

PONTIAC CITY COUNCIL

Mike McGuinness, District 7
President

William A. Carrington, District 6
President Pro Tem



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

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

47450 Woodward Pontiac, MI 48342 Phone: (248) 758-3200 Garland S. Doyle, M.P.A., MiPMC, City Clerk

97th Session of the 11th Council
July 11, 2023 at 6:00 P.M.

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

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

- A. July 6, 2023, City Council Meeting Minutes
- B. Resolution scheduling a Special Meeting of the Pontiac City Council

Subcommittee Reports

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

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Ordinances

- 8. Adoption of 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 a Specific Parcel on the North Side of Walton Boulevard Between Baldwin Avenue and Hollywood Avenue. (**Zoning Map Amendment For 1461 Baldwin Parcel 14-08-385-024 From C-1 Local Business To C-3 Corridor Commercial Second Reading**)

9. Resolution to approve the First Reading of an Ordinance to amend the City of Pontiac Zoning Ordinance Map to rezone the ten (10) parcels 7.7 acres at 31 N. Astor Street; specifically, to amend the Zoning Ordinance Map which list these properties as R-1 One-Family Dwelling to R-3 Multiple Family Dwelling.

Resolutions

Community Development

10. Resolution to schedule a Public Hearing for July 25, 2023 to establish an Obsolete Property Rehabilitation District for Parcel Number 14-29-434-023, located at 46 N. Saginaw 46 N. Saginaw HCP, LLC
11. Resolution to enter into a rehabilitation agreement with the Oakland County Land Bank using grant funding

Public Comment (Three Minutes Time Limit)

Closed Session

12. Resolution to proceed into Closed Session pursuant to Section 8(d) of the Open Meetings Act, MCL 15.268(d) to consider the purchase or lease of real property.

Public Communications

City Council

13. Friends of the Pontiac Parks Association are hiring two Seasonal Part-Time Supervisors for their Junior Pontiac Park Ranger Program. The job will pay \$20 per hour, five hours per day, twenty-five hours per week. To apply, or to get more information, call (248) 425-4663.
14. Walk-N-Talk the "Doc," Honor Community Health Walking Club, Every Wednesday from May 17th to September 27, 2023, held at Wisner memorial Stadium, 441 Cesar E. Chavez, Pontiac 48342. For more information call (248) 724-7600.
15. Residents who are behind in paying their water bills or facing a service shut-off can get help from a partnership between the Oakland County Water Resources Commission and OLSHA. Those who qualify could get up to \$1,500 in payments on their water bills and stop a shut-off plan. This program is temporary and expires on September 30, 2023. Schedule an appointment with OLHSA to sign up by calling (248) 209-2600 or emailing info@olhsa.org.
16. Pontiac School District is seeking Mentors, Your Help is Needed for the Structured and Comprehensive Mentoring Program to Support Students at All Grade Levels, Email communications@pontiacschools.org for more information.
17. Kaleidoscope, a Celebration of LGBTQ+ Artists and Designers, Exhibit at the Pontiac Creative Arts Center Runs June 17 through July 23, 2023.
18. The School District and the City of Pontiac has announced the sponsorship of the Summer Food Service Program for children. Free meals will be made available to children 18 years of age and under or persons up to age 26 who are enrolled in a recognized educational program for the mentally or physically disabled. Breakfast and Lunch are provided at Whitman Elementary School (125 W. Montcalm in Pontiac) Monday Through Thursday between July 5-25, 2023. Breakfast Service is from 8:00 am to 9:00 am and Lunch Service is from 12:30 to 1:30 pm. WHRC (Whitmer Human Resource Center at 60 Parkhurst Street in Pontiac) is Monday Through Thursday between June 20-July 27, 2023 (closed on July 3-4). Breakfast Service is from 7:30 am to 9:00 am and 12:00 pm to 1:00 pm.
19. 40th Anniversary Celebration of the Pontiac Fiero, Happening July 12-16 Throughout Pontiac and at the CenterPoint Pontiac Marriott.

20. Elam Family and Friends Block Party, July 15, 2023, from 11:00 a.m. to 7:00 p.m., held at 485 S. Sanford, Pontiac 48341.
21. Andy Beningo for a Clean Night of Comedy, July 15, 2023, at 7:30 pm, held at Pontiac's Little Art Theatre, 47 N. Saginaw Street, Pontiac 48342
22. New Springfield Missionary Baptist Church Vacation Bible School, July 18 through 20, 2023 from 9:00 am to 3:00 pm, located at 124 Prospect Street, Pontiac 48341. For more information, including transportation assistance, contact the church at (248) 332-8242
23. New Springfield Missionary Baptist Church Community Picnic, July 22, 2023 from 12:00 pm to 5:00 pm, located at 124 Prospect Street, Pontiac 48341. All are welcome. For more information, contact the church at (248) 332-8242
24. Annual Summer Ice Cream Social, July 29 and 30, 2023 from 12:00 p.m. to 4:00 p.m. each day, free admission, and free ice cream, held at the Oakland History Center, 405 Cesar E. Chavez Avenue, Pontiac 48342.
25. Pontiac Theatre IV Auditions for Aladdin, Jr. on July 30, 2023, from 3:00 p.m. to 6:00 p.m., July 31 from 6:00 to 8:00 pm, and August 1 from 6:00 p.m. to 8:00 p.m. Contact Director Laura Johns at redskyatnight35@aol.com for more information.
26. 2023 Memorial VFW/AMVETS Classic Car Show, August 12, 2023, starting at 2:00 p.m., held at VFW Post 1370, 800 Cesar E. Chavez Avenue, Pontiac 48340, contact Keith Marbutt at (248) 425-4410.
27. M1 Concourse Cruise-In and Woodward Dream Parade, August 19, 2023, at 8:00 a.m., held at M1 Concourse, South Boulevard and Woodward Avenue in Pontiac.
28. Car Show in Downtown Pontiac During the Woodward Dream Cruise, as part of the M1 Concourse Woodward Dream Show, August 19, 2023, from 10:30 a.m. to 11:30 a.m., on North Saginaw Street between Pike and Huron Streets.
29. Pontiac Second Annual Praise Festival, August 27, 2023, from 2:00 p.m. to 7:00 p.m., held at Wisner Stadium Track Field on Cesar Chavez Avenue in Pontiac.

Mayor's Office

30. The City of Pontiac is currently accepting proposals for Fall 2023 Youth Recreation Programming, with a submission deadline of July 12, 2023. If you are interested in providing a youth program, please email your proposal and questions to purchasing@pontiac.mi.us for consideration no later than the July 12 deadline. Proposals submitted must pertain to sports and enrichment programs.
31. Pontiac Music in the Parks Series has started. Shows include July 13 at North Kiwanis Park (Tribute to Soul Train, featuring The Sax Maniacs), August 3 at Beaudette Park (Dirk Kroll with special guests Accent Pontiac), August 10 at Aaron Perry Park (The Firewalkers with special guest El Charrito), August 24 at Rotary Park (Melanie Rutherford Performing), September 7 at Murphy Park (Persuasion with special guest Consuming Arts). All showtimes are 6:30 pm.
32. City of Pontiac Family Fun Day, July 15, 2023, held at Aaron Perry Park
33. Mayor Tim Greimel State of the City Address, July 27, 2023, from 6:00 to 8:00 pm, held at the CenterPoint Marriott, 3600 CenterPoint Parkway, Pontiac 48341. Registrations required, submit RSVP to Angela Powell at apowell@pontiac.mi.us or call (248) 758-3031

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)

Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA A

July 6, 2023, Draft

**Official Proceedings
Pontiac City Council
96th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Thursday, July 6, 2023, at 6:01 p.m. by Council President Mike McGuinness.

Invocation – Minister Veronica Taylor – New Springfield Baptist Church

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

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

Mayor Greimel was not present.
Deputy Mayor Stephens was present.
A quorum was announced.

Excuse Councilmembers

Motion to excuse Councilwoman Melanie Rutherford for personal reasons. Moved by Councilperson Carrington and second by Councilperson Goodman.

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

No: None

Motion Carried

Amendments to and Approval of the Agenda

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

Motion to amend the agenda to add discussion on Unregistered Rental Properties and Conditions. Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

No: None

Motion Carried

The vote was taken to approve the agenda as amended.

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

No: None

Motion Carried

Consent Agenda

23-249 (A-B) **Resolution to approve the consent agenda for July 6, 2023.** Moved by Councilperson Parker and second by Councilperson Nicholson.

July 6, 2023, Draft

Whereas, the City Council has reviewed the consent agenda for July 6, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for July 6, 2023, including June 26, 2023, Parks, Recreation and Public Works Subcommittee Meeting Minutes, June 27, 2023, City Council Meeting Minutes, Resolution approving updated Fireworks Permit for rain date of July 15, 2023, for Paramo Fireworks, Resolution approving contract with ACP Entertainment for Festival Services for the City of Pontiac Family Fun Night on July 15, 2023, Resolution approving updated Fireworks Permit for rain date of July 16, 2023, for M1 Concourse Fireworks, Resolution approving contract with the Original Print Shoppe for Quarterly Newsletter Printing and Mailing Postage Expenses and Resolution for General Liability and Property Insurance Policy.

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

No: None

Resolution Passed

23-249 (C) Resolution to approving updated Fireworks Permit for rain date of July 15, 2023, for Paramo Fireworks. Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City has received an application for a permit for Antonio Paramo, operator, of fireworks display held in the parking lot of City Hall on July 15, 2023; and

WHEREAS, the Michigan Fireworks Safety Act (Public Act 256 of 2011) requires the legislative body of the City to authorize the permit application; and

WHEREAS, Antonio Paramo, operator of Pontiac, Michigan has agreed to provide pyrotechnics for the event, and has furnished proof of insurance in an amount necessary and approved by the City's insurance agent of record; and

WHEREAS, the application has been reviewed by Fire Department personnel and a determination has been made that the pyrotechnic operator and location meet the department's requirements for a fireworks display.

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the application for a fireworks display operated by Antonio Paramo held in the parking lot of City Hall on July 15, 2023 and authorizes the City Clerk to execute the application on behalf of the City.

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

No: None

Resolution Passed

23-249 (D) Resolution approving contract with ACP Entertainment for Festival Services for the City of Pontiac Family Fun Night on July 15, 2023. Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac solicited responses from eight vendors to hold a family fun night (mini carnival) on July 15, 2023; and

WHEREAS, only one respondent had that date available; and

WHEREAS, that respondent was also the lowest bidder at \$51,849.62;

NOW THEREFORE, BE RESOLVED, City Council hereby authorizes the Mayor or Deputy Mayor to enter into a contract with ACP Entertainment to provide a mini carnival on July 15, 2023 at Aaron Perry park.

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

No: None

Resolution Passed

July 6, 2023, Draft

23-249 (E) Resolution approving updated Fireworks Permit for rain date of July 16, 2023, for M1 Concourse Fireworks. Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City has received an application for a permit for Cars Under the Stars Fireworks Spectacular fireworks display to be held at M 1 Concourse- 1 Concourse Drive, Pontiac, MI, 48341 on July 16, 2023; and

WHEREAS, the Michigan Fireworks Safety Act (Public Act 256 of 2011) requires the legislative body of the City to authorize the permit application; and

WHEREAS, pursuant to MCL 28.466 of the Michigan Fireworks Safety Act, the City "may grant a permit for" a fireworks display; and

WHEREAS, Gen-X Pyrotechnics of White Lake, Michigan has agreed to provide pyrotechnics for the event, and has furnished proof of insurance in an amount necessary and approved by the City's insurance agent of record; and

WHEREAS, the application has been reviewed by Fire Department personnel and a determination has been made that the pyrotechnic operator and location meet the department's requirements for a fireworks display; and

WHEREAS, the City anticipates this fireworks display event will require the deployment of additional law enforcement to help effectively manage safety concerns and increased traffic due to event participants.

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the application for a fireworks display at MI Concourse- I Concourse Drive, Pontiac, MI 48341 on July 16, 2023 and authorizes the City Clerk to execute the application on behalf of the City, on the condition that Gen-X Pyrotechnics, as the applicant, and/or MI Concourse, as the event host, agrees to enter into a contract with the City for the reimbursement of the reasonable costs associated with the safety and traffic management appropriate for this event prior to July 16, 2023.

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

No: None

Resolution Passed

23-249 (F) Resolution approving contract with the Original Print Shoppe for Quarterly Newsletter Printing and Mailing Postage Expenses. Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac solicited responses from three vendors to print and deliver a newsletter to residents; and

WHEREAS, two companies responded to the request; and

WHEREAS, one company was able to provide the requested service in the requested time frame at a total cost of \$12,991.35; and

WHEREAS, \$7,822.91 was a passthrough cost for postage;

NOW THEREFORE, BE RESOLVED, City Council hereby authorizes payment to The Original Print Shoppe in the amount of \$12,991.35 for printing and delivery of the newsletter.

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

No: None

Resolution Passed

23-249 (G) Resolution for General Liability and Property Insurance Policy. Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the Huttenlocher Group, the City's Insurance agent has presented the City with a proposal for General Liability and Property Insurance for coverage beginning July 1, 2023; and,

July 6, 2023, Draft

WHEREAS, the Deputy Mayor, has reviewed the proposal, recommends the proposal is acceptable, and has certified available funding;

NOW THEREFORE, BE IT RESOLVED that the City Council approves the proposal from the Michigan Municipal Risk Management Authority for a total premium of \$695,160.

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

No: None

Resolution Passed

Special Presentation

Historic Appropriations Funding for Pontiac Initiatives included in State of Michigan Annual Budget

Presenter: State Representative Brenda Carter

Recognition of Elected Officials - None

Agenda Address

1. Deirdre Waterman addressed item #1

Agenda Items

Ordinance

Motion to accept amended language to Municipal Code Ordinance Text Amendment to Amend Article 2, Chapter 94, Section 26 (Refuse containers and yard waste containers, specifications) to add Subsection (g) regarding regulation of waste containers storage. Moved by Councilperson Nicholson and second by Councilperson Carrington.

Ayes: Nicholson, Parker, Carrington, James and McGuinness

No: None

Motion Carried

2418 Adoption of Municipal Code Ordinance Text Amendment to Amend Article 2, Chapter 94, Section 26 (Refuse containers and yard waste containers, specifications) to add Subsection (g) regarding regulation of waste containers storage. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Parker, Carrington, Goodman, James and Nicholson

No: McGuinness

Ordinance Adopted

****See Ordinance #2418 as Exhibit A after the minutes**

Resolutions

Department of Public Works (DPW)

23-250 Resolution approving contract with the Michigan Department of Transportation for Franklin Road Resurface Construction at \$1,069,200. Moved by Councilperson Carrington and second by Councilperson Goodman.

WHEREAS, The City of Pontiac has determined the need to improve Franklin Road from the south city limits to Rapid Street and Rapid Street from Franklin Road to Woodward 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,

July 6, 2023, Draft

NOW, THEREFORE BE IT RESOLVED that CONTRACT No. 23A0595, Control Section STU 63000; Job Number 215143CON, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION and the CITY OF PONTIAC is hereby accepted and the Pontiac City Council authorizes Tim Greimel, Mayor to sign the said contract.

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

No: None

Resolution Passed

Mayor's Office

23-251

Resolution approving contract with Flock Camera Systems for continuation of services at an annual rate of \$42,500. Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, Flock Safety is a company that sells camera-based license plate detection systems to review for owners' outstanding warrants; and

WHEREAS, The City of Pontiac, the Oakland County Sheriff, and Flock Safety implemented a trial of the Flock Safety system for approximately one year, which ends on July 23, 2023; and

WHEREAS, The Oakland County Sheriff has attested to the value that the Flock Safety systems has brought to their investigations; and

WHEREAS, The cost to continue this system is currently \$2,500/ camera per year; and

WHEREAS, FLOCK has agreed to hold that pricing instead of the planned \$500 increase;

NOW THEREFORE BE IT RESOLVED, the Pontiac City Council authorizes the continued used of the Flock Safety system within the City of Pontiac right-of-way at locations to be determined by the Oakland County Sheriff and Flock Safety for a period of 5 years, and

BE IT FURTHER RESOLVED, that the Mayor or his designee are authorized to sign the necessary contracts/ agreements to implement continued use of the system during that time.

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

No: Goodman

Resolution Passed

Public Comment

1. Minister Veronica Taylor
2. Dr. Deirdre Waterman
3. Billie Swazer
4. Troy Craft
5. Josie Byrd

Discussions

Corrective Action Measures Submitted to Michigan Department of Treasury

Pontiac Pride and Beautification Nominations Open to July 15, 2023

Unregistered Rental Properties & Conditions (**Add-on**)

Communications

City Council and Mayor's Office

July 6, 2023, Draft

Mayor, Clerk and Council Closing Comments

Deputy Mayor Khalfani Stephens, Clerk Doyle, Councilman Nicolson, Councilman Goodman, Councilman William Parker Jr., Councilwoman Kathalee James, and Council President Mike McGuinness made closing comments.

Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 8:07 p.m.

Garland S. Doyle
City Clerk

CITY OF PONTIAC
ORDINANCE No. 2418

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE ARTICLE 2, CHAPTER 94, SECTION 26: SOLID WASTE TO INCLUDE REGULATION OF WASTE CONTAINERS STORAGE.

ARTICLE 2, CHAPTER 94, SECTION 26

The City of Pontiac Ordains:

Amend Article 2, Chapter 94, Section 26- Refuse containers and yard waste containers, specifications is amended to add Subsection (g) to include storage requirements of waste containers.

ARTICLE II. COLLECTION AND DISPOSAL

94-26 Refuse containers and yard waste containers, specifications.

(a) The owner, agent, lessee, tenant and/or occupant of any house, building or apartment where refuse is generated shall provide weatherproof containers in sufficient numbers and capacity for the proper storage of refuse on the premises for one week.

(b) The owner, agent, lessee, tenant and/or occupant of any house, or apartment of four or less units who use the City of Pontiac provided curbside refuse collection services, shall use the City provided 105-gallon refuse cart for storage on the premises between weekly curbside collections. The user of the City provided curbside refuse collection services shall place all refuse set out for disposal in the City provided refuse cart and keep the cart lid closed except when in the act of placing refuse in it. The user of the City curbside collection services shall not set items out for refuse disposal that do not qualify for refuse collection. The user of the City provided curbside refuse collection services shall place the City provided refuse container, that contains refuse, at the curb in front of the collection address by 7:00 a.m. on the City scheduled day of collection and not before 7:00 p.m. the night before the City scheduled collection day. The user of City provided curbside refuse collection services shall remove the City provided refuse container from the curb by 7:00 p.m. on the day of collection and store it in accordance with subsection (g) below. The user of City provided curbside refuse collection services shall keep the City provided refuse cart in a clean and sanitary condition. The user of the City provided refuse container shall use it within the cart user guidelines provided with the cart and avoid cart damage that may result from user abuse or user misuse. Cart repair/replacement cost resulting from user abuse, user misuse, fire, theft, or loss will be the property owner's responsibility. Determination of responsibility for cart repair/replacement costs will be made by a representative of the Department of Public Works as assigned by the Director. Except for carts purchased from the refuse collection service provider, issued carts remain the property of the refuse collection service provider. No person, except the cart owner or owner's representative, shall remove the cart from the property address where the cart was issued. Refuse collection service provider owned carts that are set out at locations other than the issued location shall be considered a violation of this chapter. Determination of violation and responsible party for improperly relocated and set out carts will be made by a representative of the Department of

Public Works as assigned by the Director. Those improperly relocated and set out carts shall be reclaimed by the service provider as violation abatement, emptied of any waste found in them, and returned to the properly issued location. This violation abatement service will be documented but no advance notice to the responsible party or to the property owner is required prior to the abatement service being performed. The cost of this violation abatement, as authorized under section 94-35, shall be assessed to the owner of the property where the cart was issued and/or to the responsible party who moved the cart and/or to the owner of the property where the cart was set out, discovered, and reclaimed. Charges to any responsible party, in addition to any penalty imposed by law, shall be determined on a case by case. The City shall have, as security for payment of any charges to any customer, a lien upon the premises or real estate generating the violation and abatement service. The lien shall become effective immediately upon billing for the service to the premises or real estate. The lien may be enforced by the general laws of the State of Michigan providing for the enforcement of tax liens. The lien created by this article shall have priority over all other liens except for taxed and special assessments and shall have equal priority with other liens imposed for City supplied municipal services.

(c) The owner, agent, lessee, tenant and/or occupant of any house, or apartment of four or less units where yard waste is generated, shall provide containers no less than ten-gallon or more than 35-gallon in capacity, of the type approved by the Director of Public Works, in sufficient numbers for the proper storage of yard waste on the premises for one week.

(d) The owner, agent, lessee, tenant and/or occupant of any house, or apartment of four or less units who use the City of Pontiac provided curbside yard waste collection services, shall not set items out for yard waste disposal that do not qualify for yard waste collection. The user of City provided yard waste collection services shall not set out yard waste for collection that does not meet the yard waste set out containment, weight, and quantity restrictions approved by the Director of Public Works. The user of City provided yard waste collection services shall set yard waste out in approved containers for collection at the curb in front of the collection address by 7:00 a.m. on the City scheduled day of collection and not before 7:00 p.m. the night before the City scheduled collection day. The user of the City provided yard waste collection service shall remove the yard waste containers from the curb by 7:00 p.m. on the day of collection and store it in accordance with subsection (g) below. The user of City provided yard waste collection services shall maintain the yard waste containers in a good, safe, clean, and sanitary condition.

(e) No yard waste, refuse, rubbish, garbage, ashes, hazardous waste, or other waste matter may be placed, dumped, or raked onto streets or alleys or into street drains.

(f) The following specifications represent the minimum cart standards required by the City for use in servicing homes and apartments of four units or less. The City may consider carts that do not comply with one or more of the following specifications; however, contractors providing service to any house or apartment of four units or less shall state any deviation from the specifications and provide information to convince the City that cart performance will not be degraded. Acceptability of alternative specifications is the sole determination of the City.

- (1) The rollout cart is compatible with both standard American semi-automated bar-locking lifters (ANSI type B)

as well as automated arm lifters (ANSI type G).

- (2) The wheeled refuse carts are designed to contain solid waste materials including paper, fibers, garbage, and rubbish.
- (3) The cart is provided with adequate wheels and handles so that it can be pushed or pulled with little effort.
- (4) The capacity of the cart is 105 U.S. gallons, excluding domed lid.
- (5) The cart is designed to accommodate a load of 335 pounds, excluding the weight of the cart.
- (6) The cart has wheels and axles that are designed to support the weight of the cart and its contents up to 335 pounds.
- (7) The cart is made with plastic material, specifically prepared to be colorfast so that they do not alter appreciably in normal use.
- (8) The carts will have a color as approved by the Director; these colors must be stabilized against ultraviolet light attack with not less than one-half of one percent UV 531 or equivalent.
- (9) The lid of the cart is designed to facilitate water runoff.
- (10) The lid is held closed by its weight only. No latches are used or required.
- (11) The cart, when empty, will not overturn when the lid is thrown fully open.
- (12) Serial numbers shall be hot stamped on the cart body using a numbering system of the contractor's choosing.
- (13) Carts provided by contractors other than the contractor hired by the City for City provided refuse disposal services shall be easily distinguishable from carts used by the City's contractor.

(g) All waste containers (whether or not they have waste in them) shall be stored outside of the public view. A person may satisfy this requirement by storing all waste containers in the person's garage. A person choosing not to store all or part of the person's waste or waste containers in the person's garage may otherwise satisfy this requirement by storing the waste or waste containers in the person's rear yard provided the person also meets the following requirements. The waste and waste containers stored in the person's rear yard must be stored such that the waste and waste containers are not visible from the street adjacent to the person's front yard. Regardless of the location where waste or waste containers are stored, the containers must also comply with the requirements of subsection (f) above.

Exceptions. A person does not need to comply with the requirement that waste and waste containers must be stored outside of the public view as mandated by subsection (g) above if any of the following applies:

- a. The waste or waste container is in the process of being moved from one location that is out of the public view to another location that is out of the public view.
- b. The person has received a permit or written permission from the City that implicitly or expressly allows the person to disregard the requirement as provided in subsection (g) above. For example, a person may obtain written permission from the City if there is a medical condition that prevents the person from retrieving their waste or waste container within the time frame mandated by subsections (b) and (d) above.
- c. The person is placing the waste or waste container into the public view for purposes of waste collection in a manner that is consistent with subsection (b) and (d) above.
- d. If the property sits on a corner lot, with no garage, the waste or waste container may be placed on the side of the property, away from the front of the building.

(Ord. No. 2203, 9-21-06; Ord. No. 2294, § 1(A), 7-4-13)

CONSENT AGENDA B

PONTIAC CITY COUNCIL RESOLUTION

Scheduling Special Meeting of the Pontiac City Council

Whereas, the Pontiac City Council holds weekly regular meetings per the requirements of the Pontiac City Charter; and,

Whereas, the Pontiac City Charter provides for the ability for the City Council to call for a Special Meeting, providing us with the tools to handle additional business that requires a quorum of the City Council to be present; and,

Whereas, the City Council is considering applicants for open positions for the staff of the Pontiac City Council offices and is conducting interviews with finalists; now,

Therefore, Be It Resolved, the Pontiac City Council hereby schedules a City Council Special Meeting on Saturday, July 22, 2023 at 8:00 a.m. for the purposes of conducting prospective employee hiring interviews, to be held in the Legislative Conference Room at Pontiac City Hall, 47450 Woodward Avenue, Pontiac, Michigan 48342; and further

Resolved, the City Council request the Pontiac City Clerk's office prepare, post, and circulate information of these public meetings as required by State law, City ordinance, and Council rules and procedures.

#8

ORDINANCE



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: City Council

CC: Mark Yandrick, Planning Manager

FROM: Richard K. Carlisle, FAICP, Planning Consultant to the City of Pontiac
Anna Wysocki, Planning Consultant to the City of Pontiac

DATE: May 30, 2023, Updated June 22, 2023

RE: 1461 Baldwin Avenue – Zoning Map Amendment

Executive Summary:

On behalf of LeafCo Ventures, the applicant has applied for a Zoning Map Amendment, with the intent to amend the zoning of parcel 14-08-385-024 from C-1 Local Business to C-3 Corridor Commercial. The parcel in question is one of three that comprises 1461 Baldwin Avenue, which is subdivided by a public alley. Whereas parcel 14-08-385-024 is located west of the public alley and zoned C-1, the other two parcels comprising 1461 Baldwin are located east of the public alley and are zoned C-3. An image of the subject site is provided on the following page.

Planning Commission recommended approval of the Zoning Map Amendment, 4-0, at the public hearing at the June 7, 2023 meeting.

Figure 1. Aerial View of the Subject Site



(Subject parcels are outlined in blue.)

Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

Criteria for Amendment of the Official Zoning Map:

- A. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans.

CWA Comment: *The proposed zoning amendment is recommended for any future use of the site. The zoning of parcel 14-08-385-024 should be consistent with parcels 14-08-385-021 and 14-08-385-031. The rezoning will remedy split zoning of the combined site at 1461 Baldwin and will allow uses that better reflect the Master Plan.*

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

CWA Comment: *The proposed map amendment is compatible with the site's environmental features.*

- 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.

CWA Comment: *Although the C-3 parcels of the subject site are located within Adult Use Marihuana Overlay District #1 and Medical Marihuana Overlay District #1, their use cannot be permitted without the adjacent parking lot. However, the current split zoning prohibits the site from inclusion in the Medical Marihuana Overlay District, which requires a C-3 underlay. Regardless of specific use, a map amendment is recommended so that zoning will be consistent throughout 1461 Baldwin Avenue.*

- 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.

CWA Comment: *The proposed amendment is compatible with surrounding uses.*

- E. The capacity of the City's utilities and services are sufficient to accommodate the uses permitted in the requested district.

CWA Comment: *The proposed amendment is expected to have no impact on the capacity of utilities and City services.*

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

CWA Comment: *The proposed amendment is expected to have no impact on traffic safety. It is expected to allow and accommodate increased traffic flow.*

- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

CWA Comment: *The boundaries of the requested C-3 zoning amendment are reasonable, as described.*

- H. If a rezoning is appropriate, the requested zoning district is considered by the City to be more appropriate than another.

CWA Comment: *It is recommended that the parcel in question be converted from C-1 to C-3 zoning to remedy split zoning. No alternative zoning designation is recommended.*

- I. If the request is for a specific use, rezoning 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.

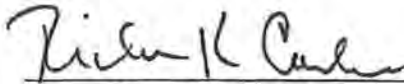
CWA Comment: *The applicant submits this request as a condition for site plan approval for a proposed adult use marihuana retail facility. However, the amendment from C-1 to C-3 zoning is recommended for any proposed commercial use.*

Staff Recommendation

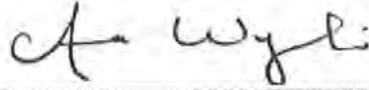
The proposed zoning map amendment meets the criteria set by Section 6.804 of the Zoning Ordinance. The Planning Commission and City Council may add considerations to the above criteria if they are applicable to the site and not listed above. The proposed zoning map amendment can move forward for review by City Council, at the recommendation of the Planning Commission.

Planning Commission Recommendation

Planning Commission recommended approval of the Zoning Map Amendment, 4-0, at the public hearing at the June 7, 2023 meeting.



CARLISLE/WORTMAN ASSOC., INC
Richard K. Carlisle, FAICP
Past President/Senior Principal



CARLISLE WORTMAN ASSOC., INC.
Anna Wysocki
Community Planner

Edited by: Mark Yandrick, Planning Manager

**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 A SPECIFIC PARCEL ON THE NORTH SIDE OF WALTON BOULEVARD BETWEEN BALDWIN AVENUE AND HOLLYWOOD AVENUE.

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 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal description, commonly referred to as 1461 Baldwin, Parcel ID: 14-08-385-024, from C-1 Local Business to C-3 Corridor Commercial.

Provided Legal Description:

T3N, R10E, SEC 8 MARIMONT SUB LOTS 181 TO 184 INCL, ALSO S 1/2 OF VAC ALLEY ADJ TO SAME

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 _____, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, 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

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County Oakland, State of Michigan, at a regular meeting of the City Council held on _____ day of _____, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: _____

Members Absent: _____

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes: _____

Members voting no: _____

Members abstaining: _____

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

Garland Doyle, City Clerk
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:

#9

ORDINANCE

Community Development Department

Rachel Loughrin, Director
Rafael LeFlore, Interim Building Official
Jack McIntyre, Code Enforcement Manager
Deborah Younger, Economic Development Manager
Mark Yandrick, Planning Manager



TO: City Council

FROM: Mark Yandrick, Planning Manager
Corey Christensen, Senior Planner

DATE: June 1, 2023, Updated July 6, 2023

RE: SPR 23-004 Rezoning, 31 N. Astor Rd

Executive Summary

SPR 23-004 is a request by Red Chickweed LLC to rezone 31 N Astor from R-1 (One Family Dwelling) to R-3 (Multiple Family Dwelling). The applicant intends to convert the vacant school into multiple family dwellings with a commercial space on the first floor as well as add two-story multi-family residential buildings on the site. There are 10 parcels in total as part of this rezoning.

Planning Commission recommended approval, 4-0 of this zoning Map Amendment on June 7, 2023 during the public hearing.

Since the Planning Commission meeting, the applicant has volunteered a condition that building approvals for vertical construction of any new buildings on the site will not take place until either upon the issuance of one or more certificate of occupancies by the City for at least a minimum of 2,600 square feet of the nonresidential space and a minimum of 2,700 square feet of multifamily residential space if the school is redeveloped or demolition if the building is not structurally or financially feasible. This ensures that development does not occur on the site with the school remaining vacant or becoming blighted.

Overview and History

The proposed rezoning includes 10 parcels as indicated below . The applicant intends to convert the existing school structure into apartments with some commercial space on the first floor. Eventually, the applicant intends to build more multifamily residential structures on the western portion of the property. The property is currently zoned R-1 One Family Dwelling which does not permit mixed use developments or multifamily residences. After meeting with staff, it was determined that the R-3 Multiple Family district was the least change necessary to permit the types of uses the applicant is proposing.

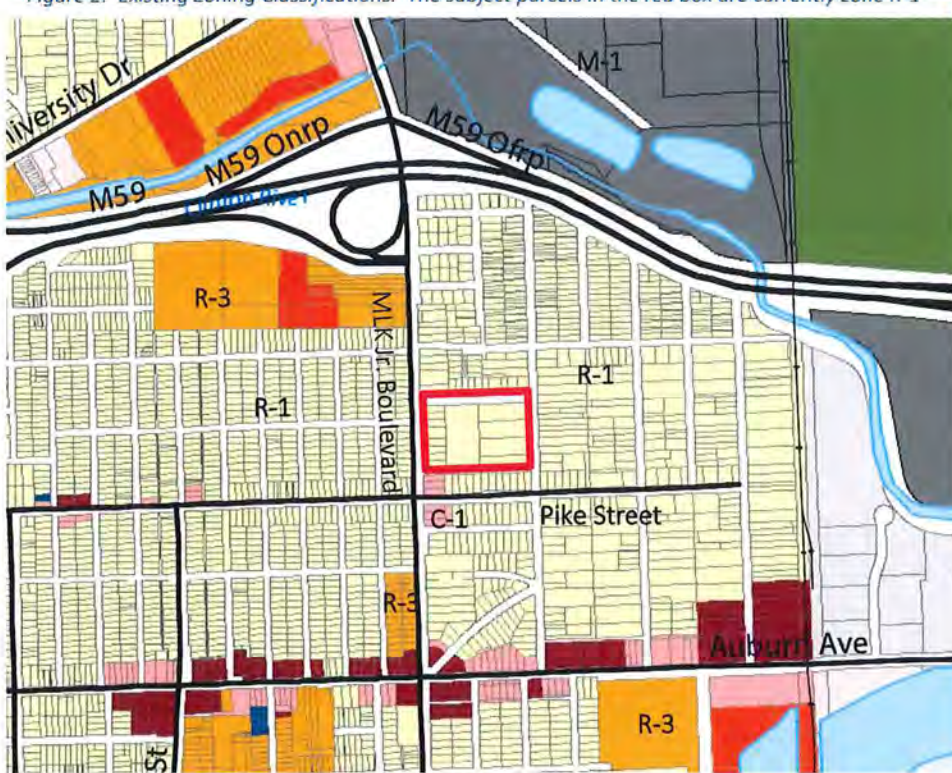


Figure 1: Aerial of the Existing Site between Martin Luther King Drive (left), Astor Drive (right) and Northway Drive (top)

Zoning Districts

The following map in Figure 2 shows the subject property to be rezoned, as well as surrounding districts.

Figure 2: Existing Zoning Classifications. The subject parcels in the red box are currently zone R-1



The difference between the One-Family and Multiple-Family Dwelling is the allowance for multi-family housing and similar uses in the R-3 district according to Table 2, *Uses Permitted by District* of the City's Zoning Code as well as mixed use development.

Condition of Approval

Since the Planning Commission meeting, staff had discussion with the applicant about not wanting the school to remain vacant while the rest of the site was under construction. While this would be formalized in a site plan, Planning Commission and/or staff would not much control of this in a future site plan process if it met the zoning conditions.

The applicant agreed to the following condition of approval for this zoning map amendment:

Applicant agrees to the renovation or demolition of the vacant building known as the former Longfellow School Facility (the "Building") prior to the commencement of any vertical construction of any new building, home, or other permanent structure on the rezoned Property. The Applicant shall renovate the Building if it is structurally and/or financially feasible. If it is not structurally or financially feasible to renovate the Building, the Applicant shall demolish the Building. In the event Applicant renovates the building, upon the issuance of one or more certificate of occupancies by the City for at least a minimum of 2,600 square feet of the nonresidential space and a minimum of 2,700 square feet of multifamily residential space. Additionally, in the event any one or more of the ten (10) vacant land parcels included in this conditional rezoning are removed or separated from the project site, it shall revert to its original zoning as it exists on Thursday, July 6, 2023.

The size of the former school is approximately 38,450 square feet so the commitment represents approximately 14% of the building will receive final certificates of occupancy before zoning and building permits are issued for vertical construction. Typically, portions of a development will receive a certificates of occupancy in phases so this represents the commitment for both multi-family and non-residential uses before beginning with the rest of the site. The applicant expressed a strong desire for grading and foundation work to be done concurrently, which is why he worded the condition as such.

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: Residential, Commercial & Green." This classification is intended to allow for a wide range of uses and site configurations so that residents, neighbors, community groups, investors and other stakeholders might redevelop distressed properties. The applicant's proposed rezoning and future development are consistent with the goals, policies and objectives of the Master Plan.

- 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 this type of use or zoning.

- 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.

Under the current designation the property is only permitted to be used as a single-family residence or for some institutional uses such as community centers or schools.

- 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 R-3 zoning district permits the same uses as the R-1 district with the addition of higher density residential and some low intensity commercial uses such as restaurants, childcare facilities, and offices

Figure 2: August 2018 Google Streetview of the Vacant School (from N. Astor Street)

- 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.

The City's utilities and services are sufficient to accommodate the proposed use. The site was previously used as a public school and the utilities is designed to accommodate large numbers of people

The City's utilities and services are sufficient to accommodate the proposed use. The site was previously used as a public school and the utilities is designed to accommodate large numbers of people.



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

The site was previously used as a public school and the roadway is designed to accommodate large numbers of people. The property has frontage along Martine Luther King Jr Blvd.

- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

The boundaries of the requested rezoning district are sufficient for the development proposed by the applicant. The area of the rezoning fronts the right-of-way on three sides, to the south the property abuts single family residences.

- 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 development being proposed. The R-3 zoning district was selected because it represents the least change necessary to permit the multifamily residential and commercial uses proposed by the applicant.

- 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.

It would not be appropriate to amend the list of uses permitted in the R-1 One Family district to include multifamily and commercial uses.

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

The requested rezoning will maintain the residential nature of the property but allow for multifamily style developments. The vacant elementary school sits on a parcel that is significantly larger than other parcels in the R-1 zoning district. Redevelopment of the site is unlikely without a rezoning.

Planning Commission Recommendation

Planning Commission recommended approval, 4-0, of this zoning Map Amendment on June 7, 2023 during the public hearing.

Staff concurs that City Council should consider the condition of approval that the metrics (square feet) of certificates of occupancy for both multi-family and nonresidential uses be issued in the school building before vertical construction begins on any new buildings on site.

City Council Resolution

A resolution for Conditional Rezoning Agreement will be presented at second reading. This agreement, once approved, will be recorded with the property (ies).

2MA23-004



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: 31 N Astor St, Pontiac MI 48342

Sidwell Number: 14-27-306-014

Office Use Only

PF Number: _____

Date: 5/4/2023

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 | Red Chickweed LLC | | |
| Address | 735 W Huron St | | |
| City | Pontiac | | |
| State | MI | | |
| ZIP Code | 48342 | | |
| Telephone | Main: _____ | Cell: (_____, _____) | Fax: _____ |
| E-Mail | nm@pimperneldevelopments.com | | |

Project and Property Information

Name of Proposed Development: Longfellow School Redevelopment (name undecided: Pontiac Eastside Longfellow 2.0)

The subject property is location at 31 N Astor St on the N / S / E / W side of Martin Luther King Jr Blvd between Pike St and Northway St.

The property is zoned: R-1 One Family Dwelling

Proposed Zoning District: R-3 Multiple Family Dwelling

It is proposed that the property will be used as: Multifamily, Multifamily Mixed-use

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

T3N, R10E, SEC 27 HOMESTEAD PARK NO. 1 LOT 186 TO 189 INCL & E 236 FT OF LOT 10 A.P. NO 105 ADJ ON WEST.

Property Owner Information

| | | | |
|-----------|---|-------------|------|
| Name | Red Chickweed LLC | | |
| Address | 36400 Woodward Ave / 735 W Huron St 431549 / 31 n Astor St | | |
| City | Bloomfield Hills / Pontiac / Pontiac | | |
| State | MI | | |
| ZIP Code | 48304 / 48343 / 48342 | | |
| Telephone | Main: | Cell: ----- | Fax: |
| E-Mail | nm@pimperneldevelopments.com / niccolo.mastromatteo@gmail.com | | |

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.).

PHASE I - MULTIFAMILY MIXED-USE (nonprofit/local business center community hub)

- 35 (+/-) loft-style apartment rental units

- 6 (+/-) nonprofit/local busienss center community hub spaces (kitchen, gym, auditorium, boilerhouse)

PHASE II - MULTIFAMILY

- 145 (+/-) loft-style apartment rental units

TOTAL I&II - 180 (+/-) loft-style apartment rental units and 6 +/- nonprofit/local business center community hub spaces

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

Redevelop longstanding vacant, underutilized, facility property in heart of Eastside Pontiac District 7 Census Tract 1423, Block Group 1

Provide quality rental housing options at reasonable pricing to current Pontiac Cilizens and employees (i.e., future citizen residents)

Provide City increased existing and new additional tax revenue, and Citizens increased resident services, property values, jobs, leveling-up opportunities for PCs, and Eastside hub

Beautifully, add value to, & further revitalize already strong, solid, up-and-coming neighborhood, increasing property values, adding jobs, sheparding & creating leveling-up opportunities

Current zoning severely limits highest best use for property, rezoning enables property to be redeveloped and owner developer ability to deliver 5-year plans developed alongside Eastsiders, neighborhood residents, community members, influencers, and other Pontiac Citizer



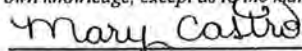
Signature of Owner



Signature of Applicant

State of Michigan
County of Oakland

On this 4th day of May, A.D., 2023, 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 Commisssion Expires: Dec 19, 21

MARY CASTRO
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Dec 19, 2027
ACTING IN COUNTY OF Oakland



PHASE II/III

PHASE II - NEW GROUND-UP MULTIFAMILY / MULTIFAMILY M-U

145 loft-style rental apartment units (109-1br / 36-2br)
0-4 +/- nonprofit/local business spaces

COMMUNITY
SPACE

~280 TOTAL

FUTURE DEVELOPMENT

PHASE III/IV

PHASE I LONGFELLOW SCHOOL

Clinton River
Trailhead Parking

sign

Clinton River
Trailhead Parking

Picnic area

COMMUNITY
SPACE

Parking
Option

Parking
Option

PHASE I - LONGFELLOW SCHOOL MULTIFAMILY MIXED-USE

35 loft-style rental apartment units (27-1br / 8-2br)
4-6 +/- nonprofit/local business spaces

Kitchen
Gym
Auditorium

Boilerhouse

Basketball courts (2)
Drinking fountains (2)

Dogpark

COMMUNITY
SPACE

sign

**Resolution of the Pontiac City Council
To Approve First Reading of Zoning Ordinance Map Amendment
to Rezone 31 N. Astor Street**



Resolution to Approve First Reading of Zoning Ordinance Map Amendment to Rezone ten (10 parcels) at 31 N. Astor Street

At a meeting of the City Council ("Board") of the City of Pontiac, County of Oakland, State of Michigan (the "City") at a meeting held on _____, 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 the ten (10) parcels 7.7 acres at 31 N. Astor Street; specifically, to amend the Zoning Ordinance Map which list these properties as R-1 One-Family Dwelling to R-3 Multiple Family Dwelling.

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to reject 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 _____, to the City's Zoning Ordinance Map.

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.

Dated: June ____, 2023

By: _____
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 A SPECIFIC PARCEL ON THE EAST SIDE OF MARTIN LUTHER KING JR. BOULEVARD NORTH BETWEEN PIKE STREET AND NORTHWAY STREET.

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 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal description, commonly referred to as 31 Astor St., Parcel ID: 14-27-306-014, from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.

Provided Legal Description:

14-27-306-014, T3N, R10E, SEC 27 HOMESTEAD PARK NO. 1 LOT 186 to 189 INC & E 236 FT OF LOT 10 A.P. NO 105 ADJ ON WEST.

14-27-306-002, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 1 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-003, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 2 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-004, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 3 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-005, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 4 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-006, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 5 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-007, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 6 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-008, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 7 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-009, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 8 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-010, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 9 EXC W 30 FT TAKEN FOR

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 _____, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, 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

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County Oakland, State of Michigan, at a regular meeting of the City Council held on _____ day of _____, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: _____

Members Absent: _____

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes: _____

Members voting no: _____

Members abstaining: _____

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

Garland Doyle, City Clerk
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:

APPROVAL

If the City is satisfied that the Applicant meets the standards of the Zoning Ordinance to be eligible for a rezoning,⁴ It may approve same. If Council approves the conditional rezoning, the Conditional Rezoning Agreement incorporating the voluntarily offered conditions will be provided by our office at second reading of the Zoning Ordinance Amendment. An appropriate motion would be:

“I move to approve the first reading of a conditional rezoning of parcel number 14-27-306-014 commonly known as 31 North Astor Road, Pontiac, MI, from R-1 One Family Dwelling to R-3 Multiple Family Dwelling based upon a finding that the Application meets criteria for amendment of the Zoning Map pursuant to the City of Pontiac Zoning Ordinances (Sec. 6.804), subject to the following conditions voluntarily offered by the Applicant: ‘Applicant agrees to the renovation or demolition of the vacant building known as the former Longfellow School Facility (the "Building") prior to the commencement of any vertical construction of any new building, home, or other permanent structure on the rezoned Property. The Applicant shall renovate the Building if it is structurally and/or financially feasible. If it is not structurally or financially feasible to renovate the Building, the Applicant shall demolish the Building. In the event Applicant renovates the building, upon the issuance of one or more certificate of occupancies by the City for at least a minimum of 2,600 square feet of the non-residential space and a minimum of 2,700 square feet of multifamily residential space. Additionally, in the event any one or more of the ten (10) vacant land parcels included in this conditional rezoning are removed or separated from the project site, it shall revert to its original zoning as it exists on Thursday, July 6, 2023.’”

⁴ Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless *bona fide* development of the Property pursuant to approved building and other permits required by the City commences within the two (2) year period.

DENIAL

If the Council wishes to deny the conditional rezoning request, an appropriation motion would be:

“I move to deny the conditional rezoning for parcel number 14-27-306-014, commonly known as 31 North Astor St, from R-1 One Family Dwelling to R-3 Multiple Family Dwelling, based upon a finding that the Application does not meet the criteria for amendment of the Zoning Map pursuant to the City of Pontiac Zoning Ordinance (Sec. 6.804).”

Exhibit A

June 29, 2023

Conditional Rezoning 31 N Astor

Applicant agrees to the renovation or demolition of the vacant building known as the former Longfellow School Facility (the "Building") prior to the commencement of any vertical construction of any new building, home, or other permanent structure on the rezoned Property. The Applicant shall renovate the Building if it is structurally and/or financially feasible. If it is not structurally or financially feasible to renovate the Building, the Applicant shall demolish the Building. In the event Applicant renovates the building, upon the issuance of one or more certificate of occupancies by the City for at least a minimum of 2,600 square feet of the non-residential space and a minimum of 2,700 square feet of multifamily residential space. Additionally, in the event any one or more of the ten (10) vacant land parcels included in this conditional rezoning are removed or separated from the project site, it/they shall revert to its/their original zoning as it exists on Thursday, July 6, 2023.



Niccolo Mastromatteo, Applicant

6/29/2023

Date

Exhibit B

- D. If the proposed amendment would require a change in the zoning map, the names and addresses of the owners of all land within the area to be changed by the proposed amendment.
- E. The alleged error in this ordinance, if any, which would be corrected by the proposed amendment together with a detailed explanation of such error in the ordinance, which is alleged, and detailed reasons as to how the proposed amendment will correct the same.
- F. The changed or changing conditions, if any, in the area or in the municipality generally, which make the proposed amendment reasonably necessary.
- G. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

Section 6.804 Criteria for Amendment of the Official Zoning Map

In considering any petition for an amendment to the official zoning map, including the designation of street type (A, B, and C) and designation of small front setback lots, the Planning Commission and City Council shall consider any of the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.

- 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.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- 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.
- 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.
- E. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- 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.
- 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.
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

Section 6.805 Re-application

Whenever an application for an amendment to this Ordinance has been denied by the City Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of 180 days, unless the Planning Commission determines that one or more of the following conditions has been met:

#10

RESOLUTION

Community Development Department

Rachel Loughrin, Director
Larry Domski, Building Official
Jack McIntyre, Code Enforcement Manager
Deborah Younger, Economic Development Manager
Mark Yandrick, Planning Manager



To: Honorable City Council

FROM: Deborah Younger, Economic Development Manager

DATE: July 5, 2023

RE: Resolution to Schedule a Public Hearing to Establish an Obsolete Property Rehabilitation District for Parcel Number 14-29-434-023, located at 46 N. Saginaw 46 N. Saginaw HCP, LLC

46 N. Saginaw HCP, LLC is requesting the City of Pontiac establish an Obsolete Property Rehabilitation District on parcel 14-29-434-023, located at 46 N. Saginaw in the City of Pontiac. The process to establish an obsolete property rehabilitation district is detailed in the Obsolete Property Rehabilitation Act P.A. 146 of 2000 as amended. Prior to approval of establishing the district, a Public Hearing is required. A separate hearing and resolution to approve the application for an obsolete property rehabilitation exception certificate is required after approval of the district.

46 N. Saginaw HCP, LLC is requesting tax exemption for the property at 46 N. Saginaw St. The project is estimated at \$5,000,000 for the rehab of the 3 story 21,000 square foot building. The proposed rehabilitation would be mixed use with 8 residential units on the second and third floors and commercial/social space on the first floor. The 16 residential units would consist of 1 bed, 1 bath market rate units for lease. The rehabbed property will serve the downtown with tenants living in the downtown district supporting existing businesses and adding to the demand for further small business creation. The 46 N. Saginaw project will provide approximately 40 jobs during the 12-month construction period and a minimum of 16 tenants living in the downtown district.

46 N. Saginaw HCP, LLC has completed all the required documentation in compliance with Michigan's Obsolete Property Rehabilitation Act P.A. 146 of 2000 as amended and has a certificate of Obsolescence affidavit.

A notice for the public hearing should be posted 10 days prior to the public hearing.

CITY OF PONTIAC
NOTICE OF PUBLIC HEARING

**RESOLUTION TO SCHEDULE A PUBLIC HEARING TO ESTABLISH AN OBSOLETE PROPERTY
REHABILITATION DISTRICT FOR PARCEL 14-29-434-023, N. SAGINAW HCP, LLC PROJECT LOCATED AT 46
N. SAGINAW ST. ON JULY 25, 2023**

NOTICE IS HEREBY GIVEN that the City of Pontiac will hold a public hearing to establish an Obsolete Property Rehabilitation District for parcel number 14-29-434-023, 46 N. Saginaw HCP, LLC, located at 46 N. Saginaw Street in Pontiac, Michigan.

Public Comment For Individuals who desire to make a public comment, please submit your name and comment in writing to publiccomments@pontiac.mi.us by 5:00 PM, by July 24, 2023. Additionally, you may submit your public comment directly to the office of City Clerk gdoyle@pontiac.mi.us. The hearing will be held on **Tuesday, July 25, 2023, at 6:00 PM at City of Pontiac Council Chambers, located at 47450 Woodward Avenue, Pontiac, Michigan 48341.**

Arrangements to reasonably accommodate special needs will be made upon receiving a 72-hour advance notice. Please contact Garland Doyle, City Clerk at 248.758.3007 or via email at gdoyle@pontiac.mi.us

Garland Doyle, City Clerk

Published (Oakland Press, _____, 2023)

#11

RESOLUTION



RESOLUTION TO ENTER INTO A REHABILITATION AGREEMENT WITH THE OAKLAND COUNTY LAND BANK, USING GRANT FUNDING

WHEREAS the Oakland County Land Bank owns 79 Oliver Street, Pontiac, MI 48342 (parcel number 14-21-328-017) and 595 N. Perry Street, Pontiac, MI 48342 (parcel number 14-21-376-031) and the Oakland County Treasurer owns 75 Oliver Street, Pontiac, MI 48342 (parcel number 14-21-238-018); and

WHEREAS all three of these properties are in the Modern Housing Historic District; and

WHEREAS the City of Pontiac has received a Rehabilitation Agreement request from the Oakland County Land Bank for 79 Oliver Street and 595 Perry Street to rehabilitate both existing homes; and

WHEREAS the Oakland County Land Bank agrees that should it not complete the renovation of both 79 Oliver Street and 595 N. Perry Street within the 180-day time frame allowed by the City of Pontiac Rehabilitation Agreement Ordinance, the Oakland County Land Bank will use available grant funding to fully demolish these two existing structures; and

WHEREAS the Oakland County Treasurer agrees that 75 Oliver Street will not be rehabilitated and shall be demolished, with funds from the Treasurer's office, within the 180-day timeframe of the Rehabilitation Agreement and the Treasurer's office will combine that property with 79 Oliver Street; and

WHEREAS the City of Pontiac recognizes that grant funding monies are strictly reimbursable dollars and not funds that can be allotted in advance, the City will waive the requirement of a cash bond; and

NOW THEREFORE BE IT RESOLVED that the City of Pontiac waives the cash bond requirement for the 79 Oliver Street and 595 Perry Street Rehabilitation Agreement; and

BE IT FURTHER RESOLVED that the Oakland County Land Bank will use grant funds to demolish either or both 79 Oliver Street and 595 Perry Street should they not rehabilitate the property within the 180-day time frame; and

BE IT FURTHER RESOLVED that the Oakland County Treasurer will demolish 75 Oliver Street, using funds from its own office, during the 180-day time frame of the Rehabilitation Agreement and combine said property with that of 79 Oliver Street.



**AGREEMENT FOR REHABILITATION/STABILIZATION AND/OR
DEMOLITION OF STRUCTURES DETERMINED TO BE IN VIOLATION
OF THE CITY OF PONTIAC'S CODE OF ORDINANCES**

This Agreement For Rehabilitation, Repair, and Demolition of Structure(s) (hereinafter referred to as the "Agreement") , is made this ____ day of _____, 2023, between the City of Pontiac, a Michigan Municipal Corporation, with its principal address at 47450 Woodward Avenue, Pontiac, Michigan 48342, (hereinafter referred to as the "City") and County of Oakland, a constitutional and municipal corporation and political subdivision of the state of Michigan, whose address is 1200 North Telegraph Road, Pontiac, Michigan 48341 (the "County").

RECITALS

WHEREAS, the County represents and warrants that it is the current and sole owner in fee simple of three (3) parcels of real property located in the City of Pontiac, County of Oakland, State of Michigan and legally described as follows:

Parcel 1

Commonly known as: 79 Oliver, Pontiac, MI, 48342 ("79 Oliver")

Property Identification No.: 14-21-328-017

Legal Description: Exhibit "A"

Parcel 2

Commonly known as: 75 Oliver, Pontiac, MI, 48342 ("75 Oliver")

Property Identification No.: 14-21-328-018

Legal Description: Exhibit "B"

Parcel 3

Commonly known as: 595 N Perry Pontiac, MI, 48342 ("585 N Perry")

Property Identification No.: 14-21-376-031

Legal Description: Exhibit "C"

upon which there are existing residential dwelling(s) or structure(s). Referred to collectively as the "Properties."

WHEREAS, the Parties acknowledge that there are existing and ongoing violations of the City of Pontiac Code of Ordinances existing on the Properties in its their condition and such properties have been placed on the City's Demolition list.

WHEREAS, the County has received a grant of \$200,000.00 as part of the Blight Elimination Program through the State Land Bank Authority and pledged to utilize those funds to stabilize/rehabilitate 79 Oliver and 595 N. Perry and to demolish 75 Oliver (the "work") and any additional funding required over the \$200,000.00 to undertake the work described herein shall be paid by the Oakland County Treasurer's Office;

WHEREAS, the County desires to stabilize/rehabilitate the structure(s) located on the properties commonly known as 79 Oliver and 595 N. Perry and the City has agreed to provide the County with an opportunity to stabilize/rehabilitate the structure(s) located on these addresses to bring the Properties into code compliance; and

WHEREAS, the County desires to demolish the structure(s) located on the property commonly known as 75 Oliver and the City has agreed to provide the County with an opportunity to demolish the structure(s) located on the Properties to bring the Properties into code compliance; and

WHEREAS, there is a recognizable benefit to the City to authorize the above work as the work is supported by grant funding through the State Land Bank Authority and the Properties are located in the City's historic district and the City seeks to protect the historical and architectural character of the district by authorizing the rehabilitation and/or demolition of blighted/damaged structures where appropriate.

NOW, THEREFORE, for good, valuable and mutual consideration as confirmed by the signing of this Agreement the City and County hereby agree as follows:

1. Incorporation of Commercial Team Property Maintenance Inspection Report. A pre-condition of this Agreement is the County's application for, and receipt of, a Property Maintenance Inspection (Residential Property), as appropriate, conducted by the City of

Pontiac. The Report, including all findings, setting forth the improvements and/or repairs required to bring the Properties into compliance with the applicable building code(s) and municipal ordinances, is incorporated into this Agreement by reference (Exhibit "E"). All terms of the Property Maintenance Inspection Report are enforceable as if set forth herein and all requirements set forth in the Report must be satisfied in accord with the timing and conditions set forth in this Agreement.

2. Posting of Bond. In recognition of the fact that the County is providing a benefit to the City by undertaking the stabilization/rehabilitation/demolition of the Properties and is utilizing grant funding to undertake same, the City will not require a cash bond from the County.
3. Schedule of Rehabilitation and Demolition.
 - a. *Building and Other Permits.* The County shall apply for required Building Permits within seven (7) days of execution of this Agreement.
 - b. *Length of Time for Stabilization/Rehabilitation as to 79 Oliver and 595 N. Perry.* The County shall have no more than one hundred-eighty (180) days after obtaining required permits from the City to complete the stabilization activities identified in Exhibit "D" as to 79 Oliver and 595 N. Perry. The Parties contemplate that West Construction Services will then complete repairs identified in the Property Maintenance Inspection Report. West Construction Services and/or any other third-party that obtains the Property shall have an additional one hundred-eighty (180) days to complete the repairs identified in the Property Maintenance Inspection Report and secure a Certificate of Compliance. Such time periods shall run from the date the first permit is issued to the County pursuant to this Agreement.
 - c. *Length of Time for Demolition as to 75 Oliver.* The County shall have no more than one hundred-eighty (180) days from execution of this Agreement to complete the demolition of 75 Oliver. The demolition shall be conducted in accordance with all applicable City Ordinances and State law.

Failure to apply for the required Permits in the time periods set forth above may result in the termination of this Agreement in the sole discretion of the City. If the City elects to terminate this Agreement, the City may take immediate action to demolish the structures governed by this Agreement as set forth in Section 8.

4. Maintenance of Property. The Properties shall be maintained by the County in a condition secure from trespass and free of any dangerous condition to the public. The exterior of the Properties shall be kept free of all debris and trash and at all times The County should comply with the following:
 - a. *Lawn and Grass.* All lawn and grass shall be properly cut and kept in accord with the

City Code of Ordinances and Zoning Ordinance.

- b. Snow Removal.* All sidewalks upon or adjacent to the property shall be kept free of snow in accord with the City Code of Ordinances.
 - c. Utility Service.* The County shall be solely responsible for the disconnection or connection of utility services to the Property, including all costs, and holds the City harmless therefrom.
- 5. Right to Inspect. The County shall allow the City to conduct any and all necessary inspections of said Properties/structure(s) at a mutually agreed upon time between the parties. Unreasonable refusal to allow inspection by the City shall cause the Agreement to terminate and the cash bond to be forfeited. The City shall also have the authority to pursue all remedies under Section 8.
- 6. Tenants. The County represents, warrants, and guarantees that there are no existing tenants that own or occupy any structure located within the Properties. The County further agrees that the Properties governed by this Agreement shall not be leased or sold until such time the stabilization activities identified in Exhibit "D" are completed. Upon sale of the properties to West Construction Services and/or any other third Party, the Properties shall not be leased or sold until all work set forth under the Property Maintenance Inspection Report as set forth in Exhibit "E" are completed and Property Owner is issued a Certificate of Compliance by the City. In the event the stabilization is not completed within 180 days as required by this Agreement, this section shall survive termination of this Agreement.
- 7. Right to Order County Demolition and/or Reinstate Order and/or Demolish the Structures located on the Properties. The County acknowledge(s) that the structure(s) located on the Properties governed by this Agreement are not in compliance with the City's Code of Ordinances and/or are listed on the City's Demolition list as such structures thereon present safety, health, and welfare issues and are a danger to residents of the City. The City, its agents, employees or representatives have agreed to refrain from demolishing the structure(s) or improvements on the Properties and/or assessing further City Code violation tickets for the time periods set forth in Sec. 3 of this Agreement or in such lesser time in the event of breach of this Agreement. A breach of this agreement shall include, but not be limited to, occurrence of any of the following events:
 - a.* If at any time during the term of this Agreement the property is not maintained or kept secure against trespass or is otherwise unsafe.
 - b.* The County unreasonably refuses to allow inspection of the property by the City.
 - c.* If any inspection by the City following the execution of this Agreement indicates a finding that the County and/or any third-party (including West Construction) has failed to commence, or has ceased work towards, the rehabilitation or repair of the structures located on any Property governed by this Agreement. For purposes of this Agreement, the City shall provide Notice to the County of its determination that work has failed to commence, or has ceased, by posting a Notice of the same at the subject Property. If the County has not cured the Notice within ten (10) days of its posting, the City may, within its sole discretion, terminate the Agreement. If the City elects to

terminate this Agreement, the City may take immediate action to undertake any remedies authorized by this Agreement.

- d. At the expiration of the time-periods set forth in Sec. 3 above to obtain the required permits from the City and/or if at the sole determination of the City Building Official, the aforementioned structure(s) has/have not been rehabilitated or repaired as set forth in the Stabilization Activities Report and/or Property Maintenance Report, such that a Certificate of Occupancy and/or Compliance (as applicable) may be issued for the structure(s).
- e. If, at any time during the pendency of this Agreement, the Properties are occupied. The County and/or any future owners of the Properties may not occupy any subject Property or allow others to occupy the Properties, during the term of this Agreement.

Upon the occurrence of any of the above events and/or breach of this Agreement, the County and/or its successors and assigns shall demolish all structures located on the Properties governed by this Agreement within thirty (30) days' of receipt of written notice from the City of such breach. In addition, the City may immediately proceed with seeking any remedy available pursuant to this Agreement and State law. The County further agrees to waive any right to initiate, institute or maintain any action, lawsuit, litigation, arbitration, or other proceedings to prevent the demolition, repair, or maintenance of said structure(s) by City Contractor's, employees, or agents, should any of the above conditions occur.

- 8. Restriction on Sale or Assignment. During the term of this Agreement, the County shall not sell, convey, assign, transfer, encumber, mortgage, lease, or otherwise alter their interest in the Properties, without the written consent of the City, with the exception of the transfer of its interest to West Construction Services upon completion of the Stabilization Work. Any future owner of the Properties subject to this Agreement shall not sell, convey, assign, transfer, encumber, mortgage, lease, or otherwise alter their interest in the Properties until all conditions of this Rehabilitation Agreement have been fulfilled, and a Certificate of Occupancy or Compliance has been issued.
- 9. Cost of Work. The cost of the Work for all Properties governed by this Agreement shall be the sole responsibility of the County. The County has received a grant of \$200,000.00 as part of the Blight Elimination Program through the State Land Bank Authority and pledged to utilize those funds to stabilize/rehabilitate 79 Oliver and 595 N. Perry and to demolish 75 Oliver. The County hereby represents, guarantees, and warrants that any additional funding required over \$200,000.00 to undertake the Work on the Properties shall be paid by the Oakland County Treasurer's Office. Under no circumstances shall the City be responsible for covering the cost of the Work on any of the Properties.
- 10. Binding on Heirs and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, representatives, assigns and transferees and any references in this Agreement to County and the City shall be deemed to include a reference to their respective heirs, successors, representatives, assigns and transferees who shall be bound by this Agreement.

11. Waiver/Release/Indemnification. The County hereby fully and forever releases, relieves and discharges the City of Pontiac, its appointed and elected officials, employees, agents, and volunteers and others working on behalf of the City, any of the City's authorities, boards, commissions, affiliated corporations or entities, subsidiary corporations or entities and successors of interest, their appointed and elected officials, board members, employees and volunteers and others working on behalf of the City's authorities, boards, commissions, affiliated corporations or entities, subsidiary corporations or entities and successors of interest from any and all liability, claims, expenses, injuries, complications or causes of action of every nature and kind whatsoever, whether known or unknown, anticipated or unanticipated, direct or contingent, whether at law or in equity arising out of this Agreement, including without limitation the demolition, repair, or maintenance of any structure(s) located on the Properties under the terms of this Agreement, and from any other act, event, failure to act, or obligation arising from this Agreement. It is the express intention of the parties that this paragraph be read as broadly as possible such that the City would have no obligations or liability of any sort or nature to the County, directly or indirectly except as otherwise provided in this Agreement.

a. Indemnification for Property Right Claim. The County agrees that the City has entered into this Agreement based upon the representation that the County was, and remains, the fee simple owner of the subject Properties as described in Exhibit "A," Exhibit "B," and Exhibit "C" attached hereto. Therefore, the County shall indemnify the City and its appointed and elected officials, employees, volunteers and others working on behalf of the City, any of the City's authorities, boards, commissions, affiliated corporations or entities, subsidiary corporations or entities and successors of interest against any and all claims, allegations, damages and costs asserted or raised by any party relating to or arising from this Agreement, including but not limited to, all costs of defense and all reasonable attorneys' fees.

12. Cost Upon Breach. The County promises and agrees that, if they breach this Agreement they shall pay all damages, costs and actual money fees including but not limited to attorneys' fees incurred by the City as a result of the breach of this Agreement.

13. Miscellaneous.

a. This Agreement may not be altered, modified, amended, revoked, or superseded except in writing signed by the parties. Should any term, condition or provision of this Agreement be held invalid or unenforceable by reason of any final judgment or administrative ruling, or by reason of any legislation now existing or hereinafter enacted, the balance of this Agreement shall remain in full force and effect and shall stand as if the unenforceable portion did not exist.

b. This document constitutes the entire Agreement between the parties with regards to the subject matter herein and no other Agreement, statement, promise or practice between the parties relating to the subject matter herein shall be binding on the

- parties.
- c. This Agreement supersedes and annuls any and all other or former agreements, contracts, promises, or representations, whether written or oral, expressed or implied, made by, for, or on behalf of the City.
 - d. This Agreement shall be governed and construed in accordance with the laws of the State of Michigan. Any and all suits for any and every breach of this Agreement may be instituted and maintained in any court of competent jurisdiction in Oakland County, Michigan.
 - e. If a court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from this Agreement, with the remainder of the Agreement remaining in full force and effect.
 - f. After execution of this Agreement by both parties, the County shall immediately record this Agreement at the Oakland County Register of Deeds and shall provide a copy of the recorded Agreement to the City of Pontiac Community Development Department within seven (7) days of recording the document.
 - g. Time is of the essence of the Agreement and of every covenant to be performed by either party under it.
 - h. The parties understand and agree that no extension to this Agreement shall be made, except in writing as approved by both parties.
 - i. If the terms of this Rehabilitation Agreement have been fulfilled by the County and/or Property Owner, and a Certificate of Occupancy or Compliance has been issued, if applicable, the Director of Community Development shall request the Board of Appeals to lift the decision and Order of Demolition and remove such decision and Order from the record of the Oakland County Register of Deeds.
 - j. The property must be insured, and all property taxes must be paid current.

The County hereby acknowledges, agrees and certifies that: (a) they have read and fully understand the terms of this Agreement and are fully aware of its contents and of its legal effects having had a reasonable period of time within which to consider the Agreement and Waiver; (b) all matters contained or referred to herein have been thoroughly read by them and have been fully and satisfactorily explained to them; (c) all of the terms and conditions contained herein are clearly understood by them and have been fully and unconditionally consented to by them; (d) The County has had the opportunity to seek the benefit and advice of counsel of their own selection and acknowledge such advice or waive the same; this Agreement is being entered into freely, knowingly and voluntarily with knowledge and without duress; (e) in executing this Agreement the County is competent and authorized to do so and is relying upon no representations either written or oral, express or implied, made to them by any representative of the City of Pontiac, or any of its employees, agents or assigns; and (f) the consideration received by them hereunder has been actual and adequate; and that they enter into this Agreement freely and voluntarily.

[SIGNATURES AND ACKNOWLEDGMENTS ON FOLLOWING PAGE]

COUNTY OF OAKLAND:

By:

Its:

CITY OF PONTIAC

By: Rachel Loughrin

Its: Director of Community
Development

Exhibit A

79 OLIVER ST PONTIAC MI 48342-1548

3 beds / 1 full baths / 0 half baths / 978 sq ft

Residential Property Profile

14-21-328-017

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : OAKLAND COUNTY TREASURER
Postal Address : 1200 N TELEGRAPH RD DEPT 479 PONTIAC MI 48341

Location Information

Site Address : 79 OLIVER ST PONTIAC MI 48342-1548
PIN : 14-21-328-017 Neighborhood Code : RAG
Municipality : City of Pontiac
School District : 63030 PONTIAC CITY SCHOOL DISTRICT
Class Code : 401 Residential - Improved

Property Description

T3N, R10E, SEC 21 MODERN HOUSING CORPORATION ADDITION LOT 308

Most Recent Sale Since 1994

Date : 06/20/2023
Amount : \$1 Liber : 58677:722
Grantor : OAKLAND COUNTY Grantee : OAKLAND COUNTY
TREASURER LAND BK AUTHORITY

Next Most Recent Sale

Date : 09/08/2005
Amount : \$58,100 Liber : 36448:047
Grantor : SCOTT, MARK A Grantee : GUERRA, DALIA I
SCOTT, TAMMY SCOTT, DALIA

79 OLIVER ST PONTIAC MI 48342-1548



3 beds / 1 full baths / 0 half baths / 978 sq ft

Residential Property Profile

14-21-328-017

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Tax Information

| | | | |
|--|--------------|--|----------|
| Taxable Value | : | State Equalized Value | : |
| Current Assessed Value | : | Capped Value | : |
| Effective Date For Taxes | : 07/01/2023 | Principal Residence Exemption Type | : N/A |
| Summer Principal Residence Exemption Percent | : 0% | Winter Principal Residence Exemption Percent | : 0% |
| 2022 Taxes | | 2023 Taxes | |
| Summer | : \$0.00 | Summer | : \$0.00 |
| Winter | : \$0.00 | Winter | : |
| Village | : | Village | : |

Lot Information

| | | | |
|-------------|---------|------|---------------|
| Description | : LEVEL | Area | : 0.132 ACRES |
|-------------|---------|------|---------------|

Primary Structure

| | | | |
|----------------|--------------------------------|--------------|-----------------------|
| Structure | : SingleFamily | Living Area | : 978 SQ FT |
| Ground Floor | : 577 SQ FT | Year Built | : 1920 |
| Effective Year | : 1959 | Remodel Year | : 0 |
| Stories | : 1 Story | Rooms | : 5 |
| Bedrooms | : 3 | Full Baths | : 1 |
| Half Baths | : 0 | Fireplaces | : 0 |
| Ext Walls | : Stucco | Basement | : YES - FULL |
| Garage | : SEPARATE - 2 car (360 SQ FT) | Heat | : Forced Air w/ Ducts |
| Fuel Type | : Gas | Central Air | : No |

Basement Information

| | | | |
|--------|--------------------------|------|-------------|
| Finish | : RECREATION ROOM FINISH | Area | : 528 SQ FT |
|--------|--------------------------|------|-------------|

Porch Information

| | |
|----------------|-----------|
| Type | Area |
| WGEP (1 Story) | 161 SQ FT |

Exhibit B

75 OLIVER ST PONTIAC MI 48342-1548

3 beds / 1 full baths / 0 half baths / 1071 sq ft

Residential Property 

14-21-328-018

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : OAKLAND COUNTY TREASURER
Postal Address : 1200 N TELEGRAPH RD PONTIAC MI 48341-1032

Location Information

Site Address : 75 OLIVER ST PONTIAC MI 48342-1548
PIN : 14-21-328-018 Neighborhood Code : RAG
Municipality : City of Pontiac
School District : 63030 PONTIAC CITY SCHOOL DISTRICT
Class Code : 401 Residential - Improved

Property Description

T3N, R10E, SEC 21 MODERN HOUSING CORPORATION ADDITION LOT 307

Most Recent Sale Since 1994

Date : 04/25/2014
Amount : \$150 Liber : 46999:247
Grantor : OAKLAND COUNTY TREASURER Grantee : MICHIGAN LAND BK
FAST TRACK
AUTHORITY

Next Most Recent Sale

Date : 12/16/2011
Amount : \$1 Liber : 43680:548
Grantor : IVEZAJ, LINDITA
IVEZAJ, FRANZ JOHN Grantee : MORRIS, MARTIN

75 OLIVER ST PONTIAC MI 48342-1548

3 beds / 1 full baths / 0 half baths / 1071 sq ft

Residential Property 

14-21-328-018

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Tax Information

| | | | |
|----------------------------|--------------|----------------------------|----------|
| Taxable Value | : | State Equalized Value | : |
| Current Assessed Value | : | Capped Value | : |
| Effective Date For Taxes | : 07/01/2023 | Principal Residence | : N/A |
| | | Exemption Type | |
| Summer Principal Residence | : 0% | Winter Principal Residence | : 0% |
| Exemption Percent | | Exemption Percent | |
| 2022 Taxes | | 2023 Taxes | |
| Summer | : \$0.00 | Summer | : \$0.00 |
| Winter | : \$0.00 | Winter | : |
| Village | : | Village | : |

Lot Information

| | | | |
|-------------|---------|------|---------------|
| Description | : LEVEL | Area | : 0.132 ACRES |
|-------------|---------|------|---------------|

Primary Structure

| | | | |
|----------------|--------------|--------------|--------------------------|
| Structure | : Bungalow | Living Area | : 1071 SQ FT |
| Ground Floor | : 670 SQ FT | Year Built | : 1920 |
| Effective Year | : 1962 | Remodel Year | : 1959 |
| Stories | : 1.75 Story | Rooms | : 5 |
| Bedrooms | : 3 | Full Baths | : 1 |
| Half Baths | : 0 | Fireplaces | : 0 |
| Ext Walls | : Aluminum | Basement | : YES - FULL |
| Garage | : None | Heat | : Forced Air w/ Ducts |
| Fuel Type | : Gas | Central Air | : No |

Basement Information

| | | | |
|--------|--------------|------|-----------|
| Finish | : UNFINISHED | Area | : 0 SQ FT |
|--------|--------------|------|-----------|

Porch Information

| | |
|---------------|-----------|
| Type | Area |
| WCP (1 Story) | 167 SQ FT |

Exhibit C

595 N PERRY ST PONTIAC MI 48342-1558

3 beds / 1 full baths / 0 half baths / 1064 sq ft

Residential Property 

14-21-376-031

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Owner Information

Owner(s) : OAKLAND COUNTY, TREASURER
Postal Address : 1200 N TELEGRAPH RD PONTIAC MI 48341-1032

Location Information

Site Address : 595 N PERRY ST PONTIAC MI 48342-1558
PIN : 14-21-376-031 Neighborhood Code : RAG
Municipality : City of Pontiac
School District : 63030 PONTIAC CITY SCHOOL DISTRICT
Class Code : 401 Residential - Improved

Property Description

T3N, R10E, SEC 21 MODERN HOUSING CORPORATION ADDITION THAT PT OF LOT 231 LYING NWLY OF THE NWLY LI OF PERRY ST AS NOW LAID OUT & EST.

Most Recent Sale Since 1994

Date : 06/20/2023
Amount : \$1 Liber : 58677:723
Grantor : OAKLAND COUNTY TREASURER Grantee : OAKLAND COUNTY LAND BK AUTHORITY

Next Most Recent Sale

Date : 11/22/2000
Amount : \$60,000 Liber : 22081:167
Grantor : ARIZONA TRUST Grantee : AMADOR, AMY

Tax Information

Taxable Value : State Equalized Value :
Current Assessed Value : Capped Value :
Effective Date For Taxes : 07/01/2023 Principal Residence : N/A
Exemption Type
Summer Principal : 0% Winter Principal : 0%
Residence Exemption Percent
Percent
2022 Taxes 2023 Taxes
Summer : \$0.00 Summer : \$0.00
Winter : \$0.00 Winter :
Village : Village :

Lot Information

Description : LEVEL Area : 0.206 ACRES

595 N PERRY ST PONTIAC MI 48342-1558

3 beds / 1 full baths / 0 half baths / 1064 sq ft

Residential Property 

14-21-376-031

Note: Please be advised the data included in Property Gateway originates from multiple local municipalities. Data, in regard to properties, may be classified and updated differently by municipalities. If you have any questions, please contact the local community where the data originated.

Primary Structure

| | | | |
|----------------|----------------|--------------|-----------------------|
| Structure | : SingleFamily | Living Area | : 1064 SQ FT |
| Ground Floor | : 550 SQ FT | Year Built | : 1920 |
| Effective Year | : 1959 | Remodel Year | : 0 |
| Stories | : 2 Story | Rooms | : 5 |
| Bedrooms | : 3 | Full Baths | : 1 |
| Half Baths | : 0 | Fireplaces | : 0 |
| Ext Walls | : Stucco | Basement | : YES - FULL |
| Garage | : None | Heat | : Forced Air w/ Ducts |
| Fuel Type | : Gas | Central Air | : No |

Basement Information

| | | | |
|--------|-------------------|------|-------------|
| Finish | : RECREATION ROOM | Area | : 473 SQ FT |
| | FINISH | | |

Porch Information

| | |
|---------------|-----------|
| Type | Area |
| WCP (1 Story) | 105 SQ FT |

Exhibit D

Stabilization Activities

79 Oliver, Pontiac, MI 48342

595 N Perry, Pontiac, MI 48342

| Stabilization of homes in Pontiac MI. | 79 Oliver | 595 N Perry | |
|--|----------------------|---------------------|----------------------|
| Estimated Building Size sq ft | 1,008 | 1,238 | |
| Estimated Siding sq ft | 10,080 | 11,520 | |
| Estimated Roofing sq ft | 1,100 | 1,200 | |
| Number of windows | 20 | 21 | |
| Number of doors | 3 | 3 | |
| General Conditions & Site Work Permits, temp toilet, temp power, encroaching tree & landscape removal, foundation repairs, dumpsters, lead abatement, interior clean out | 34,700 | 37,200 | |
| Rough Framing | 10,500 | 11,200 | |
| Windows & Doors | 17,200 | 17,200 | |
| Repairs – siding, brick, exterior repairs | 19,100 | 19,100 | |
| Roofing and gutters | 18,500 | 15,000 | |
| Totals | \$ 100,000.00 | \$ 99,700.00 | \$ 199,700.00 |

Exhibit E

**TO BE SUPPLEMENTED
UPON RECEIPT**

#12

**CLOSED
SESSION**

CITY OF PONTIAC
Oakland County, Michigan

RESOLUTION TO PROCEED IN CLOSED SESSION
TO CONSIDER THE PURCHASE OR LEASE OF REAL PROPERTY

RESOLUTION # _____

Minutes of a regular meeting of the City Council for the City of Pontiac, held City Hall, 47450 Woodward Ave, Pontiac, MI on July 11, 2023 at 5:00 p.m., local time.

The following resolution was offered by Council member _____ and supported by Council member: _____:

WHEREAS, the City Council wishes to consider the purchase or lease of real property; and

WHEREAS, the Michigan Open Meetings Act Section 8(d) of MCL 15.268 provides that a public body may meet in closed session to consider the purchase or lease of real property up to the time an option to purchase or lease such real property is obtained.

NOW THEREFORE BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(d) of the Open Meetings Act, MCL 15.268(d) to consider the purchase or lease of real property.

YEAS: Council Members _____

NAYS: Council Members _____

ABSTAIN: Council Members _____

RESOLUTION DECLARED ADOPTED.

Garland Doyle, Clerk
City of Pontiac