○	○	■	■	■	■	■	■	■	■	■	
Hospital						■	■					
Nursing Home		○	○	○	■	■	■					Section 2.521
Private Club, Fraternal Organization, or Lodge Hall			○	○	■	■						Only permitted along A or B street
Public Parking Lot/Structure					○	○	○					
Religious Institution	○	○	○	■	■	■	■	■	■	■		Section 2.524
School, College or University	○	○	○	○	○	○	○					Only permitted along A or B street
School, Primary or Secondary	○	○	○	○	■	■	■					
School, Vocational				■	■	■	■		■	■	■	
Utility (minor)	■	■	■	■	■	■	■	■	■	■	■	
Utility (major)	○	○	○	○	○	○	○	○	■	■	■	
Recreation Uses												
Golf Course	○	○	○									
Private Recreation												
Small Indoor					■	■	■		■	■	○	
Large Indoor					○	○	○	○	■	■	○	

Table 2. Uses Permitted by District

<p>Key: ■ Principal Permitted Use ○ Special Exception Use [blank] Use Not Permitted</p> <p>* Special Exception Permit Uses Outside ● Principal Permitted Uses in the Medical Marihuana</p> <p>the Medical Marihuana Overlay Districts Overlay Districts</p>												
USE	Residential Districts ^(A)			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD
	R-1 ^(B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
<i>Small Outdoor</i>	○	○	○	○					■	■	○	Section 2.525
<i>Large Outdoor</i>					○	○	■	○	■	■	○	Section 2.526
Park or Recreation Facility	■	■	■	■	■	■	■	■	■	■	■	
Animal and Agriculture Uses												
Agriculture, Urban	■	■	■	■	■	■	■	■	■	■	■	Section 2.527
Bee Keeping	■	■	■									Section 2.528
Community Gardens	■	■	■									Section 2.529
Greenhouse or Nursery					○		■		■	■	■	Section 2.530
Kennels									■	■	■	Section 2.531
Veterinary Hospital or Clinic					■		■		■	■		Section 2.533
Accessory, Temporary, and Other Uses												
Accessory Building or Structure	■	■	■	■	■	■	■	■	■	■	■	Section 2.205.C
Boarders or Roomers (up to 2 per d.u.)	■	■	■	■								Section 2.534
Drive-Through Facility (accessory to any principal use)					○	○	○	■				Section 2.535
Helipad						○	○		○	○	○	
Home Occupation	■	■	■	■	■	■	■					Section 2.536
Mobile Food Vehicle Vendor	○	○	○	■	■	■	■	■	■	■	■	Section 2.544
Outdoor Retail Sales (accessory to a permitted use)					○	○	■	■	■	■	■	Section 2.537

Table 2. Uses Permitted by District

<p>Key: ■ Principal Permitted Use o Special Exception Use [blank] Use Not Permitted</p> <p>* Special Exception Permit Uses Outside ● Principal Permitted Uses in the Medical Marihuana</p> <p>the Medical Marihuana Overlay Districts Overlay Districts</p>												
USE	Residential Districts ^(A)			Mixed Use Districts					Industrial Districts			DEVELOPMENT STANDARD
	R-1 ^(B)	R-2	R-3	C-O	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Outdoor Retail Sales (temporary or seasonal)				■	■	■	■	■	■	■	■	Section 2.538
Outdoor Sidewalk or Patio Dining (accessory to a permitted use)			o	o	■	■	■	■				Section 2.539
Outdoor Storage (accessory to a permitted use)				o	o	o	■	■	■	■	■	Section 2.540
Sustainable Energy Generation												
<i>Small Wind Energy System</i>	■	■	■	■	■	■	■	■	■	■	■	Section 2.541
<i>Utility Wind Energy System</i>										o		Section 2.541
<i>Solar Energy System</i>	■	■	■	■	■	■	■	■	■	■	■	Section 2.541
Temporary and Special Events	■	■	■	■	■	■	■	■	■	■	■	Section 2.542
Temporary Construction Facilities	■	■	■	■	■	■	■	■	■	■	■	
Wireless Telecommunication Facilities	o	o	o	o	o	o	o	o	■	■	■	Section 2.543

(Ord. No. 2316, § 1, 3-17-14; Ord. No. 2361, 3-12-19; Ord. No. 2363, 4-9-19; Ord. No. 2415, 6-20-23)

AMEND ARTICLE 2, CHAPTER 5, SECTION 2.542

2.542 Temporary Uses and Special Events:

- A. **Purpose.** *This section is intended to ensure that the health and safety of residents is preserved during Temporary Uses by ensuring proper review of site plans and safety precautions, taking special care to consider the scale and scope of the temporary use. Temporary Uses Special and temporary events may be permitted in any zoning*

district; provided, that the ~~special event~~ temporary use does not harm or interfere with the use of neighboring premises or harm the health, safety, and welfare of any person.

B. *Definitions*

1 *Temporary Use.* Any use of property that is not continuous. The City of Pontiac recognizes two (2) different types of temporary uses, minor temporary uses and major temporary uses. These shall be defined in further detail below.

a. *Minor Temporary Use.* Any use that is established for a fixed period of time, that is generally not appropriate for the zoning district on a long-term or continuous basis, which is open to the public and expects to generate a crowd of less than 200 individuals. For example, farmstands and sidewalk sales. Minor Temporary Uses are subject to the requirements of subsection E below.

b. *Major Temporary Use.* Any use that is established for a fixed period of time that is generally not appropriate for the zoning district on a long-term or continuous basis which is open to the public and expects to generate a crowd of more than 200 individuals or if the Planning Division, in its sole discretion, determines that the event is likely to require additional safety precautions including coordination with police and fire services. A temporary use will be considered a major temporary use if any of the following are present at the event:

- i. 200 or more individuals expected to attend.
- ii. Three (3) or more mobile food vendors or commercial vendors.
- iii. Consumption of alcohol on the premises.
- iv. Temporary stages for concerts and/or performances.
- v. Multiple entertainment areas.
- vi. One large entertainment area.
- vii. Fireworks.
- viii. Parades

Major Temporary Uses are subject to the requirements of subsection F below.

2 ***Garage and Estate Sales on Residentially Zoned Properties.*** *A temporary use on a residentially zoned property in which the owner or occupant of property is selling items of used tangible personal property such as clothing, household effects, tools, furniture, toys, recreation equipment, or other used or second hand items typically found in a home. Garage and Estate Sales on Residentially Zoned Properties are subject to the requirements of subsection G below.*

3 ***Annual Mobile Food Vendor Location.*** *A temporary use that requires an temporary use zoning permit to allow a licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or prepackaged) is sold or served to the general public to operate on a particular parcel. This permit allows any licensed mobile food vendor to operate on a parcel of property. Annual Mobile Food Vendor Location Permits are subject to the requirements of Section 2.544.*

C. *It is unlawful for any Person to hold or conduct a Temporary Use in the City of Pontiac unless the City administration has first issued a Temporary Use Permit in compliance with this Ordinance.*

D. ***Duration. ~~Special or temporary events~~*** *For commercially zoned properties, temporary uses may be scheduled for a single period not exceeding 30 days during a calendar year, or for up to four (4) nonconsecutive 10-day periods during a calendar year. For residentially zoned properties, temporary uses may not exceed three (3) total consecutive days no more than twice in one (1) calendar year. For the purpose of this section, the term "nonconsecutive" is defined as the end of one period and the beginning of another period being separated by more than six (6) calendar days. Annual Mobile Food Vendor Location Permitholders are subject to the duration requirements set forth in Section 2.544.*

E. *Minor Temporary Use.*

1 **Application.** *Any individual seeking to establish a minor temporary use* ~~Any special-event~~ shall obtain an application from the ~~Building Department~~ *Planning Division*. Applications must be submitted a minimum of 60 days prior to the date of the ~~event~~ *temporary use or event*. The application shall include the following information:

- a. *The name, residence, business address and phone number of the Owner of the property where the Temporary Use will be held, together with the name, residence, business address and phone number of the Operator of the Temporary Use;*
- b. *The name, residence, business address and phone number of each Person sponsoring the Temporary Use. If an organization is sponsoring the Temporary Use, the application shall contain the name, residence, business addresses of the President/Chairman or individual who is responsible for the Temporary Use; ~~Sponsor's name; representative's contact number;~~*
- c. *Name of use or event;*
- d. *Proposed location of the use or event; ~~Dates, times, and location of the use or event;~~*
- e. *Date(s) of the temporary use, including starting and ending times and any additional time required for set up and clean up;*
- f. *Copies of approval letters from the Oakland County Health Department, Building Department, Sheriff's Department, Emergency Medical Services, and the Waterford Regional Fire Department;*
- g. *Certification that the applicant will indemnify the City for and hold the City harmless from and indemnify the City against any and all claims, lawsuits, or other liability arising from or as a result of the temporary use, including all costs and attorney fees. Furthermore, acknowledgment that the applicant will agree to reimburse the City*

for any costs for services provided by the City or its designated agents to mitigate any health, safety, or welfare issues caused by the temporary use, including emergency services, traffic, and/or crowd control, removal of structures, litter, and equipment and any associated attorney fees and court costs resulting from this mitigation;

- h. Such other information the Planning Division deems reasonably necessary in order to carry out his or her duties under this Ordinance.*
- i. A non-refundable fee in accordance with the City's Fee Schedule.*
- j. Size, number, and location of all signs;*
- k. If a City business license is required;*
- l. The expected number of participants.*

2 **Sketch Drawing.** The application shall ~~also~~ include a sketch drawing of the premises on which the special or temporary event will be held. The sketch drawing must show the entrance and exit to the use or event, parking areas, signs and other pertinent details as requested *during the review process.* ~~by the appropriate department.~~ If the *temporary use* ~~special event~~ is to be held at more than one (1) location, such as a tour of buildings, the application shall include a map of the relevant details at each of the participating buildings or sites. ~~Any "temporary/special event," that in the opinion of the Planning Administrator, is not exempt from Planning Commission approval.~~ *The Planning Division may determine, in their sole discretion, whether approval by the Planning Commission is necessary.*

- a. Sketch drawings should include the following:
 - i. Tents.
 - ii. Signs.
 - iii. Booths.
 - iv. Canopies.
 - v. Tables.
 - vi. Portable toilets.

- vii. Rides.
 - viii. Temporary structures or displays of any kind (picture required if deemed necessary by staff).
 - ix. Parking arrangements.
 - x. Street closures/location of barricades.
 - xi. Nearby streets.
- 3 **Cash Deposit.** *The Planning Division will require a cash deposit for cleanup, sign removal, etc. in the amount of \$500.00 for each minor temporary use. Cash deposits are required to be paid 48 hours prior to the date of the event and shall be returned back to the bond holder within two (2) weeks once authorization is given by the appropriate authority.*
 - 4 **Expenses Incurred by Sheriff's Department.** *The Applicant shall be responsible for reimbursing the Sheriff's Department for any and all fees and expenses incurred by the Sheriff's Department due to the temporary use.*
 - 5 **Waiver of Fees and Deposits for Minor Temporary Uses Occurring on Residentially Zoned Properties.** *Garage, Yard, and Estate Sales on single family, residentially zoned properties are required to obtain a minor temporary use permit. Any and all fees and deposits for garage, yard, and estate sales occurring on single family, residentially zoned properties shall be waived.*

F. Major Temporary Use.

- 1 **Application.** *Any individual seeking to establish a major temporary use shall obtain an application from the Planning Division. Applications for all Major Temporary Uses must be submitted a minimum of 60 days prior to the date of the temporary use. The application shall include the following information:*
 - a. *The name, residence, business address and phone number of the Owner of the property where the Temporary Use will be held together with the name, residence, business address and phone number of the Operator of the Temporary Use;*
 - b. *The name, residence, business address and phone number of each Person sponsoring the Temporary Use. If an organization is sponsoring the Temporary Use, the application shall contain the*

name, residence, business addresses of the President/Chairman or individual who is responsible for the Temporary Use;

- c. Name of use or event;*
- d. Proposed location of the use or event;*
- e. Date(s) of the Temporary Use, including starting and ending times and any additional time required for set up and clean up;*
- f. Size, number, and location of all signs;*
- g. Copies of any and all necessary licenses through the City, County, and/or State, including, but not limited to, Mobile Food Vendor License and Business Licenses;*
- h. The expected number of participants.*
- i. Copies of approval letters from the Oakland County Health Department, Building Department, Sheriff Department, Emergency Medical Services and Pontiac Fire Department.*
- j. Copies of insurance policies naming the City as additional insured for one million dollars. The insurance policy shall indicate that it is coverage for the event. Nothing in this Ordinance shall be construed to affect in any way the City's governmental immunity as provided by law.*
- k. Certification that the applicant will indemnify the City for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the Temporary Use, including all costs and attorney fees. Furthermore, the applicant will agree to reimburse the City for any costs for services provided by the City or its designated agents to mitigate any health, safety and welfare issues caused by the Temporary Use, including emergency services, traffic and/or crowd control, removal of structures, litter and equipment and any associated attorney fees and court costs resulting from this mitigation.*
- l. Such other information the Planning Division deems reasonably necessary in order to carry out his/her duties under this Ordinance.*

2 **Sketch Drawing.** The application shall also include a sketch drawing of the premises on which the *temporary use* ~~special or temporary event~~ will be held. The sketch drawing must show the entrance and exit to the use or event, parking areas, signs and other pertinent details as requested by the appropriate department. If the temporary use is to be held at more than one location, such as a tour of buildings, the application shall include a map of the relevant details at each of the participating buildings or sites. ~~The Planning Division may determine, in their sole discretion, whether approval of the Planning Commission is necessary.~~ *The Planning Division may determine, in their sole discretion, whether approval by the Planning Commission is necessary.*

a. Sketch drawings should include the following:

- i. Tents.
- ii. Signs.
- iii. Booths.
- iv. Canopies.
- v. Tables.
- vi. Portable toilets.
- vii. Rides.
- viii. Temporary structures or displays of any kind (picture required if deemed necessary by staff).
- ix. Parking arrangements.
- x. Street closures/location of barricades.
- xi. *Nearby streets*

3 **Review by Other Agencies.** *In addition to approval of the Planning Division, all major temporary use permits must be approved by the Fire Department, Police, and the Planning and Building Divisions as well as any other relevant departments as determined by the Planning Division in their sole discretion.*

4 **Expense Reimbursement.** *Applicant shall reimburse the City for the costs of City employees and for all other expenses incurred by the City in preparing for and administering the Temporary Use, including all costs related to any police presence and/or traffic control devices needed to ensure the physical security*

of the proposed site and/or the surrounding area, as well as any cost of clean-up. Applicants shall be responsible for all costs related to any physical apparatus or barricades needed to ensure the physical security of the proposed site and the Temporary Use.

G. *Garage and Estate Sales on Residentially Zoned Properties.*

- 1 ***Application.*** *Any individual seeking to establish a Garage or Estate Sale on Residentially Zoned Property shall obtain an application from the Planning Division. The application shall include the following information:*
 - a. *The name, address, and phone number of the Owner of the property where the Temporary Use will be held; and*
 - b. *Date(s) of the temporary use, including starting and ending times.*
- 2 *The permit fee shall be waived for Garage and Estate Sales on Residentially Zoned Properties.*
- 3 ***Signs.*** *Garage and Estate Sale signs may be placed on private property with permission of the property owner. Such signs may not be placed in the public right-of-way. Any signs placed in the public right-of-way may be removed and discarded by the City.*

H. *Requirements for All Temporary Uses.*

- 1 ~~**Signs.** Temporary signs associated with the special or temporary event shall comply with the requirements of Article 1. If multiple sites are listed, one temporary sign may be placed at each site. Signs connected with a special or temporary event may be displayed for up to 30 days prior to the event and shall be removed not more than three days after the event.~~
- 2 ~~**Vendors/Peddlers.** Applications must be submitted 48 hours prior to the event. All vendors are required to have a background check and be compliant with Chapter 26, Article XXIII of the Pontiac Municipal Code.~~
- 3 *All tents, buildings or structures erected or used for a Temporary Use shall:*
 - a. *not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking and other site related issues,*

- b. *be installed, constructed, used, occupied, and maintained in compliance with the provisions of any applicable federal, state or local rules or regulations, including, but not limited to, the Building Code and*
 - c. *be immediately removed at the conclusion of the Temporary Use.*
- 4 *Applicants shall comply with all conditions specified in the Temporary Use Permit and shall, for any Temporary Use as applicable, provide the following:*
- a. ***Environmental Health.*** *An adequate and safe supply of potable water, restroom facilities, food and beverage storage, handling and servicing and sanitary method for disposing of solid waste that meets federal, state and local requirements, including the Oakland County Department of Public Health.*
 - b. ***Lighting.*** *If the Temporary Use is to occur after daylight hours, sufficient lighting shall be provided; however, such lighting shall not shine or reflect beyond the boundaries of the Temporary Use area.*
 - c. *If the Temporary Use is to occur after daylight hours, sufficient lighting may be required in the parking area as well at the sole discretion of the City.*
 - d. ***Parking.*** *A parking area sufficient to provide parking space for the maximum number of people allowed at any single time to attend the Temporary Use shall be provided.*
 - e. ***Traffic.*** *Traffic control measures shall be provided to ensure safe and efficient vehicular and pedestrian circulation including on-site movements and the flow of vehicular and pedestrian traffic onto public or private right-of-way. Ingress/egress shall be approved/permitted by the Oakland County Road Commission.*
 - f. ***Emergency Services.*** *Adequate security measures and fire systems shall be provided at the direction of the Oakland County Sheriff and/or the Fire Department including adequate facilities for communication with emergency service providers.*

- g. *Buildings occupied by the public for assembly purposes shall meet the requirement of the State of Michigan Construction Code.*
 - h. **Signage.** *If signage for the Temporary Use is used, it shall comply with signage requirements of the City of Pontiac Zoning Ordinance.*
 - i. **Environment.** *All activities shall conform to the soil erosion and sedimentation requirements of the Oakland County Drain Commission and the Michigan Department of Environmental Quality requirements for wetlands, stream crossings and water quality protection.*
- 5 **Expedited Approval.** *In the event that an owner or operator seeks to operate the same event, the owner or operator may apply for an expedited approval of the Temporary Use Permit after having conducted two (2) previous iterations of the same event events if:*
- a. *All previous events that occurred conducted by the owner or operator without any incidents and did not create problems,*
 - b. *There were no violations of a previously issued permit and,*
 - c. *Upon a finding by the City Administration that the application otherwise meets the requirements of this Ordinance.*
- 6 **Permits.** *Permits (building, sign, electrical, hydrant, right-of-way, etc.) and fees must be obtained/submitted at least two weeks prior to the event.*
- 7 **Notification.** *Applicant must notify all potentially affected property owners and advise them of the date and time of the proposed event, and description of the activity. The Planning Division may waive this requirement if other notification methods are deemed appropriate.*

I. Exemptions.

- 1 *The following Temporary Uses shall be exempt from obtaining a Temporary Use Permit:*
 - a. *City sponsored Temporary Uses.*
 - b. *Funeral Processions.*
 - c. *Private gatherings such as weddings, graduation parties and similar events that are held on private property that is the residence*

of, or within the common area of a multi-family residential development of, an immediate family member; provided, however, that the event is not open to the general public and not for pecuniary gain or profit.

d. *Temporary Uses conducted within a building designed and approved for assembly use, such as churches, halls and fraternal organizations, libraries, schools and recreational facilities.*

2 ~~**Bonds.** The Community Development Director may require bonds for cleanup, water usage, etc. Bonds are required to be paid 48 hours prior to the date of the event and shall be returned back to the bond holder within two weeks once authorization is given by the appropriate authority.~~

3 ~~**Insurance Required.** Liability insurance is required to be submitted to the Director of Community Development. Insurance must be submitted at least two weeks prior to the date of the event.~~

4 ~~**Permits.** Permits (building, sign, electrical, hydrant, right-of-way, etc.) and fees must be obtained/submitted at least two weeks prior to the event.~~

5 ~~**Notification.** Applicant must notify all potentially affected property owners and advise them of the date and time of the proposed event, and description of the activity. The Community Development Director may waive this requirement if other notification methods are deemed appropriate.~~

J. ~~**Review.** The temporary use special event permit application shall be submitted to the Community Development Director Planning Division, who shall distribute the application to any Community Development Director all appropriate departments affected by the special event temporary use for review and comment. These departments may include the Building Department, Oakland County Sheriff's Office, Police Department, Waterford Regional Fire Department, City Clerk, Public Works Director Department, or any other City appropriate department. In reviewing the application, the departments shall consider traffic circulation, parking, sign placement, and surrounding uses. A permit shall be issued by the Planning Division upon verification of the following circumstances:~~

- 1 *The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application for a permit or any other document required pursuant to this article.*
 - 2 *The applicant has met the standards in this article and agrees to such conditions as are imposed in the permit.*
 - 3 *The time, duration, and size of the Temporary Use will not substantially disrupt the safe movement of traffic.*
 - 4 *Any required or necessary street closure is of a size or nature such that it will not prevent normal police protection of the city.*
 - 5 *The concentration of persons will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to that area where the Temporary Use is being held.*
- K. **Permit Availability.** *The event organizer and/or his or her designee shall provide the approved permit upon request from any City, County, or State Official.*
- L. **Decision.** ~~The Community Development Director shall approve, approve with conditions, or deny the application within 60 days of the receipt of the application. On approval, the Director of Community Development will issue a certificate of approval to the sponsor of the event.~~
- M. **Effect of Denial.** ~~The sponsor of any application that is denied by the Community Development Director~~ *Planning Division may appeal the decision to the Zoning Board of Appeals under the provisions of Article 6, Chapter 4.*
- N. **Timing of filing.** *The application for a permit shall be filed not less than sixty (60) days prior to the scheduled date of the Temporary Use. Failure to file on time will result in the denial of a permit. Certificates of insurance required under the terms of this Ordinance must be filed with the City no later than thirty (30) days prior to the event. Failure to file an insurance certificate in a timely manner shall result in immediate revocation of the permit and cancellation of the event.*
- O. **Conditions in permit.** *Any permit granted under this article may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility, morals or welfare,*

including, but not limited to, changes in time, duration, number or participants or noise levels.

- P. ***Permit as a mere license.*** *No permit granted under this article allows the permit holder to exercise authority granted the City under either the Home Rule City Act, MCL section 117.1 et seq.. or this Ordinance. The granting of a Temporary Use permit under this article is a mere license. Any attempts by a permit holder to assert the City's exclusive authority in any matter related to the event may result in the revocation of the permit pursuant to this Ordinance.*
- Q. ***Notice of issuance or denial.*** *Written notice of the issuance or denial of the permit shall be provided to the applicant within 30 days of receipt of an application. If a permit is denied, such written notice shall state the reason for denial.*
- R. ***Waiver of time limitations.*** *For good cause shown, the Planning Division may waive the time limitation for filing an application.*
- S. ***Revocation of permit.*** *Any permit for a Temporary Use issued pursuant to this article may be revoked by the Planning Division at any time when by reason of emergency disaster, calamity, disorder, riot, extreme traffic conditions, violation of this article or any permit conditions, or undue burden on public services, it is determined that the health, safety, tranquility, morals or welfare of the public where the safety of any property requires such revocation. Notice or revocation of the permit shall be delivered in writing to at least one person named upon the permit by personal service or by certified mail, or if the closure has commenced, orally, or in writing, by personal contact or service, or by telephone. Continuance after such notice has been delivered is unlawful.*
- T. ***Severability.*** *The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction such finding shall in no way affect or invalidate the remainder of this Ordinance.*
- U. ***Effective Date.*** *The Ordinance shall take effect following publication as permitted by law.*
- V. ***Repeal.*** *All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this section full force and effect.*

2.544 Mobile Food-Vehiele Vendors.

A. **Purpose.** The provisions of this section are intended to prevent predatory practices on brick-and-mortar restaurants and retail businesses while allowing for new food vending and retail vending opportunities that can add vitality to vacant commercial lots, underutilized sites, and residential lots with specific conditions. These provisions shall apply to *properties on which* businesses engaged in cooking, preparation and distribution of food or beverages ~~on properties located outside of the public right-of-way operate~~. This section does not apply to mobile vendors that move from place to place and are stationary for less than 15 minutes at a time, which are subject to regulations of Chapter 26 of the Pontiac Municipal Code. ~~Mobile food vehicle vendor sales, including those conducted in stands, trailers, wagons, or vehicles shall be permitted subject to the following requirements:~~

B. **General Regulations.**

- 1 *All mobile food vendors must apply and receive approval for an annual license from the City of Pontiac pursuant to Code Section 26-XIX Mobile Food Vendors and must receive annual inspection from the Waterford Regional Fire Department.*
- 2 *All Operating Mobile Food Vendors shall be prohibited from parking in on-street parking spaces.*
- 3 *All mobile food vendors and parts thereof located on or near a fueling station must be a minimum of 35' from all fueling pumps.*
- 4 *All mobile food vendors must secure an Annual Mobile Food Vendor Temporary Use Permit in accordance with Section 2.542(B) above with the exception that licensed mobile food vendors that are part of an approved community event or Temporary Use may not be subject the regulations below as part of the approved event. The event organizer is responsible for obtaining proper Community Event and/or Temporary Use permits and licensure with location and list of mobile food vendors for the properties requested for the event.*

- 5 *Each mobile food vehicle shall be allowed one (1) freestanding temporary sign or flag which may be displayed only while the vendor is operating. Scrolling or flashing signs are prohibited. Internally lit signs are prohibited. Signs may be lit externally.*
- 6 *No flashing or blinking lights or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.*

C. Permitted Zoning Districts and Regulations.

1 R-1, R-1a, R-1b, and R-2 Zoning Districts

- a. *Mobile food vendors are prohibited from operating on public street in front of a residential zoned district and on private properties except where outlined in this ordinance.*
- b. *A mobile food vendor may operate in a public park, school, or community center between the hours of 8am and 8pm provided that the applicant has approval from the property owner. If the mobile food vendor is a standalone mobile food truck, the use can operate as part of an annual Mobile Food Vendor Location Permit.*
- c. *A private residence where catering is being offered, the event is not open to the general public, and patrons are not paying individually for food or items are exempt from this ordinance.*
- d. *No more than one (1) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*

2 R-3 and R-4 Zoning Districts.

- a. *Hours of Operation. Mobile food vendors cannot operate for more than six (6) hours in a given day. Mobile food vendors may operate between the hours of 8am and 8pm.*

- b. *No more than one (1) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*

3 *C-0 and C-1, C-3, C-4, T-C, C-C, MUD Zoning Districts*

- a. *Hours of Operation. Mobile food vendors cannot operate for more than ten (10) hours in a given day. Hours of operation can only be between the hours of 8am - 9pm.*
- b. *No more than one (1) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*
- c. *Applicant must provide sketch plan and adequately account for parking of existing business and for customers of the mobile food vendor.*
- d. *Mobile food vendors are not permitted within 150 feet¹ of the property of a restaurant unless the restaurant(s) provides written, notarized authorization for the mobile food vendor to operate.*
- e. *Mobile food vendors are prohibited on sites that are vacant and do not have an active business with a current certificate of occupancy.*

4 *C-2, Downtown*

- a. *Hours of operation are permitted between 8am and 3am.*
- b. *Applicant must provide sketch plan and adequately account for parking of existing businesses and for customers of the mobile food vendor.*

¹ Measured from parcel line to parcel line.

- c. *Mobile food vendors are not permitted within 100 feet² of a restaurant unless the restaurant(s) provides written, notarized authorization for the mobile food vendor to operate.*
- d. *Mobile Food Vendors are prohibited in public on-street parking except when part of an approved Major Temporary Use.*
- b. *No more than two (2) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*

5 *IP-1, M-1, and M-2*

- a. *Mobile food vendors cannot operate for more than ten (10) hours in a given day.*
- b. *No more than two (2) mobile food vendor can be located on a parcel of property at any given time as part of a Mobile Food Vendor Location Permit. This provision does not apply to Mobile Food Vendors operating in the course of a separately approved Minor or Major Temporary Use Permit.*
- c. *Applicant must provide sketch plan and adequately account for parking of existing businesses and for customers of the mobile food truck.*
- d. *Mobile food vendors are not permitted within 150 feet³ of the property of a restaurant unless the restaurant(s) provides written, notarized authorization for the mobile food vendor to operate.*

D. Permit Required. *All mobile food vendors must receive a license in accordance with Section XLXa, Section 26-1030 through 26-1037 of the Pontiac Municipal Code. All property owners of the parcel on which a Mobile Food Vendor is operating must receive either an Annual Mobile Food Vendor Location Permit in accordance with subsection E below or be operating in the course of a Temporary Use which has*

² Measured from parcel line to parcel line.

³ Measured from parcel line to parcel line.

received a Temporary Use permit in accordance with the standard of Sections 2.542(E) and/or (F).

E. Annual Mobile Food Vendor Location Temporary Use Permit.

1 Application. Any individual seeking to obtain an annual mobile food vendor zoning permit shall obtain an application from the Planning Division. The application shall include the following information:

- a. Applicant's name, address, and telephone number.*
- b. Whether the applicant has previously received a permit for a mobile food vendor in the City.*
- c. The physical address of the real property on which the mobile food vendor will be located.*
- d. If not the owner of the real property, an affidavit from the property owner providing written permission to place the mobile food truck on the property, as well as an acknowledgment from the property owner of receipt of a copy of this section and understands the regulations and requirements set forth in this section, must be submitted. For purposes of this subsection, the affidavit and acknowledgment may be executed by an individual who is an officer, director, member or manager of an entity owning the property.*
- e. A nonrefundable fee in accordance with the City's fee schedule.*
- f. Nature of proposed mobile food vendors, including food/beverage type (nonalcoholic only);*
- g. Vehicle or structure type;*
- h. Site signage diagram;*
- i. Duration that sales will occur on the site;*
- j. Hours of operation.*

2 Sketch Drawing. The application shall also include a sketch drawing of the premises on which the mobile food truck will be located. The sketch drawing shall include the following:

- a. Location and dimensions of any stand, trailer, wagon or vehicle, and any other outdoor activity associated with mobile food vendors;*

- b. Site dimensions of any existing buildings on the lot including building setbacks;
- c. Existing public improvements, such as fire hydrants, bus shelters, ~~and trees and tree grates and parking meters;~~
- d. Surface type of the lot (e.g., unimproved/paved);
- e. A parking plan, including traffic circulation patterns;
- f. Site lighting plan;
- g. Location of trash receptacles;
- h. Location of on-site water, generator, and/or electric utilities that will serve concession vendor(s);
- i. Location of sanitary facilities;
- j. Business district map identifying existing restaurants located within buildings, as well as other mobile food ~~vehicle~~ vendor locations within 300 feet; and
- k. Photographs of the area.

F. ~~**Ancillary Use.** Mobile food vehicle vendors may be permitted as an ancillary use to the principal permitted use and business on the lot or site.~~

G. ~~**Principal Use.** Mobile food vehicle vendors as a principal use on a vacant lot or as part of a group of retail business buildings approved under a single approved plan shall be permitted in all mixed-use and industrial districts subject to the provisions of Chapter 26 of the Municipal Code.~~

H. ~~**Special Exception Permit Required.** In any residential zone district, mobile food vehicle vendors shall be subject to special exception permit approval standards and the provisions of Chapter 26 of the Municipal Code.~~

I. **Approvals.** In addition to satisfying the requirements of *the City of Pontiac Zoning Ordinance* ~~this section~~, evidence of approval from the Oakland County Health Department shall be provided for all mobile food ~~vehicle~~ vendors. ~~A Pontiac business license shall also be obtained from the Building Department for all mobile food vehicle vendors and operators.~~

- J. **Outdoor Cooking.** ~~Outdoor food preparation and cooking is prohibited within 150 feet of a residential building or zone district.~~
- K. ***Storage Not Permitted Active Use.*** ~~stand, trailer, wagon, or vehicle that is located on a property for the purposes of mobile food vehicle vendors shall remain in continuous operation so long as the premises are occupied. If the business closes, ceases to operate, or fails to keep regular business hours then the temporary use permit may be revoked by the Planning Department and the stand, trailer, wagon or vehicle shall be immediately removed from the property. Unless granted temporary approval by the Planning Division, a mobile food truck shall not be left unattended and unsecured at any time. Any mobile food truck found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.~~
- L. **Parking Area.** The area occupied by ancillary mobile food vehicle vendors shall be no more than 20 percent of any required parking spaces or area on a site. Sufficient on-site or district parking shall be provided for each stand, trailer, wagon, or mobile food truck on a lot; this shall be in addition to any other required parking for retail business buildings located on the same parcel.
- M. **Pedestrian Space.** A minimum pedestrian clear space of five feet is required along all public walkways, unless waived in accordance with provisions of the *City of Pontiac* Zoning Ordinance.
- N. **Public ROW and Clear Vision.** Mobile food vehicle vendors shall not be located in the public right-of-way or on public property unless otherwise approved and shall be outside of clear vision areas.
- O. **Sanitary Facilities.** Tables and chairs may be provided for customer use only if arrangements are made and documentation is provided for sanitary facilities within 100 feet. Trash receptacles shall be provided. *Any and all tables and chairs must be located no less than 10 feet from any operating mobile food vendors.*
- P. **Hours of Operation.** ~~Operating hours shall be 10:00 a.m. until 10:00 p.m. Sunday through Thursday and 10:00 a.m. until 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission.~~

- Q. ~~**Co-Location.** Where mobile food vehicle vendors have been approved on a lot as a principal use, consideration shall be given to locating additional mobile food vehicle vendors on the same lot.~~
- R. **Sound.** No outdoor amplified music, sound, or noise shall be permitted for mobile food vehicle vendors. *Any electrical or outdoor generators that provide power must be approved by the Building Division shall be identified;* such generators may be prohibited if it is anticipated that such an operation will create a nuisance to neighbors due to noise, exhaust or vibration.
- S. ***Revocation of Permit, Removal of Mobile Food Vendor, and Liability.***
1. *The Planning Division shall have the right to revoke any permit issued hereunder for a violation of this section. Any of the grounds upon which the Planning Division may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this section or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The Planning Division shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. Should the permittee receive two (2) or more written notifications within a calendar year, the permit shall be revoked by the Planning Division and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.*
 2. *Similarly, any two (2) notices of violation from the building department, planning and zoning department, Sheriff's Department, or Waterford Regional Fire Department within a twelve (12) month period shall constitute grounds for the revocation of a permit. Notice shall be deemed given upon mailing of the same to the designated Applicant.*
 3. *Upon revocation, the mobile food truck shall be removed from the real property within ten days.*
- T. ***Penalty and Remedies.***

- 1 *In addition to revocation of permit pursuant to subsection (M) of this section, any person violating the provisions of this section is guilty of a civil infraction.*
- 2 *In addition to the penalty provided in subsection (M)(1) of this section, condition caused or permitted to exist in violation of the provisions of this section, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.*
- 3 *Nothing in this section shall prevent the City from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this subsection for violation of this section.*
- 4 *The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.*

*S. **Repeal.** All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this section full force and effect.*

~~O. **Required Site Information.** A site plan shall be submitted that includes:~~

- ~~1. Location and dimensions of any stand, trailer, wagon or vehicle, and any other outdoor activity associated with mobile food vehicle vendors;~~
- ~~2. Site dimensions of any existing buildings on the lot including building setbacks;~~
- ~~3. Existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters;~~
- ~~4. Surface type of the lot (e.g., unimproved/paved);~~
- ~~5. A parking plan, including traffic circulation patterns;~~
- ~~6. Site lighting plan;~~
- ~~7. Location of trash receptacles;~~
- ~~8. Location of on-site water, generator, and/or electric utilities that will serve concession vendor(s);~~
- ~~9. Location of sanitary facilities;~~

~~10.— Business district map identifying existing restaurants located within buildings, as well as other mobile food vehicle vendor locations within 300 feet; and~~

~~11.— Photographs of the area.~~

P.—Required Mobile Food Vehicle Vendor Facilities Information. A narrative with elevation drawings shall be submitted that describe and show:

~~1.— Nature of proposed mobile food vehicle vendors, including food/beverage type (nonalcoholic only);~~

~~2.— Vehicle or structure type;~~

~~3.— Site signage;~~

~~4.— Duration that sales will occur on the site;~~

~~5.— Hours of operation.~~

Q.—Temporary Use Permit Required. A temporary use permit shall be obtained by each mobile food vehicle vendor business on a property. The vendor shall adhere to all regulations and requirements of this section and any conditions imposed by the Planning Department. The Planning Director shall apply the review standards of this section to ensure that the proposed mobile food vehicle vendors will not be in conflict with these standards in the issuance of a temporary use permit.

R.—Review Standards. The following considerations shall be used by the Planning Department and the Planning Director in the deliberation and approval of a mobile food vehicle vendor's request for the site and/or vendor business:

~~1.— Will the use contribute to the vitality and experience of the business district?~~

~~2.— Will the use support or detract from existing brick and mortar establishments?~~

~~3.— Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long-term viability of nearby businesses?~~

~~4. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?~~

~~5. Will the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?~~

~~S. **Location.** Mobile food vehicle vendors shall be located on an A or B street only.~~

~~T. Temporary structures shall meet the setback requirements applicable to the principal building in the zoning district and shall not be located within 150 feet of any residentially zoned property.~~

~~U. Signs are limited to those placed directly on the mobile food vehicle. No separate freestanding signs are permitted. All signs shall have a professional appearance.~~

(Ord. No. 2318, § 1, 3-17-14)

ADD ARTICLE 2, CHAPTER 5, SECTION 2.551 - MOBILE FOOD PARKLET

*A. **Purpose.** The provision is intended to allow the owner of a property to designate the primary use of the property as a mobile food parklet. The City intends to create new opportunities for dining while ensuring the health and safety of residents.*

*B. **Definitions.***

1 Mobile Food Parklet. A mobile food parklet is a built environment that establishes a permanent facility for one or multiple mobile food vendors, even if a mobile food truck, which is temporary in nature, may be stationed to sell food to patrons for a temporary period of time.

*C. **Regulations.***

1 All Mobile Food Parklets must contain the following:

- a. Curbing between the mobile food vendors and vehicles to maintain health, safety, and sanitation for pedestrians and customers.*
- b. Parking. All sites must have a minimum of four (4) parking spaces plus two (2) spaces per mobile food vendor located on the site at any*

given time. All Parking must meet the parking standards set forth in Article 4 Chapter 3 of the City of Pontiac Zoning Ordinance.

- c. Outdoor Seating Areas. Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts a residential zoning district. Outdoor seating areas facing residential districts shall be screened by a minimum 8-foot-high solid obscuring wall.*
- d. Lighting. On-site exterior lighting shall satisfy the provisions of Chapter 5 of the City of Pontiac Zoning Ordinance.*
- e. Restrooms. Permanent restroom facilities shall be provided within the boundaries of the mobile food parklet in accordance with the Michigan Plumbing Code.*
- f. Electrical. Electricity access shall be provided for each individual mobile food vendor pad on site. Portable generators are prohibited.*
- g. Water. Water hookup/access shall be provided for each individual mobile food truck pad on site.*

2 The property that a mobile food truck parklet must be located 150 feet⁴ from a property where a brick-and-mortar restaurant is located.

3 Mobile Food Parklets may operate between the hours of 7am and 9pm with the exception of Parklets located in the C-2 zoning district. Mobile Food Parklets located in the C-2 zoning district may operate between the hours of 7am and 3am.

4 External speakers or live entertainment are permitted between the hours of 9am and 10pm and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.

D. License Necessary. All mobile food vendors must apply for and receive an annual City of Pontiac Mobile Food Truck license in accordance with Section 26-XIXa and receive inspection approvals from the fire and health departments.

E. Application. Staff can approve a Mobile Food Parklet as an Administrative Approval with a sketch plan in accordance with Table 17 as well as the requirements in subsection U below.

⁴ Measured from parcel line to parcel line.

F. Sketch Plan Requirements. *All sketch plans must include the following:*

- 1 The location and orientation of each mobile food vendor pad and each permanent structure.*
- 2 The location of any paving, turf or lawn areas, and any pedestrian areas for use by tenants or the public.*
- 3 The location of all fire lanes.*
- 4 The location of fire hydrants.*
- 5 Lighting Plan.*
- 6 The location and type of water supply and electrical outlet(s) provided for each mobile food truck pad.*
- 7 Signage plan.*
- 8 Waste Receptacles and dumpsters. All waste receptacles and dumpsters must comply with the requirements of the City of Pontiac Zoning Ordinance.*

G. Permitted Zoning Districts.

- 1 The mobile food parklet may be located in the Mobile Food Parklet Overlay District.*

AMEND ARTICLE 7, CHAPTER 2, SECTION 7.207.

Mobile Food Truck. A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or prepackaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed on a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e., mobile ice cream trucks).

Mobile Food Vendor. An operator of a mobile food truck who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food truck.

Mobile Food Parklet. A mobile food parklet is a built environment that establishes a permanent facility for one or multiple mobile food vendors, even if a mobile food truck, which is temporary in nature, may be stationed to sell food to patrons for a temporary period of time. The site must have permanent features such as a curb between the mobile food vendors and vehicles for

pedestrians and customer nature. The site must have benches for patrons wishing to consume food on premises as well as permanent electricity as well as lighting and landscaping requirements to meet the zoning code requirements.

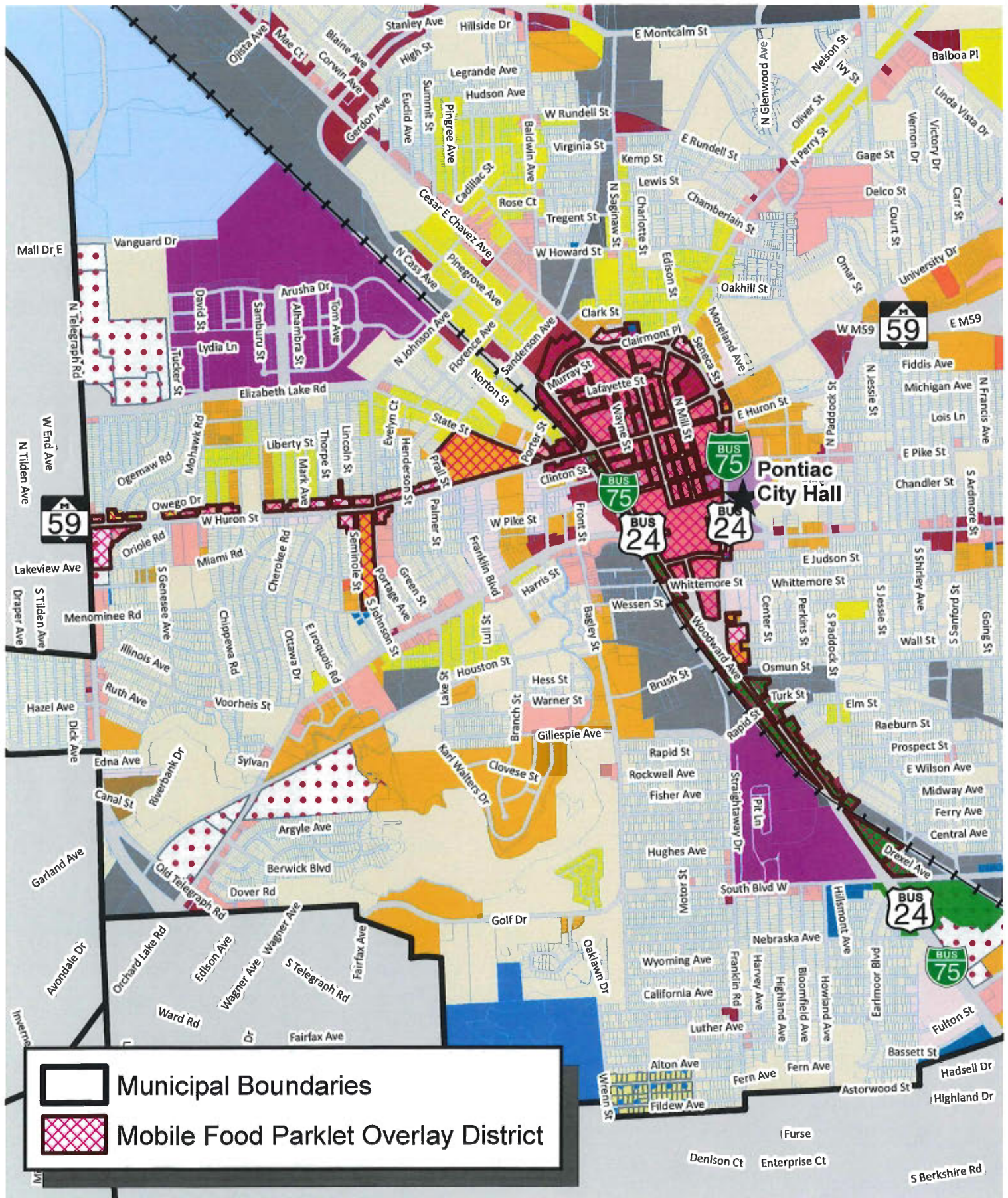
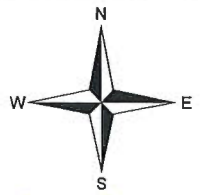
Operating Mobile Food Vendor. A mobile food vendor that is actively cooking and selling food.

Temporary Use. Any use of property that is not continuous. The City of Pontiac recognizes two (2) different temporary uses, minor temporary uses and major temporary uses. Private Events. Any temporary use which is not open to the public.

Temporary Use, Major. Any use that established for a fixed period of that is generally not appropriate for the zoning district on a long-term or continuous basis which is open to the public and expects to generate a crowd of more than 200 individuals or if the administration, in its sole discretion, determines that the event is likely to require additional safety precautions including coordination with police and fire services. A temporary use will be considered a major temporary use if any of the following are present at the event:

- i. Three (3) or more mobile food vendors or commercial vendors.*
- ii. Consumption of alcohol on the premises.*
- iii. Temporary stages for concerts and/or performances.*
- iv. Multiple entertainment areas.*
- v. One large entertainment area.*
- vi. Fireworks.*

Temporary Use, Minor. Any use that established for a fixed period of that is generally not appropriate for the zoning district on a long-term or continuous basis which is open to the public and expects to generate a crowd of less than 200 individuals. For example, farmstands and sidewalk sales.



#6

ORDINANCE

TO: City Council

FROM: Paul Harang, Planner II

DATE: January 31, 2024

RE: ZMA 23-015, Zoning Map Amendment, Baldwin Ave., and W. Kennett Rd.

Executive Summary

ZMA 23-015 is a request by Steven Black for the RACER Property LLC to rezone two (2) parcels on Baldwin Ave. between West Kennett Rd. and West Tennyson Ave. from the "P-1" Parking District to "C-3" Corridor Commercial District. The applicant intends to sell the property and is having difficulty doing so while the property is zoned for the Parking District only. Presently, the site consists of a large surface parking lot and a smaller grassed triangular parcel to the south surrounded by residential, commercial, and industrially zoned property.

Quick Facts	
Existing Zoning	P-1
Proposed Zoning	C-3
Area	12.8 Acres
Parcels	14-17-384-003 14-20-130-018

The Planning Commission recommended **APPROVAL** of this rezoning request, 5-0, at the January 10th Planning Commission meeting.



Figure 1: Location of Subject Parcel

Overview and History

The applicant intends to market the parcels for a new commercial development. The property is currently a vacant parking lot and inactively being used. In the past, it served as an accessory parking lot for the now demolished GM industrial property to the east. The P-1 zoning is intended to "provide specific locations for public or private off-street parking for those uses which are not able to provide adequate on-site parking or parking within their district boundaries". Under this zoning district, parking areas shall be accessory to, and for use in connection with one or more businesses or establishments in the general area.

Baldwin Avenue is a major thoroughfare within the City. This well-

trafficked corridor is comprised of mostly commercial uses, inter-mixed with some industrial properties. Since the demolition of the GM plant associated with these parcels, the site has remained vacant and

inactive.

There is a restrictive covenant on the property that prohibits any residential use. This covenant for environmental remedy is required by the U.S. Environmental Protection.

Figure 2 – existing zoning map



Location and Zoning Classification

The location of the proposed rezoning can be seen in Figures 1 and 2. The property is zoned P-1 and adjacent to R-1, C-1, C-3, and M-2, Heavy Manufacturing zoning districts. The applicant is requesting to rezone the parcels to the C-3 zoning category due to the commonality of this zoning category along two of the City's thoroughfares, Baldwin Rd and W. Kennett Rd., and because vacant parking lots are not an ideal use due to their inactivity on a very active mixed-use corridor.

If approved, the parcels rezoned to C-3 will be near other C-3 and C-1 properties along Baldwin Avenue. For this reason, approval would not constitute "spot zoning." The future land use map classifies this property as, an "Entrepreneurial – Industrial, Commercial & Green -

mixed-use district." This land use classification is intended to encourage redevelopment of those areas of the city either adjacent to or historically associated with industrial facilities, such as the now-demolished GM Facility across Baldwin Avenue. The Master Plan identifies "light industrial uses" and "green redevelopment" such as "community gardens, greenhouses, hoop houses, urban forestry, stormwater detention, solar or wind power generation, and re-forestation" as the ideal reuse of such sites. For this reason, the C-3 zoning district represents the least change necessary to allow for such redevelopment.

Uses permitted in the C-3 district by right or by special exception include:

- Mixed Use Buildings
- Automobile service
- Bakeries or Confectionaries
- Banks or financial institutions
- Bars and taverns
- Business Service Establishments
- Childcare Centers
- Funeral Homes
- Galleries or Studios
- Lodging Uses (Inn or Hotel)
- Learning Centers
- Medical Clinics

- Medical Marijuana Uses
- Offices
- Pawn Shops
- Personal Service Establishments
- Pet Boarding Facilities
- Places of Assembly (any size)
- Restaurants
- Retail (any size except "large indoor")
- Light manufacturing
- Workshops
- Mini-Warehouses
- Film and Television Production
- Public Transit Terminals
- Wholesale Storage (nonhazardous)
- Assisted Living Facilities
- Cemeteries or Crematoriums
- Community Centers
- Cultural or Municipal Uses
- Hospitals
- Nursing Homes
- Parking Lots
- Religious Institutions
- Schools
- Utilities
- Private Recreation
- Parks
- Urban Agriculture
- Greenhouses/Nurseries
- Veterinary Hospitals
- Drive Thru Facilities
- Mobile Food Vendors
- Outdoor Retail
- Outdoor Storage
- Sustainable Energy Generation
- Wireless Telecommunication Facilities

Approval of this request would alter the dimensional requirements for these parcels. The C-3 district permits zero-foot front yard setbacks, 5-foot side yard setbacks, 20-foot rear yard setbacks, and a maximum height of 35 feet.

Discussion of Conditional Rezoning

Unlike some Zoning Map Amendments where a proposed plan is considered along with a rezoning request, this property owner (RACER) has no specific property owner or development in mind. This rezoning, if approved, helps RACER to market the property for a wide range of uses. Otherwise, the land as P-1 is restricted to parking, and not buildable. The applicant requests R-3, which aligns with the 2014 Master Plan.

Staff initially discussed this rezoning with the applicant by adding conditions to the rezoning that are legally required to operate by the federal government. Upon consideration, the conclusion from both parties determined that state law requiring conditional rezonings to begin construction within two (2) years of approval would not be beneficial to the applicant, or to the City.

However, unlike most rezonings, the federal regulations on this property's redevelopment provide the City additional protections as future development on this site will require the following:

- 1) Development Agreement between the future developer & the City.
- 2) City Council approval on the land use or uses proposed for the site. Of note, the U.S. Department of Environment to prohibit residential development from occurring at this site.

The development agreement and City Council approval will prevent unwanted land uses from developing on the site.

Standards of Approval

When considering rezonings, the Planning Commission and City Council shall consider the following criteria.

- A. Consistency with the goals, policies, and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

The Master Plan's Future Land Use map classifies the subject property as "entrepreneurial – industrial, Commercial, and Green." This classification is intended to, "create a great deal of use and form flexibility to encourage the positive re-use of vacant or under-utilized property in strategic locations around the City". Approval of this rezoning will align with the plan with its focus on reutilizing vacant inactive property to encourage underutilized property that is currently or was once used for commercial or industrial purposes.

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

The property is not located within a floodplain or wetland. The topography of the site is level and there are no environmental features that would prohibit general commercial activity. The site has historically operated as an accessory parking lot. The facility for which it had provided parking is now closed. There are no physical, geological, or hydrological concerns associated with this request. A restrictive covenant will be established on-site to prohibit any residential development to lessen any environmental concerns that may exist from past use.

- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.

The only uses permitted under the current zoning are parking lots accessory to a primary business. The current zoning district inhibits the property from being used for commercial purposes, in stark contrast to other properties fronting this commercial corridor thoroughfare. With the demolition of the GM Factory across Baldwin Avenue, the owner of this parcel has no way to receive a reasonable return from parking alone, and must be afforded greater flexibility in permitted land uses if the property is to be put to a productive and tax-generating use.

- D. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

The C-3 Corridor Commercial zoning district is compatible with the subject parcel's general

vicinity. There are parcels zoned C-3 and C-1 on Baldwin to the north and to the south. The property on the east side of Baldwin is zoned M-2, General Manufacturing. C-3 uses are for more intense commercial uses that primarily serve the residential and commercial uses of the immediate area. (Site Photo on next page)



Figure 3 – photo of site (Intersection of Tennyson and Baldwin Avenue)

- E. The capacity of the City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

Oakland County Water Resource Commission has no objections to the rezoning considering the existing public utilities around the site.



Figure 4 – tax parcel ID map

- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
Baldwin Avenue and West Kennett Road are designated as Type A streets, known as thoroughfares that are well suited to accommodate higher commercial traffic volumes.
- G. The boundaries of the requested rezoning district are reasonable in relationship to the surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
The applicant has requested the two parcels be rezoned. The request is reasonable and will not be disruptive to adjacent properties. Any future development on site will require landscaping to buffer the residential uses to the west of the site from the M-2 district across Baldwin (east of the subject site).
- H. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
The applicant worked with City Staff to determine the appropriate zoning district for this property and the types of uses being proposed. The C-3 zoning district was selected because it continues the continuity of the commercial corridor and provides the opportunity for a similar type of development to location in this high-intensity commercial corridor, which comprises C-1, C-3, and M-2 districts.
- I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

The applicant does not have a specific use in mind, instead, they are requesting this rezoning to allow for the property to be sold to a commercial user.

- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The C-3 Corridor Commercial is a compatible commercial zoning district with the neighborhood, which already contains parcels zoned C-1, C-3 and M-2, and it will not create an isolated zone within the neighborhood.

Planning Commission Recommendation

The Planning Commission recommended **APPROVAL** of the rezoning, 5-0, without any conditions supplied by the applicant at their January 10, 2024 Planning Commission meeting.

SAMPLE MOTION TO APPROVE:

I move to RECOMMEND APPROVAL of the proposed rezoning of the Baldwin Avenue parcels from P-1 Parking District to C-3 Local Business District based on the findings of fact identified in the staff report.

SAMPLE MOTION TO DENY:

I move to RECOMMEND DENIAL of the requested rezoning of the Baldwin Avenue parcels P-1 Parking District to C-3 Corridor Commercial based on the following findings of fact:

1. It does not meet standard ____ based on the fact that...

SAMPLE MOTION TO POSTPONE

I move to POSTPONE the requested rezoning of the Baldwin Parcels from P-1 Parking District to C-3 Local Business until the regularly scheduled February 13, 2024 Planning Commission meeting.



Resolution to Approve First Reading of Zoning Ordinance Map Amendment to Rezone 12.8 Acres of Parcels 64-14-20-130-018 and 64-14-17-384-003 from P-1 (Parking) to C-3 (Corridor Commercial)

At a meeting of the City Council (“Board”) of the City of Pontiac, County of Oakland, State of Michigan (the “City”) held on February 13, 2024, at 47450 Woodward Ave, Pontiac, MI 48342 at 6:00 p.m., there were:

PRESENT: _____

ABSENT: _____

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

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance Map to rezone parcels 64-14-20-130-018 and 64-14-17-384-003 totaling 12.8 acres; specifically, to amend the Zoning Ordinance Map which lists this property as P-1 Parking to C-3 Corridor Commercial.

WHEREAS, the City of Pontiac City Council finds it is in the best interest of the health, safety, and welfare, to accept the Planning Commission’s Recommendation and approve the amendments to the Zoning Ordinance Map as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the amendments as presented to the City Council on February 13, 2024.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the City of Pontiac, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on _____, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

By: _____

Dated: February 13 ____, 2024

Its: City Clerk

**Resolution of the Pontiac City Council
To Approve First Reading of Zoning Ordinance Map Amendment
to Rezone 12.8 Acres of Parcels 64-14-20-130-018 and 64-14-17-384-
003 from P-1 (Parking) to C-3 (Corridor Commercial)**



**Resolution to Approve First Reading of Zoning Ordinance Map Amendment to Rezone
12.8 Acres of Parcels 64-14-20-130-018 and 64-14-17-384-003 from P-1 (Parking) to C-3
(Corridor Commercial)**

At a meeting of the City Council (“Board”) of the City of Pontiac, County of Oakland,
State of Michigan (the “City”) held on February 20, 2024, at 47450 Woodward Ave, Pontiac, MI
48342 at 6:00 p.m., there were:

PRESENT: _____

ABSENT: _____

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

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend
the City of Pontiac Zoning Ordinance Map to rezone parcels 64-14-20-130-018 and 64-14-17-384-
003 totaling 12.8 acres; specifically, to amend the Zoning Ordinance Map which lists this property
as P-1 Parking to C-3 Corridor Commercial.

WHEREAS, the City of Pontiac City Council finds it is in the best interest of the health, safety,
and welfare, to accept the Planning Commission’s Recommendation and approve the
amendments to the Zoning Ordinance Map as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the
first reading of the amendments as presented to the City Council on February 20, 2024.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the City of Pontiac, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on _____, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

By: _____

Dated: February 20 ____, 2024

Its: City Clerk

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC

ORDINANCE NO. _____

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CHANGE THE ZONING CLASSIFICATIONS FOR TWO (2) SPECIFIC PARCELS ON THE WEST SIDE OF BALDWIN AVENUE BETWEEN WEST TENNYSON AVENUE AND WEST KENNETT ROAD.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefore, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal description Parcel IDs: 14-17-384-003 and 14-20-130-018 from P-1 Parking to C-3 Corridor Commercial Mixed Use Development.

Provided Legal Description:

[Add legal descriptions]

Section 2. Repealer and Severability.

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause 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 this Ordinance shall stand and be in full force and effect.

Section 3. Effective Date

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on _____, 2024, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2024, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

ORDINANCE DECLARED ADOPTED.

Tim Greimel, Mayor
City of Pontiac, Michigan



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: Baldwin Avenue, Pontiac, MI 48340

Sidwell Number: 14-17-384-003 & 14-20-130-018

Date: November 30, 2023

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	RACER Trust		
Address	1505 Woodward Avenue, Suite 200		
City	Detroit		
State	Michigan		
ZIP Code	48226		
Telephone	Main: (989) 415-9950	Cell:	Fax: (734) 879-9537
E-Mail	sblack@RACERTrust.org		

Project and Property Information

Name of Proposed Development: No development is proposed at this time.

The subject property is location at Baldwin Avenue on the N / S / E / (W) side of Baldwin Avenue between W. Tennyson Avenue and W. Kennett Road.

The property is zoned: P-1, Parking

Proposed Zoning District: C-3, Corridor Commercial Mixed Use Development

It is proposed that the property will be used as: No development is proposed at this time.

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

Please see the attached legal descriptions.

Property Owner Information

Name	RACER Properties LLC (a wholly-owned affiliate of RACER Trust)		
Address	1505 Woodward Avenue, Suite 200		
City	Detroit		
State	Michigan		
ZIP Code	48226		
Telephone	Main: (989) 415-9950	Cell: (989) 415-9950	Fax: (734) 879-9537
E-Mail	sblack@RACERTrust.org		

Are you the X 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.).

No development is proposed at this time.

Please see additional responses and materials attached.

State 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.

These two contiguous parcels are ideally positioned for a more intensive use than the "P-1, Parking" district permits.

Rezoning instead to "C-3 Corridor Commercial Mixed Use Development" will allow for new development that encourages new job creation, an increase to the tax base, and measurable private investment while serving as a "buffer" or transitional zone between the existing residential, commercial, and industrial uses. Please see additional responses attached.

Signature of Owner

Signature of Applicant

State of Michigan
County of Oakland

On this ____ day of _____, A.D., 20____, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.

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



ADDENDUM TO APPLICATION FOR ZONING MAP AMENDMENT

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

No development is currently proposed for the Property. Presently, the Property is zoned "P-1, Parking." RACER Properties LLC—the Property owner—respectfully recommends that a rezoning from P-1 to C-3 will greatly enhance the marketability of this vacant Property and will timelier attract a qualified buyer to place this asset back into productive reuse.

State 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.

RACER Properties LLC is a wholly owned affiliate of Revitalizing Auto Communities Environmental Response Trust ("the Trust"). Created by the U.S. Bankruptcy Court in 2011, the Trust is the receiver of all real property assets of the former General Motors Corporation ("GMC"), including this Property, as a result of GMC's 2009 bankruptcy.

Since taking title in 2011, the Trust has aggressively marketed the Property for productive reuse under the current zoning designation of "P-1, Parking." While the Trust has received interest from various parties for its purchase, most have been for uses that would not create many, if any, full-time, permanent jobs, including many proposed uses for outdoor storage. Understandably, the City of Pontiac has consistently stated to the Trust that it is not in favor of outdoor storage as a primary use.

Note that as part of its environmental remedy required by the U.S. Environmental Protection Agency ("EPA"), the Trust will record a Declaration of Restrictive Covenant prior to selling the Property to a new party, which, in addition to other limitations, will prohibit any residential use at the Property.

One of six criteria stipulated in Paragraph 65 of the Settlement Agreement¹ that governs the Trust and from which it must consider in any sale of Trust Property is "the potential for the proposed reuse to create jobs in the State and the affected community." Due to many Property assets, not limited to a strong commercial and industrial market, existing utilities, favorable

¹ Environmental Response Trust Consent Decree and Settlement Agreement, 75 FR 66390 (October 28, 2010).
<https://www.racertrust.org/racer-settlement-agreement>.

road frontage, clean title, and strong buildability, the Trust believes the Property will see a more productive reuse through the permitted uses of a new C-3 zone, which could create more full-time jobs, better increase the tax base, and inject measurable private investment into the community than its current P-1 zoning allows.

Surrounding zoning and land uses include residential, commercial, and industrial. Given the Property cannot be redeveloped as a residential use, and given the industrial uses to the Property's east, the Trust believes that a rezoning to C-3 will serve as an excellent "buffer" or transition zone between those other two uses. Furthermore, every block of Baldwin Avenue, from City Line Road to Owen Elementary School, is zoned either C-1 or C-3, except for this Property. In many ways, rezoning the Property to C-3 will bring this 2-mile corridor into a greater level of conformity.

Given this extensive commercial corridor already exists, rezoning the Property to "C-3, Corridor Commercial Mixed Use" and permitting that zone's various uses should not in any way prove to be detrimental to the public welfare and/or the property rights of other persons located in the vicinity of the site.

Supplemental Voluntary Conditions

As specified in the Trust's "Buyer's Guide"², any potential buyer of this property must first secure a letter of support from the chief administrative official of the City of Pontiac for the intended use of this property. This is provided to the Trust prior to or concurrent with the preparation of a Letter of Intent ("LOI") to purchase this property.

Secondly, and in addition to the LOI, the Trust will require any potential buyer to negotiate a mutually acceptable development agreement with the City of Pontiac prior to closing. The Trust's satisfaction with the development agreement will be a condition of closing. Again, any potential buyer of this property must secure BOTH a letter of support from the City of Pontiac AND a development agreement from the City of Pontiac prior to the Trust selling this property.

Attachments:

1. Application for Zoning Map Amendment
2. Drone photo of the Property
3. Site plan of the Property
4. Legal descriptions of the Property

² RACER Trust. "Buyer's Guide". <https://www.racertrust.org/buyers-guide>.





Baldwin Ave

Hollywood Ave

Eatery

Eatery

Beverage Store

Industrial

Eatery

Pub

W Tennyson Ave

SUBJECT PROPERTY

W Mansfield Ave

Tax Parcel ID
14-17-384-003

GFL Pontiac

Hollywood Ave
Vacated Btwn.
Mansfield & Kennett

Tax Parcel ID
14-20-130-018

W Kennett Rd

Night-club

Church

Industrial

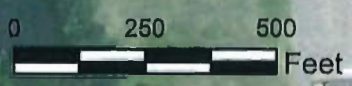
RACER
Properties LLC

Beverage Store

Eatery

Baldwin Plaza

City of Pontiac
County of Oakland
State of Michigan



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

LEGAL DESCRIPTION OF SUBJECT PROPERTY

AS DESCRIBED BY ASSESSOR:

T3N, R10E, SECS 17 & 20 BUENA VISTA HEIGHTS SUB LOTS 109 TO 141 INCL EXC E 30 FT OF LOTS 123 TO 127 INCL TAKEN FOR ROAD, ALSO LOTS 170 TO 202 INCL EXC E 30 FT OF LOTS 184 TO 188 INCL TAKEN FOR ROAD, ALSO 1/2 VAC ST LOUIS AVE ADJ TO LOTS 109 TO 123 INCL, ALSO ALL OF VAC MANSFIELD AVE E OF E LI OF HOLLYWOOD AVE, THAT PART VAC TENNYSON AVE ADJ TO W 77 FT OF LOT 188, & 1/2 OF VAC HOLLYWOOD AVE ADJ TO LOTS 109 & 141, ALSO ALL OF VAC ALLEY ADJ TO LOTS 122 TO 128 INCL & LOTS 183 TO 189 INCL 2-6-86 FR 001, 002, 385-004 & 005

Now or formerly known as: Tax Parcel No. 14-17-384-003

And also,

T3N, R10E, SEC 20 BUENA VISTA HEIGHTS SUB LOTS 81 TO 93 INCL & N 1/2 OF LOT 99 & ALL OF LOTS 100 TO 108 INCL EXC E 30 FT OF N 1/2 LOT 99 & LOTS 100 TO 103 INCL TAKEN FOR ROAD, ALSO ALL OF VAC ALLEY DESC AS BEG AT NW COR OF LOT 103, TH S 01-12-14 E 176.42 FT, TH N 59-52-59 W 18 FT, TH S 30-07-01 W 13.05 FT TO NELY COR OF LOT 93, TH NWLY ALG N LINE OF LOTS 83 TO 93 INCL TO S LINE OF VAC ST. LOUIS AVE, TH ELY ALG SD S LINE TO W COR OF LOT 108, TH SELY ALG S LI OF LOTS 104 TO 108 INCL TO SE COR OF LOT 104, TH N ALG E LI OF LOT 104 TO NE COR OF LOT 104, TH ELY 18 FT ALG N LINE OF LOT 104 EXT ELY, TH SLY 20 FT TO BEG, ALSO S 1/2 OF VAC ST. LOUIS AVE ADJ TO SAME, ALSO E 1/2 OF VAC HOLLYWOOD AVE ADJ TO SAME 2-13-86 FR 001, 002, 016 & 017

Now or formerly known as: Tax Parcel No. 14-20-130-018

AS DESCRIBED IN RACER PROPERTIES LLC VESTING DEED:

Land situated in Township 3 North, Range 10 East, Sections 17 and 20, in the City of Pontiac, County of Oakland, State of Michigan, and more particularly described as follows:

Beginning at the intersection of the South line of West Tennyson Avenue (60' wide) and the East line of Hollywood Avenue (50' wide), said intersection also being the Northwest corner of Lot 202 of Buena Vista Heights Subdivision, as recorded in Liber 24, Page 27 of Plats, Oakland County Records; thence South 00°03'18" West a distance of 321.68 feet; thence North 86°58'39" West a distance of 25.03 feet to the centerline of Hollywood Avenue; thence along said centerline, South 00°03'18" West a distance of 299.18 feet to the intersection of the centerline of vacated Hollywood Avenue and the centerline of vacated St. Louis Avenue (60' wide), extended; thence along said centerline of vacated St. Louis Avenue, South 86°58'39" East a distance of 684.39 feet to the West line of Baldwin Avenue (90' wide); thence along said West line of Baldwin Avenue, North 01°24'46" West a distance of 161.00 feet; thence continuing

along said West line, North 00°04'00" East a distance of 460.13 feet to the South line of West Tennyson Avenue; thence North 86°58'39" West a distance of 655.32 feet to the Point of Beginning.

Now or formerly known as: Tax Parcel No. 14-17-384-003

And also,

Beginning at intersection of the West line of Baldwin Avenue (90' wide) and the centerline of vacated St. Louis Avenue (60' wide); thence along said centerline, North 86°58'39" West a distance of 684.39 feet to the centerline of vacated Hollywood Avenue (50' wide); thence along said centerline of vacated Hollywood Avenue, South 00°03'18" West a distance of 56.80 feet to the North line of Kennett Road (60' wide); thence along said North line, South 59°45'07" East a distance of 612.12 feet; thence North 30°17'13" East a distance of 134.68 feet; thence South 59°45'03" East a distance of 18.00 feet; thence South 01°24'46" East a distance of 4.19 feet; thence South 86°58'39" East a distance of 76.92 feet to said West line of Baldwin Avenue; thence following said West line, North 01°24'46" West a distance of 230.15 feet to the Point of Beginning.

Now or formerly known as: Tax Parcel No. 14-20-130-018

#7

RESOLUTION



CITY OF PONTIAC RESOLUTION

Recognizing 200 Years of the Historic First Presbyterian Church of Pontiac

Whereas, the City of Pontiac, Michigan has a deep, rich, and fascinating history, with many religious and cultural institutions going back generations in our community; and,

Whereas, the historic First Presbyterian Church of Pontiac was first formed as an early congregation in 1824, now two hundred years ago, and was an early, significant church for both the Pontiac community and all of Oakland County; and,

Whereas, First Presbyterian Church has evolved through the generations, including where they assembled and the church buildings that stood, with the current structure opening a century ago in 1924 following a 1914 fire at the previous structure; and,

Whereas, through the past 200 years, First Presbyterian Church of Pontiac has positively impacted thousands of Pontiac residents' lives, provided crucial services to those in need, been a part of thousands of Pontiac families' meaningful life moments, been a theological leader in our region, and persevered through many challenges; and,

Whereas, the First Presbyterian Church of Pontiac is marking their bicentennial milestone with a celebratory service on February 25, 2024; now,

Therefore, Be It Resolved, the Pontiac City Council in concert with Pontiac Mayor Tim Greimel hereby recognizes the historic First Presbyterian Church of Pontiac, Michigan and joins in the celebration of their bicentennial milestone; and further

Resolved, the City Council acknowledges the generations of past and present church leadership, church members, and legacy families who made a substantial and positive impact throughout the Pontiac community through this Church; and further

Resolved, the Council warmly welcomes the future years to come of worship, service, devotion, and community impact that will continue at the historic First Presbyterian Church located in the City of Pontiac.

PONTIAC CITY COUNCIL • Pontiac, Michigan • February 20, 2024

Mike McGuinness, Council President

Mikal Goodman, Councilmember

Brett Nicholson, Councilmember

Melanie Rutherford, Councilmember

William A. Carrington, President Pro Tem

Kathalee James, Councilmember

William Parker, Jr., Councilmember

with **Tim Greimel**, Mayor



#8

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION

Calling Upon the Mayor to Make an Appointment to the Pontiac Housing Commission to Fill the Tenant Seat Vacancy

Whereas, the City of Pontiac strives to improve the quality of life for all its citizens, including in the field of housing quality, housing affordability, and housing access; and,

Whereas, the Pontiac Housing Commission was established many decades ago to alleviate deficiencies in housing quality, housing affordability, and housing access; and,

Whereas, Act No. 18 of the Public Acts of Michigan of 1933 establishes the rights and responsibilities of a municipality to establish a housing commission, including requirements to have a resident a tenant of public housing or subsidized housing as a voting member of a housing commission; and,

Whereas, in Chapter 42, Article V, Section 177 of the City of Pontiac Municipal Code, subsection (a) states: "The housing commission shall consist of five members, who shall be appointed by the mayor. One member of the commission shall be a tenant of public housing or subsidized housing as provided in this subsection"; and,

Whereas, the term of the Pontiac Housing Commission member who held the seat designated for a tenant of public housing or subsidized housing has expired and the Mayor has not made an appointment to that tenant seat vacancy over multiple months, preventing the Housing Commission from being at full capacity; now,

Therefore, Be It Resolved, the Pontiac City Council hereby calls upon the Mayor to fulfill his responsibility outlined in the Pontiac Municipal Code to make an appointment to the Pontiac Housing Commission to fill the tenant seat vacancy; and further

Resolved, the City Council requests the Mayor communicate to the City Council in writing when he has made an appointment and filled the tenant seat vacancy.

PONTIAC CITY COUNCIL • Pontiac, Michigan • February 20, 2024

Mike McGuinness, *Council President*

Mikal Goodman, *Councilmember*

Brett Nicholson, *Councilmember*

Melanie Rutherford, *Councilmember*

William A. Carrington, *President Pro Tem*

Kathalee James, *Councilmember*

William Parker, Jr., *Councilmember*



#9

RESOLUTION

PONTIAC CITY COUNCIL RESOLUTION



Requesting Information from the Michigan Department of Transportation on the Feasibility of Sidewalk Establishment Along Perry at Pontiac Road

Whereas, the City of Pontiac, Michigan is committed to improving the quality of life for Pontiac residents, including the safety and wellbeing of pedestrians; and,

Whereas, there are sections of Perry Street at Pontiac Road in the City of Pontiac that do not currently have sections of sidewalk, in particular, on the eastern portion of northbound Perry, north of Pontiac Road; and,

Whereas, there are concentrations of residential housing near that section of road and close proximity of commercial establishments, and at least two pedestrians in recent months have been hit by vehicular drivers in that vicinity, including a fatality; and,

Whereas, Perry is under the jurisdiction of the Michigan Department of Transportation and sidewalk feasibility questions would directly involve that agency; now,

Therefore, Be It Resolved, the Pontiac City Council formally requests information from the Michigan Department of Transportation to determine whether the agency has researched, reviewed, or decided whether the establishment of sidewalks on Perry where there currently are none would be feasible or not; and further

Resolved, the City Council asks that the Michigan Department of Transportation to share that information with the City of Pontiac and the City Council; and further

Resolved, the City Council asks that the Michigan Department of Transportation, if they have not yet done any such research, review, or determination that they pursue the question of sidewalk establishment feasibility in that area of Perry Street; and further

Resolved, the Council acknowledges and appreciates the state Department of Transportation's professionalism and recent collaboration with the City of Pontiac.

PONTIAC CITY COUNCIL • Pontiac, Michigan • February 20, 2024

Mike McGuinness, Council President

Mikal Goodman, Councilmember

Brett Nicholson, Councilmember

Melanie Rutherford, Councilmember

William A. Carrington, President Pro Tem

Kathalee James, Councilmember

William Parker, Jr., Councilmember



#10

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION

Requesting Administration Clarity on Feasibility of Sidewalk Establishment Along Golf Drive

Whereas, the City of Pontiac, Michigan is committed to improving the quality of life for Pontiac residents, including the safety and wellbeing of pedestrians as well as the connectivity of Pontiac neighborhoods; and,

Whereas, there are sections of Golf Drive in the City of Pontiac that do not currently have sections of sidewalk, leaving numerous Pontiac neighborhoods along the thoroughfare disconnected with the City's improved sidewalk grid; and,

Whereas, the City of Pontiac, working in concert with the Oakland County Water Resources Commission and Michigan Department of Transportation, are progressing with a much-needed road construction project on Golf Drive in coming months; and,

Whereas, the Administration has communicated to City Council leadership that they are looking into the question of whether establishing sidewalks along Golf Drive in sections where there are currently none would be feasible during the same time period that the Golf Drive construction project is underway; now,

Therefore, Be It Resolved, the Pontiac City Council formally requests clarity from the City of Pontiac Executive Administration to determine whether it has researched, reviewed, or decided whether the establishment of sidewalks on Golf Drive where there currently are none would be feasible or not; and further

Resolved, the City Council asks that the Executive Administration publicly shares that information with the City Council and the Pontiac community; and further

Resolved, the City Council asks that the Executive Administration, if they have not yet done that research, review, or determination that they swiftly pursue the question of sidewalk establishment feasibility along Golf Drive during the construction project.

PONTIAC CITY COUNCIL • Pontiac, Michigan • February 20, 2024

Mike McGuinness, *Council President*

Mikal Goodman, *Councilmember*

Brett Nicholson, *Councilmember*

Melanie Rutherford, *Councilmember*

William A. Carrington, *President Pro Tem*

Kathalee James, *Councilmember*

William Parker, Jr., *Councilmember*



#11

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION

Urging the Acquisition of Additional Sound Decibel Detection Devices for Code Enforcement

Whereas, the City of Pontiac, Michigan strives to continually improve the quality of life for all its citizens, including through enforcement of established municipal code; and,

Whereas, the City of Pontiac Municipal Code has specific regulations as to the level of sound decibels permissible in our community; and,

Whereas, until our City's Code Enforcement Manager Jack McIntyre ensured the City acquired sound decibel detection equipment, the City previously had no recent method to formally gauge whether noise complaints were in violation of the decibel limits; and,

Whereas, the City's Code Enforcement team has been working to enforce the code as it relates to noise decibel limits, using the equipment to confirm whether loud noise complaints were code violations; now,

Therefore, Be It Resolved, the Pontiac City Council hereby urges the Mayor and Administration to acquire two additional sound decibel detection devices to expand the City's Code Enforcement team ability to respond to loud noise complaints and formally measure sound decibels; and further

Resolved, the City Council anticipates that no budget amendment would be necessary, due to the limited cost of the devices, but requests that the Administration inform Council and prepare it for consideration should one be required; and further

Resolved, the Council thanks Code Enforcement Manager Jack McIntyre and the entire Code Enforcement team for previously taking the proactive steps necessary to adequately detect sound decibel levels and enforce the municipal code regarding loud noises in our community.

PONTIAC CITY COUNCIL • Pontiac, Michigan • February 20, 2024

Mike McGuinness, *Council President*

Mikal Goodman, *Councilmember*

Brett Nicholson, *Councilmember*

Melanie Rutherford, *Councilmember*

William A. Carrington, *President Pro Tem*

Kathalee James, *Councilmember*

William Parker, Jr., *Councilmember*



#12

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Engineering Department

TO: Pontiac City Council

FROM: Shannon Filarecki, Acting City Engineer
Zachary Haapala, Assistant to the Acting City Engineer

CC: Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

DATE: February 13, 2024

RE: **Special Trunkline Sidewalk Work Along Highway I-75 (Square Lake Road),
MDOT Agreement**

The project consists of roadway reconstruction work along eastbound Highway I-75BL (Square Lake Road) from Highway M-1 (Woodward Avenue) to the Highway I-75 interchange and along westbound Highway I-75BL (Square Lake Road) from Opdyke Road to Highway M-1 (Woodward Avenue).

Additionally, the Michigan Department of Transportation ("MDOT") has requested that the work also include sidewalk construction along the west side of Opdyke Road at Centerpointe Parkway, located within the limits of the City.

The MDOT advertised for construction bids with Bid Letting concluding in late 2023. Project costs were estimated by MDOT to be \$19,500. As with any construction project, any costs associated with the Sidewalk construction that are over the estimated amount will be the responsibility of the City to pay.

Funding for this work is identified in the 2023-24 Major Road Fund as follows:

GL ACCOUNT: Major Road Fund 202-443-816.000

Since MDOT will be managing the funds for the project, the City needs to enter into an agreement with the MDOT before they can award the project. Attached, please find the standard contract and agreement provisions prepared by MDOT.

The Engineering Department thus requests that the Pontiac City Council authorize entering into a contract with MDOT to construct sidewalks along the west side of Opdyke Road at Centerpointe Parkway within the City of Pontiac's boundaries.



CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO AUTHORIZE ENTERING INTO A CONTRACT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR SIDEWALK CONSTRUCTION IN PONTIAC ALONG THE WEST SIDE OF OPDYKE ROAD AT CENTERPOINTE PARKWAY

WHEREAS, the City of Pontiac has determined the need to improve sidewalk along the West side of Opdyke Road at Centerpointe Parkway; and

WHEREAS, the City of Pontiac has requested that MDOT administer the contract and funding for the above said project; and

WHEREAS, the MDOT requires the establishment of a contract between the City of Pontiac and MDOT prior to awarding bids to complete this project.

NOW, THEREFORE IT IS RESOLVED that the Pontiac City Council authorizes the City to enter into CONTRACT No. **23-5520**, Control Sections **NH 63111/ GF19 63111**; Job Numbers **208228CON & 2008228PECON**, with the MICHIGAN DEPARTMENT OF TRANSPORTATION for sidewalk construction along the west side of Opdyke Road at Centerpointe Parkway, located within the limits of the City of Pontiac.

.BE IT FURTHER RESOLVED THAT the Pontiac City Council also authorizes the Mayor or his Designee to execute the referenced contract.

SPECIAL TRUNKLINE
NON-ACT-51
ADDED WORK

DA	
Control Section	NH 63111; GF19 63111
Job Number	208228CON; 2008228PE
Fed Project #	22A1095
Contract	23-5520

THIS CONTRACT is made by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF PONTIAC, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements in conjunction with the DEPARTMENT'S construction on Highway I-75BL (Square Lake Road), within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning roadway reconstruction work along eastbound Highway I-75BL (Square Lake Road) from Highway M-1 (Woodward Avenue) to the Highway I-75 interchange and along westbound Highway I-75BL (Square Lake Road) from Opdyke Road to Highway M-1 (Woodward Avenue); and

WHEREAS, the CITY has requested that the DEPARTMENT perform additional work for and on behalf of the CITY in connection with the Highway I-75BL (Square Lake Road) construction, which additional work is hereinafter referred to as the "PROJECT" and is located and described as follows:

Sidewalk construction work along the west side of Opdyke Road at Centerpointe Parkway; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: \$19,500; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written Contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties shall undertake and complete the construction of the PROJECT in accordance with this Contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of the construction of the PROJECT including the costs of preliminary engineering (PE), plans and specifications, physical construction necessary for the completion of the

PROJECT as determined by the DEPARTMENT, construction engineering (CE), and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY will approve the design intent of the PROJECT and shall accept full responsibility for the constructed PROJECT functioning as a part of the CITY'S facilities. The CITY is solely responsible for any input which it provides as it relates to the design of the PROJECT functioning as part of the CITY'S facilities.

4. The DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

5. The PROJECT COST shall be charged to the CITY 100 percent and paid in the manner and at the times hereinafter set forth. Such cost is estimated to be as follows:

PROJECT COST - \$19,500

The PE costs will be apportioned in the same ratio as the actual construction award and the CE costs will be apportioned in the same ratio as the actual direct construction costs.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY not including payments made for a working capital deposit. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _____", or "Final Billing". Payment is due within 30 days of receipt of invoice. Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

The CITY will deposit with the DEPARTMENT the following amount which will be used by the DEPARTMENT as working capital and applied toward the end of the project for the contracted work and cost incurred by the DEPARTMENT in connection with the PROJECT:

DEPOSIT - \$7,800

The total deposit will be billed to the CITY by the DEPARTMENT and shall be paid by the CITY within 30 days after receipt of invoice.

7. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, the DEPARTMENT is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the CITY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

8. Upon completion of the PROJECT, the CITY shall accept the facilities constructed as built to specifications within the construction contract documents. It is understood that the CITY shall own the facilities and shall operate and maintain the facilities in accordance with all applicable Federal and State laws and regulations, including, but not limited to, Title II of the Americans with Disabilities Act (ADA), 42 USC 12131 et seq., and its associated regulations and standards, and DEPARTMENT Road and Bridge Standard Plans and the Standard Specifications for Construction at no cost to the DEPARTMENT.

9. Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this Contract are done to assist the CITY. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the CITY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability, control or jurisdiction.

When providing approvals, reviews and recommendations under this Contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

10. In connection with the performance of PROJECT work under this Contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this Contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

11. This Contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said Contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this Contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed as written below.

CITY OF PONTIAC

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
for Department Director MDOT

By _____
Title:



APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011

APPENDIX B
TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Revised June 2011

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

#13

RESOLUTION



CITY OF PONTIAC OFFICIAL MEMORANDUM

Purchasing Division

TO: Pontiac City Council

FROM: Alicia Martin, Purchasing Manager
Deborah Younger, Economic Development Manager

CC: Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

DATE: February 20, 2024

RE: Requests for City Council approval to add additional prequalified General Contractors for the Pontiac Home Repair Program

The City of Pontiac established the **Pontiac Home Repair Program ("Program")** to put American Rescue Plan Act ("ARPA") funds into action to mitigate the impact of COVID-19 on Pontiac residents.

This Program aims to help city homeowners complete major home repairs. The initial application process for the Program began on June 21, 2023, and ended on August 10, 2023.

The next step in the process was to secure reputable contractors to actually complete the repairs. The Purchasing Division posted the initial Request for Qualifications (RFQu) for General Contractors to BidNet on February 8, 2023, resulting in the City issuing bid awards to seven (7) prequalified general contractors. The RFQu was posted again to BidNet on October 24, 2023, resulting in the Purchasing Manager's current recommendation to City Council to add three (3) more prequalified general contracting firms.

- Those firms are:
 - CTI Contractor Services, LLC – White Lake, MI
 - DMC Consultants, Inc. – Detroit, MI
 - White Pine Building and Development, LLC – Shelby Township, MI
- The entities have Sam.gov active status and are registered to do business in the State of Michigan (LARA).
- All are Lead & Asbestos Certified.
- Purchasing proposes that the individual contractor agreements shall be for a not-to-exceed amount of **\$250,000 per fiscal year**, per contractor, which equates to ten (10) homes per contractor.
- A \$25,000 budget is allotted for each home.

Therefore, based on the information provided above and attached, the Purchasing Division requests that the City Council approve adding the three (3) referenced contractors to the Pontiac Home Repair Program.



CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO ADD CTI CONTRACTOR SERVICES, LLC, DMC CONSULTANTS, INC. AND WHITE PINE BUILDING AND DEVELOPMENT, LLC TO THE PONTIAC HOME REPAIR PROGRAM AND ENTER INTO CONTRACTOR SERVICES AGREEMENTS

WHEREAS, the Pontiac Home Repair Program uses American Rescue Plan Act (ARPA) funds to assist pre-approved Pontiac homeowners with completing major home repairs; and

WHEREAS, the initial application process for Pontiac homeowners to participate was from June 21, 2023 through August 10, 2023; and

WHEREAS, Purchasing posted the initial Request for Qualifications for General Contractors to BidNet on February 8, 2023 and again on October 24, 2023, to secure contractors to perform the repairs; and

WHEREAS, Purchasing conducted the competitive bid process in accordance with city procedures; and

WHEREAS, seven (7) pre-qualified contractors were initially awarded bids; and

WHEREAS, due to the number of pre-approved homeowners requesting repairs, it has become necessary to add additional certified contractors to the program to complete the home projects; and

WHEREAS, the Purchasing Division recommends extending bid awards to CTI Contractor Services, LLC, DMC Consultants, Inc. and White Pine Building and Development, LLC; and

WHEREAS, the referenced general contractors will repair ten (10) homes each, within a \$25,000 budget per residence; and

WHEREAS, the agreements with the three (3) contractors shall be for \$250,000 per fiscal year.

NOW THEREFORE, BE IT RESOLVED THAT City Council approves adding CTI Contractor Services, LLC, DMC Consultants, Inc. and White Pine Building and Development, LLC as contractors for the Pontiac Home Repair Program.

BE IT FURTHER RESOLVED THAT City Council authorizes the Mayor or his Designee to enter into individual agreements with the referenced contractor firms for an amount Not-to-Exceed \$250,000 per fiscal year, to repair ten (10) pre-approved residences, within a \$25,000 budget per home.