

PONTIAC CITY COUNCIL

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



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

Phone: (248) 758-3200

104th Session of the 11th Council – August 22, 2023, at 6:00 p.m.

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

MEETING AGENDA

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call of Councilmembers

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

August 15, 2023, City Council Meeting Minutes

Special Presentation

1. City of Pontiac Reestablished General Employees' Retirement System (GERS & REGERS) Updates
Presentation Presenter: Sheldon Albritton, GERS & REGERS Board Chair

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Public Hearing

2. Public Hearing on an Obsolete Property Rehabilitation Application Exemption Certificate for 46 N. Saginaw Street HCP LLC for parcel number 14-29-434-023.

Ordinances

3. Resolution to approve the first reading of a Zoning Map Amendment at 121 Orchard Lake Road, from C-1 to M-1 Rezoning. **(First reading)**
4. Resolution to approve the first reading of a Zoning Map Amendment at 1075 E. Walton Blvd, from R-1 to C-1 Rezoning. **(First reading)**

Resolutions

City Council

5. Resolution Honoring the Life and Service of Retired Pontiac Police Chief Larry Miracle.

Grants and Philanthropy

6. Resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$7,497,100 to account 445-000-539.000-OPDCON, and appropriations in the amount of \$1,250,000 to account 445-451-974.074-OPDCON, \$1,565,000 to account 445-463-974.072-OPDCON, \$1,930,000 to account 445-451-974.001-OPDCON, \$1,423,500 to account 445-000-539.000-PODCON, and \$1,328,600 to account 445-000-539.000-OPDCON to reflect the Michigan Enhancement Grant.
7. Resolution to approve the proposed budget amendment to established appropriations in the amount of \$41,700 to account 285-699-816.000-ARPCPK for the purpose of ballfield renovations at Beaudette Park.
8. Resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$12,277.50 to account 101-000-532.000-OAKPSD, and expenditures in the amount of \$12,722.50 to account 101-818-806.001-OAKPSD and \$2,722.50 to account 101-818-818.000-OAKPSD. (This proposed budget amendment relates to the SEMCOG Grant.)
9. Resolution to approve the High Intensity Drug Trafficking Area (HIDTA) Sub Grant Agreement.

Mayor's Office

10. Resolution to approve Lowe's line of credit for \$50,000 for Senior Center Project.

Purchasing

11. Resolution to execute an agreement with DLZ for the completion of a Roads Master Plan for the City of Pontiac.

Public Comment (Three Minutes Time Limit)

Discussion

12. Better Communicating Road and Parking Closures to Impacted Pontiac Businesses and Residents

Closed Session

13. Resolution to proceed into closed session pursuant to MCL 15.268(1)(e) to discuss the pending matter of The City of Pontiac Retired Employees Association, et. al. v. Louis Schimmel, et. al., United States District Court Case No. 2:12-cv-12380.

Public Communications

City Council

14. Accent Pontiac, a non-profit in our community that seeks to improve the lives of Pontiac youth through music education, is hiring. They have 4 part-time positions they are looking to fill by the time programming starts this Fall: Assistant Brass Teaching Artist (\$35/hr.), Assistant Woodwind Teaching Artist (\$35/hr.), Assistant Percussion Teaching Artist (\$35/hr.), and a Program Assistant (\$18/hr.) Anyone interested in applying, just needs to submit a cover letter and resume to our Education Director, Dr. Tia Harvey at tharvey@accentpontiac.org to get the process started.
15. Sip & Paint at the Senior Center, August 23, 2023, from 12:00 to 2:00 pm, held at Ruth Peterson Senior Center, 990 Joslyn Avenue, Pontiac 48340. Join them at this beginner friendly instructor-led paint event; nonalcoholic sparkling juice will be served at this event. Sign-up in person or call (248) 758-3277. Space is limited, with only 20 spots available.
16. Ribbon Cutting Celebration with the Pontiac Regional Chamber for new Get-Well Urgent Care, August 24, 2023, at 10:00 a.m., facility located at 983 Orchard Lake Road, Pontiac 48341
17. Ribbon Cutting Celebration with the Pontiac Regional Chamber for The Montessori School Rochester Crystal Lake Campus, August 24, 2023, located at 825 Golf Drive, Pontiac 48341

18. Michigan Secretary of State Mobile Branch at the Senior Center, August 24, 2023, from 10:00 am to 3:00 pm, held at Ruth Peterson Senior Center, 990 Joslyn Avenue Pontiac, Michigan 48340
19. City of Pontiac and the Pontiac Community Policing Team Summer Bash, August 24, 2023, from 5:00 to 8:00 p.m., held at Beaudette Park in Pontiac. Featuring bounce houses, rock climbing, bubble making, music, and food.
20. 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.
21. 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.
22. Save the Date: Rescheduled Battle of I-75 Basketball and Kickball Tournaments, August 26, 2023
23. Hawthorne Park Open House Seeking Feedback on Collaborative Improvements by City and Oakland County Parks, August 26, 2023, from 1:00 to 3:00 pm, held at Hawthorne Park in Pontiac.
24. 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.
25. Seniors-Only Bingo, August 30, 2023, from 1:00 to 3:00 pm, held at Ruth Peterson Senior Center, 990 Joslyn Avenue Pontiac, Michigan 48340
26. "Building Community, Building Trust" Mental Health Forum, September 9, 2023, from 12:00 to 5:00 pm, held at All Saints Episcopal Church, 171 W. Pike Street, Pontiac 48341
27. Oak Hill Cemetery Walk, September 17, 2023, with tours starting every fifteen minutes from 2:00 to 4:00 pm, held at Oak Hill Cemetery, 216 University Drive, Pontiac 48342, proceeds from the \$15 tour donations to the Oakland History Center go to cemetery improvement efforts, call (248) 338-6734 for information.

Mayor's Office

28. Pontiac Music in the Parks Series has started. Shows include: 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.
29. Michigan Matters – Community Water Legislation Forum on August 30, 2023, 10 to 11:30 a.m. Register now: <https://bit.ly/MichiganMatters>
30. Residents Encouraged to Complete Online Survey for Pontiac Youth Recreation Center Amenities

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)
Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA

August 15, 2023, Draft

**Official Proceedings
Pontiac City Council
103rd Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, August 15, 2023, at 6:02 p.m. by Council President Mike McGuinness.

Invocation – Pastor Kathy Dessureau – Pontiac, Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

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

Deputy Mayor Khalfani Stephens was present.
A quorum was announced.

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Goodman. Discussion.

Motion to move the Subcommittee Reports after Closed Session and add a Special Presentation for Pontiac Jr. Park Rangers to the agenda. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

Motion Carried

The vote was taken to approve the agenda as amended.

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

No: None

Motion Carried

Special Presentation

Pontiac Jr. Park Rangers (Agenda Add-on)

Consent Agenda

23-290 **Resolution to approve the consent agenda for August 15, 2023.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, the City Council has reviewed the consent agenda for August 15, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for August 15, 2023, including August 8, 2023, City Council Minutes.

August 15, 2023, Draft

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

No: None

Resolution Passed

Mayor Tim Greimel arrived at 6:08 p.m.

Special Presentations Continued

Woodward Dream Cruise 2023 Activities and Parking Options (Taking Place August 19, 2023)

Presentation Presenter: Angela Powell

Recognition of Elected Officials – None

Agenda Address

1. Dr. Deirdre Waterman addressed item #8
2. Darlen Clark addressed item #14
3. Gloria Miller addressed item #8

Council President Mike McGuinness closed the public hearing at 8:11 p.m.

Agenda Items

Resolutions

City Council

23-291 **Resolution Honoring the Life and Service of Roger Houck.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the Pontiac City Council would like to pay proper tribute to Roger Houck an individual of exemplary character and a consummate professional who worked assiduously to improve the quality of life for his fellow citizens in numerous capacities; and,

WHEREAS, Roger Houck, born on March 18, 1944, in Pontiac, Michigan; and,

WHEREAS, Roger Houck departed this life on June 19, 2023, which is a tragic loss for the family and for our community; and,

WHEREAS, Roger Houck served with acumen and alacrity as a member of member of the Pontiac Police department where he retired as a Captain after 25 years of service; and

WHEREAS, Roger Houck served his country proudly in the United States Air Force; and,

WHEREAS, Roger Houck enjoyed the loving companionship of his wife of 59 wonderful years; and was also deeply devoted to his family, as he always endeavored to remain true to family values of the highest order; and,

NOW, THEREFORE BE IT RESOLVED, that the Members of the Pontiac City Council and members of this great community will greatly miss Roger Houck as he leaves behind an indelible legacy of integrity and probity in public life, compassion and loyalty in private life and diligence and dedication in all his chosen endeavors; and we give our sincerest condolences to the family and friends of Roger Houck.

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

No: None

Resolution Passed

23-292 **Resolution Honoring the Life and Service of Stephen Ewalt.** Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, the Pontiac City Council would like to pay proper tribute to Stephen Ewalt an individual of phenomenal character whose life exemplified the highest ideals of humanity, who truly embodied faith, humility and service to others and a caring and thoughtful member of the community; and,

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WHEREAS, Stephen Ewalt, born on September 29, 1946, in Pontiac, Michigan, to David and Cornelia Ewalt; and,

WHEREAS, Stephen Ewalt was a man of great discipline and intestinal fortitude who acted as an official for sporting events to pay his way through college and graduated from Oakland University with a B.S. in Political Science; and,

WHEREAS, Stephen Ewalt was a fearless leader who proudly served in Vietnam for a year and finished his services at the Pentagon and worked in the City of Pontiac in Code Enforcement; and,

WHEREAS, Stephen Ewalt experienced immense happiness when he married the love of his life Connie in May of 2011; and,

WHEREAS, Stephen Ewalt departed this life on July 18, 2023, which is a tragic loss for his family and for our community; and,

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

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

No: None

Resolution Passed

23-293 **Resolution to authorize the waiver of \$1,000 for a Transfer Penalty for Property Transfer Affidavit.** Moved by Councilperson Nicholson and second by Councilperson Goodman.

BE IT RESOLVED, The Pontiac City Council hereby waives the \$1,000 Transfer Penalty for the Property Transfer Affidavit assessed to the property 187 Pit Lane, (Parcel #64-14-33-305-177).

Ayes: James

No: Parker, Rutherford, Carrington, Goodman, McGuinness, and Nicholson

Resolution Failed

Purchasing

23-294 **Resolution to approve the change order for Oscar W. Larson, Co. for the removal and disposal of wastewater from the Underground Storage Tank (UST) located at 191 N. Glenwood Ave. Pontiac, Michigan. (Site for Future Youth Recreation Center)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and

WHEREAS, the Purchasing Manager is requesting to approve Oscar W. Larson's change order JCH2306016 dated 7/28/2023.

NOW, THEREFORE, RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to execute the change order with Oscar W. Larson in the amount of \$14,875 bringing the total cost to \$31,775.

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

No: None

Resolution Passed

23-295 **Resolution to approve the Purchasing Manager to award the bid and for the Mayor or Deputy Mayor to execute the agreement with Premier Group Associates for the Beaudette Park Ballfield Renovation for a not to exceed amount of \$41,700.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and WHEREAS, the Purchasing Manager is requesting to award the bid to an execute and agreement with Premier Group Associates; and NOW, THEREFORE, RESOLVED, The Pontiac City Council approves the Purchasing Manager to award the bid and for the Mayor or Mayor Designee to execute the agreement with the Premier Group Associates for a not to exceed amount of \$41,700.

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

No: None

Resolution Passed

Public Comment

1. Minister Veronica Taylor
2. Pastor Kathy Dessureau
3. Dr. Deirdre Waterman
4. Billie Swazer
5. Anita Bow
6. Karen Jorgensen
7. Carlton Jones
8. Chuck Johnson
9. Darlene Clark
10. Gloria Miller

Closed Session

23-296 Resolution to proceed into Closed Session at 7:14 p.m. under MCL 15.268(e), to consult with legal counsel regarding trial or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and under MCL 15.268 (h) to discuss a written legal opinion regarding negotiations to modify the settlement agreement between the city of Pontiac and the City of Pontiac Retired Employees Association (CPREA) in federal case #2:12-CV-12830; and to discuss a written legal opinion regarding the marihuana referendum and initiative process. Moved by Councilperson Rutherford and second by Councilperson Carrington. Discussion.

Motion to amend Resolution to proceed into Closed Session at 7:14 p.m. under MCL 15.268(e), to consult with legal counsel regarding trial or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and under MCL 15.268 (h) to discuss a written legal opinion regarding negotiations to modify the settlement agreement between the city of Pontiac and the City of Pontiac Retired Employees Association (CPREA) in federal case #2:12-CV-12830; and to discuss a written legal opinion regarding the marihuana referendum and initiative process. Move by Councilperson Rutherford and second by Councilperson Nicholson.

~~3. Under MCL 15.268 (h) to discuss a written legal opinion regarding negotiations to modify the settlement agreement between the city of Pontiac and the City of Pontiac Retired Employees Association (CPREA) in federal case #2:12-CV-12830~~

3. Under MCL 15.268 (h) to discuss a written legal opinion prepared by the City Attorney Clark Hill LLC.

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

No: None

Motion Carried

Councilwoman Rutherford was absent during the vote.

23-296 **Amended Resolution to proceed into Closed Session at 7:14 p.m. under MCL 15.268(e), to consult with legal counsel regarding trial or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and under MCL 15.268(h) to discuss a written legal opinion prepared by City Attorney Clerk Hill LLC, and to discuss a written legal opinion regarding the marihuana referendum and initiative process.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, the City Council seeks to adjourn into Closed Session for the following reasons, this Resolution is hereby considered:

1. Under MCL 15.268e, to consult with legal counsel regarding trail or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac); and
2. Under MCL 15.268e, to consult with legal counsel regarding trail or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197432-CH (Robert Mitchell v. City of Pontiac); and
3. Under MCL 15.268 (h) to discuss a written legal opinion prepared by the City Attorney Clark Hill LLC.
4. Under MCL 15.268(h), to discuss a written legal opinion regarding the marihuana referendum and initiative process; and

Whereas, the Michigan Open Meetings Act Section 8e provides that a public body may consult with its attorney in closed session regarding trail or settlement strategy in connection with specific pending litigation, if such discussions would have a detrimental financial effect on the public body; and Whereas, the Michigan Open Meetings Act Section 8(h) provides that a public body may meet in Closed Session to consider an attorney-client privileged legal opinion, being material exempt from discussion or disclosure by state of federal statute.

Now, Therefore, Be It Resolved, the City Council will proceed in Closed Session pursuant to Section 8(h) and 8e of the Open Meetings Act, MCL 15.268 to discuss pending litigation and to review and discuss confidential attorney-client legal opinions as described herein.

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

No: None

Resolution Passed

Motion to come out of Closed Session at 9:25 p.m. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

Motion Carried

Councilman Goodman was absent during the vote.

Suspend the Rules

Motion to suspend the Rules to add items to the agenda. Move by Councilperson Nicholson and second by Councilperson Carrington.

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

No: None

Motion Carried

23-297 **Resolution to approve Settlement Agreement and Consent Judgement in Vanguard Equity Management, LLC v. City of Pontiac. (Agenda add-on)** Moved by Councilperson James and second by Councilperson Nicholson.

Be It Hereby Resolved, the Pontiac City Council approves the Settlement Agreement and Consent Judgement in Vanguard Equity Management, LLC v. City of Pontiac, Oakland County Case No. 2022-197361-CH as presented in the Closed Session, and to authorize the Mayor to sign the Settlement Agreement and Litigation Counsel to sign the Consent Judgement on the City's behalf.

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

No: None

Resolution Passed

23-298 **Resolution to approve Litigation Counsel to proceed regarding Mitchell v. City of Pontiac. (Agenda Add-on)** Moved by Councilperson Parker and second by Councilperson Nicholson.

Be It Hereby Resolved, the Pontiac City Council approves directing Litigation Counsel to proceed as discussed in Closed Session regarding Mitchell v. City of Pontiac, Oakland County Case No. 2022-197432-CH.

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

No: None

Resolution Passed

23-299 **Resolution to waive all claims to properties conveyed in Section 7 of the December 31, 2021, MOU and rescinds Section 7 of the MOU. (Agenda Add-on)** Moved by Councilperson Parker and second by Councilperson Nicholson.

Whereas, the City Council on August 8, 2023, adopted Resolution #23-273 authorizing the Mayor to enter into a Memorandum of Agreement (MOA) with Oakland County; and
Whereas, the MOA requires the City to 1) waive any and all claims by the City to properties conveyed to the city in Section 7 of the MOU and 2) rescind Section 7 of the December 31, 2021, MOU, which involves the transfer of certain real properties (Vacant Lots – Parcel 1 and Parcel 5) to the City; and
Whereas, the City is seeking to enter into an Escrow Agreement to resolve any outstanding amounts that may be owned to the City under the MOU.

Now, Therefore, Be It resolved, the City Council hereby waives all claims to properties conveyed in Section 7 of the December 31, 2021, MOU and rescinds Section 7 of the MOU.

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

No: None

Resolution Passed

August 15, 2023, Draft

23-300 Resolution of a final order removing Ordinances #2406 - the Adult-Use Marihuana Business Ordinance and #2407 - Zoning Ordinance from the November 7, 2023, ballot. (Agenda Add-on) Moved by Councilperson Nicholson and second by Councilperson Parker.

Whereas, the City Council has considered the first petition of Sensible Cannabis Reform for Pontiac's two referendums certified by the Clerk for the November 7, 2023, ballot, the first to repeal and nullify Ordinance #2406, the Adult-Use Marihuana Business Ordinance, and the second to repeal and nullify Ordinance #2407, the related amendment to the Zoning Ordinance; and,

Whereas, the City Council has considered the second August 1, 2023, petition of Sensible Cannabis Reform for Pontiac that seeks to repeal, and nullify "any previous City of Pontiac adult-use marihuana business licensing ordinance," Adult-Use Marihuana Business Licensing Ordinance No. #2406 adopted on April 4, 2023, and the Medical Marihuana Facilities Ordinance No. #2357(B) adopted on September 12, 2018, in addition to initiating an amendment to Adult-Use Marihuana Business Licensing Ordinance No. #2406; and,

Whereas, the City Council has considered the Clerk's rejection of the second August 1, 2023, petition of Sensible Cannabis Reform for Pontiac and the likelihood of litigation arising out of the rejection in the absence of a settlement of issues with Sensible Cannabis Reform for Pontiac; and,

Whereas, the City Council has determined that the issues raised by Sensible Cannabis Reform for Pontiac may be settled by certain amendments to ordinance #2406 and Ordinance #2407 subject to mutual releases of claims related to Ordinance #2406 and Ordinance #2407 and to Sensible Cannabis Reform for Pontiac obtaining a final court order removing from the ballot the two referendums certified by the Clerk for the November 7, 2023, ballot, the first to repeal and nullify Ordinance #2406, the Adult-Use Marihuana Business Ordinance and the second to repeal and nullify Ordinance #2407, the related amendment to the Zoning Ordinance; and,

Whereas, nothing in this Resolution or any later Settlement Agreement shall prohibit or preclude the City from exercising its legislative discretion in amending Ordinance #2406 and Ordinance #2407.

Now Therefore, Be It Herby Resolved, that the attached proposed non-binding amendments to Ordinance #2406 and Ordinance #2407 marked as Exhibit A are hereby approved by the City Council subject to entry of a final order removing from the November 7, 2023, ballot the two referendums certified by the Clerk for the November 7, 2023, ballot, the first to repeal and nullify Ordinance #2406, the Adult-Use Marihuana Business Ordinance, and the second to repeal and nullify Ordinance #2407, the related amendment to the Zoning Ordinance all of which is subject to the City Council exercising its unfettered legislative discretion to consider and enact amendments to Ordinance #2406 and Ordinance #2407.

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

No: Goodman

Abstain: Rutherford

Resolution Passed

****See Resolution 23-300 Exhibit A attached as Exhibit 1 after the minutes****

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

Communications

City Council and Mayor's Office

August 15, 2023, Draft

Mayor, Clerk and Council Closing Comments

Councilman William Parker Jr., Councilwoman Kathalee James, Councilman Mikal Goodman, Councilman Brett Nicholson, Councilwoman Melanie Rutherford, and Council President Mike McGuinness made closing comments.

Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 10:03 p.m.

Garland S. Doyle
City Clerk

EXHIBIT A

Proposed Amendments to Ordinance #2406:

- (1) Awarding the currently conditionally approved medical provisioning center license holders under the Medical Marihuana Facilities Ordinance No. #2357(B) located in the zoning districts approved in Ordinance #2407 a total of 30 points, instead of the 20 points designated in Ordinance #2406. The 30 points would not be conditioned upon the issuance of a building permit or the commencement of work at the conditionally approved medical holder's proposed site. This does not apply to those applicants for a medical provisioning center permit who initially finished in the top 5 in their zoning district but are no longer in the top 5. The medical applicant entity can be awarded these 30 points whether they apply for a retailer permit or a social equity retailer permit as long as the entity that was conditionally approved for a medical provisioning center permit qualified as a social equity applicant when they received conditional approval under the Medical Marihuana Facilities Ordinance No. #2357(B).
- (2) The top scoring conditionally approved medical license holder in each district (including those tied for the top score) will receive an additional 10 points toward the recreational permit scoring but only if they are applying for a retailer permit. If they apply for a social equity retailer permit they would not receive the 10 points.
- (3) Allowing conditionally approved medical license holders to apply for recreational licenses at a different location in any of the four districts allowed under Ordinance #2407, not only in the district where they were awarded their conditionally approved medical license. Those applicants who choose to apply at a different location would receive the 30 scoring points for the location that had been conditionally approved under the Medical Marihuana Facilities Ordinance No. #2357(B).
- (4) Establishing a criminal record disclosure threshold for only those owners of an applicant with an ownership interest of at least 6%. Those owners must provide as part of the application an IChat or its equivalent.

Proposed Amendments to Ordinance #2407:

- (1) Amend the ordinance to prohibit the color green on all marihuana establishments: retailers, social equity retailers, designated consumption establishments, Class A microbusinesses, grow facilities and processing facilities.

#3

ORDINANCE

Community Development Department

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



TO: City Council
FROM: Corey Christensen, Senior Planner
Mark Yandrick, Planning Manager
DATE: August 17, 2023
RE: ZMA 23-007 121 Orchard Lake Rd

Executive Summary

SPR 23-007 is a request by Wholesale Heating Supply Company to rezone two parcels at 121 Orchard Lake Rd from C-1 Local Business to M-1 Light Manufacturing. The applicant currently operates a manufacturing facility that extends across two (2) zoning districts. The majority of the site is on a parcel zoned C-1 Local Business while the rear of the property extends onto a parcel zoned M-1. This rezoning is for the northern parcel.

The portion of the building on C-1 is nonconforming and this request accomplishes meeting a necessary zoning classification for a future building expansion to the east.

Planning Commission recommending approval, 6-0, without any conditions during the public hearing at it's August 2, 2023 meeting.

Proposal

The applicant intends to rezone two parcels from C-1 Local Business to M-1 Light Manufacturing. The



Figure 1: Location of Proposed Rezoning

property is located on the south side of Orchard Lake Road just to the west of the Woodward loop and to the east of Clinton River Trail. The subject parcel IDs are 64-14-29-460-014 and -008.

The applicant has requested this rezoning to facilitate the expansion of the current manufacturing facility. The business has a need to expand however the underlying zoning, C-1 Local Business, does not permit manufacturing uses of this site. For this reason, the applicant cannot expand their existing facility without correcting the

underlying zoning. Adjacent parcels to the south are zoned M-1, parcels to the west are zoned C-1, parcels to the north across Orchard Lake Rd are zoned C-3 and C-1.

It is unclear from the City's records how this nonconformity came to be in the first place. It is likely the facility was approved prior to the adoption of the 2012 Zoning Ordinance. For this reason it is considered grandfathered but not eligible for expansion without a rezoning.

Overview

Approval of this request would rezone one parcel from C-1 Local Business to M-1 Light Manufacturing. The C-1 Zoning classification is primarily for light commercial uses that serve the neighboring community. M-1 is a higher intensity district intended for manufacturing activity.



Uses permitted in the M-1 district include:

- Automobile service
- Gallery or studio
- Medical Marijuana
- Pet Boarding Facilities
- Places of assembly
- Unlimited outdoor retail
- Workshops
- Light manufacturing
- Mini-warehouses
- Movie and television production facilities
- Research facilities
- Service and repair
- Freight terminals
- Nontoxic materials storage
- Sexually oriented businesses
- Heliports
- General manufacturing
- Outdoor storage
- Recycling centers
- Major research facilities
- Toxic materials storage

Approval of this request would alter the dimensional requirements for these parcels. The C-1 districts permits zero-foot front yard setbacks, 5-foot side yard setback and 20-foot rear yard setbacks and a maximum height of 35 feet. The M-1 district permits zero-foot front yard setbacks, 5-foot side yard setbacks, 10-foot rear yard setbacks and a maximum height of 45 feet. The applicant would need to combine these lots before a Final Site Plan was approved.

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 "traditional neighborhood." This land use category is intended to plan for traditional patterns of urban neighborhoods. Two- and

three-story duplexes, row houses, townhomes, and single-family homes are the intended use of this classification. Approval of this variance would not comply with this intent. However, this property is adjacent to properties zoned M-1 (light manufacturing) to the south and the railroad to the east.

- 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 for light commercial activity that serves the immediate neighborhood. The site has been used for manufacturing for several years and the applicant is simply seeking to bring the underlying zoning into conformity with the use of the property.

- 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 M-1 zoning district would permit light manufacturing by right and general manufacturing by special exception. The site is already developed for these uses and does not appear to generate any negative offsite impacts.

- 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.

- 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 is located on the south side of Orchard Lake Rd. The site is currently used for manufacturing and is adequately served by the road network.

- 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 and the area of the site is consistent with other M-1 zoned parcels in the City. However, this includes manufacturing zoning on the Orchard Lake Rd Corridor for the first time.

- 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 M-1 zoning district was selected because it represents the least change necessary to permit the type of manufacturing activity the applicant is already doing.

- 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 C-1 Local Business district to include any type of manufacturing uses.
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
Approval of the requested rezoning will not create an isolated or incompatible zone. The property to the south is zoned M-1 and approval of this variance would simply extend that manufacturing district one parcel north to Orchard Lake Rd.

Planning Commission Recommendation

Planning Commission recommended approval of the zoning map amendment, 6-0, with any conditions supplied by the applicant.

Attachments

- Application & Narrative
- Resolution for First Reading
- Ordinance

**Resolution of the Pontiac City Council
To Approve First Reading of Zoning Ordinance Map Amendment
to Rezone 121 Orchard Lake Road**



**Resolution to Approve First Reading of Zoning Ordinance Map Amendment to Rezone
Four (4) parcels acres at 121 Orchard Lake Road.**

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 1.6 acre parcel (64-14-10-378-012, 64-
14-10-378-013, 64-14-10-378-018, 64-14-10-378-019) at 1075 East Walton Boulevard;
specifically, to amend the Zoning Ordinance Map which list these properties as C-1 Local Business
to M-1 Light Manufacturing.

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 famendments 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: August ____, 2023

By: _____
Its: City Clerk



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: 135 ORCHARD LAKE ROAD

Sidwell Number: 14-29-400-14

Office Use Only

PF Number: _____

Date: 5.24.2023

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	WHOLESALE HEATING SUPPLY CO		
Address	135 ORCHARD LAKE ROAD		
City	PONTIAC		
State	MICHIGAN		
ZIP Code	48341		
Telephone	Main: _____	Cell: _____	Fax: _____
E-Mail	_____		

Project and Property Information

Name of Proposed Development: WHOLESALE HEATING SUPPLY

The subject property is location at 121 on the N / S / E / W side of ORCHARD LAKE ROAD between PASLEY STREET and CONGRESS STREET.

The property is zoned: C-1

Proposed Zoning District: M-1

It is proposed that the property will be used as: WHOLESALE/DISTRIBUTION, NON-TOXIC, NON-HAZARDOUS

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

14-29-400-14

Name	WHOLESALE HEATING SUPPLY CO		
Address	176 ORCHARD LAKE ROAD		
City	PONTIAC		
State	MICHIGAN		
ZIP Code	48341		
Telephone	Main: 248-246-6770	Cell:	Fax:
E-Mail			

CONTINUED USE AND EXPANSION OF WHOLESALE HEATING SUPPLY - SEE ATTACHED DRAWINGS DETAILING EXISTING AND PROPOSED LOT CONFIGURATION, PROPOSED ZONING DISTRICT AND CONFORMANCE, LOCATION, AND SIZE OF PROPOSED ADDITION, AND CONDITIONAL REZONING AGREEMENT.

THE REZONING WILL MARK THE EXISTING NON-CONFORMING USE INTO A CONFORMING USE. IN CONJUNCTION W/ THE REQUESTED LOT COMBINATIONS, THE PARCEL WILL HAVE A SINGLE ZONING DESIGNATION. THE SUBJECT PARCEL IS ADJACENT TO THE REQUESTED M-1 DISTRICT TO ITS SOUTH AND EAST. THE PROPOSED USE IS EXISTING AND THE PROPOSED ADDITION WILL NOT INCREASE INTENSITY AND WILL BE LOCATED AT THE PORTION OF THE LOT THAT DIRECTLY BORDERS THE EXISTING M-1 AS WELL AS C-3.

Signature of Applicant

Notary Public, Oakland County, Michigan
My Commission Expires: 10-26-2023

S CAMERON
Notary Public - State of Michigan
County of Oakland
My Commission Expires Oct 29, 2022
Acting In the County of *Oakland*

LARA Corporations Online Filing System

Department of Licensing and Regulatory Affairs

ID Number: 800061057

[Request certificate](#)[Return to Results](#)[New search](#)

Summary for: WHOLESALE HEATING SUPPLY CO.

The name of the DOMESTIC PROFIT CORPORATION: WHOLESALE HEATING SUPPLY CO.

Entity type: DOMESTIC PROFIT CORPORATION

Identification Number: 800061057 Old ID Number: 058303

Date of Incorporation in Michigan: 01/02/1962

Purpose:

Term: Perpetual

Most Recent Annual Report: 2023

Most Recent Annual Report with Officers & Directors: 2023

The name and address of the Resident Agent:

Resident Agent Name: STEVE SWEENEY

Street Address: 135 ORCHARD LAKE ROAD

Apt/Suite/Other:

City: PONTIAC

State: MI

Zip Code: 48341

Registered Office Mailing address:

P.O. Box or Street Address: 135 ORCHARD LAKE ROAD

Apt/Suite/Other:

City: PONTIAC

State: MI

Zip Code: 48341

The Officers and Directors of the Corporation:

Title	Name	Address
PRESIDENT	DARLENE IGNAGNI	135 ORCHARD LAKE RD PONTIAC, MI 48341 USA
TREASURER	JULIE SWEENEY	135 ORCHARD LAKE RD PONTIAC, MI 48341 USA
SECRETARY	KATHY GIANNETTI	135 ORCHARD LAKE RD PONTIAC, MI 48341 USA
DIRECTOR	VICKY JONES	135 ORCHARD LAKE RD PONTIAC, MI 48341 USA
DIRECTOR	SUE CARTER	135 ORCHARD LAKE RD PONTIAC, MI 48341 USA

Act Formed Under: 327-1931 Michigan General Corporation Act

Total Authorized Shares: 50,000

Written Consent

View filings for this business entity:

ALL FILINGS
ANNUAL REPORT/ANNUAL STATEMENTS
ARTICLES OF INCORPORATION
RESTATED ARTICLES OF INCORPORATION
RESTATED ARTICLES OF INCORPORATION

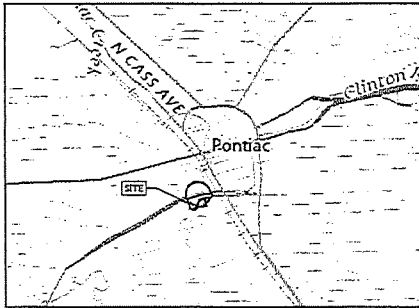
[View filings](#)

Comments or notes associated with this business entity:

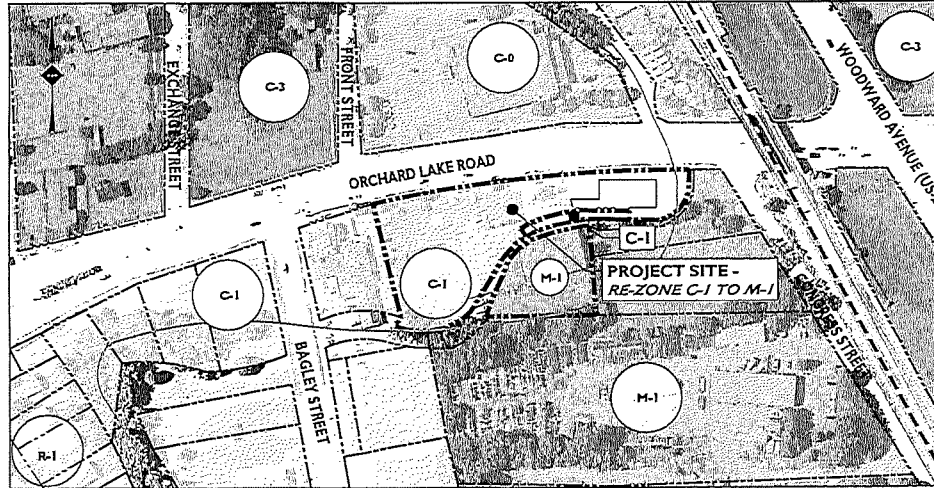
[LARA FOIA Process](#) [Transparency](#) [Office of Regulatory Reinvention](#) [State Web Sites](#)

[Michigan.gov Home](#) [ADA](#) [Michigan News](#) [Policies](#)

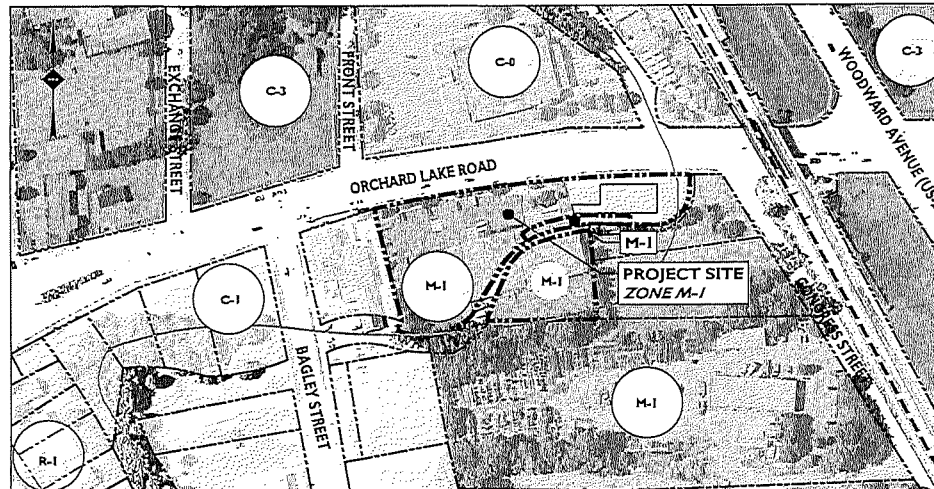
Copyright 2023 State of Michigan



LOCATION MAP
SCALE 1" = 2,000'±



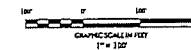
EXISTING ZONING
LOCAL BUSINESS DISTRICT (C-1)



PROPOSED ZONING
LIGHT MANUFACTURING DISTRICT (M-1)

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	LOT LINE
---	PONTIAC-CLINTON RIVER DRAIN
---	GRAND TRUNK AND WESTERN RAILROAD
---	LOCAL BUSINESS DISTRICT (C-1)
---	LIGHT MANUFACTURING DISTRICT (M-1)
---	CORRIDOR COMMERCIAL DISTRICT (C-3)
---	OFFICE BUSINESS DISTRICT (C-4)
---	ONE FAMILY DWELLING DISTRICT (R-1)

PROJECT SITE LOTS TO BE COMBINED



NOT APPROVED FOR CONSTRUCTION	
STONEFIELD engineering & design Detroit, MI • New York, NY • Boston, MA Princeton, NJ • Tampa, FL • Richmond, VA www.stonfieldeng.com 607 Shady Side 200, Detroit, MI 48234 Phone 248.267.1115	
RE-ZONE EXHIBIT	WHOLESALE HEATING SUPPLY PROPOSED REZONE PARCELS 131-415-011, 131-415-012, 131-415-013 131 ORCHARD LAKE ROAD OAKLAND COUNTY, MICHIGAN
STONEFIELD engineering & design SCALE: AS SHOWN PROJECT ID: DET-2018-04 TITLE: ZONING MAP CHANGE EXHIBIT DRAWING: EX-1	



SLOW TIDE
ARCHITECTS
115 H LEO LANE, SUITE 110
FREDERICK, MD 21701
TEL: 410.326.1234

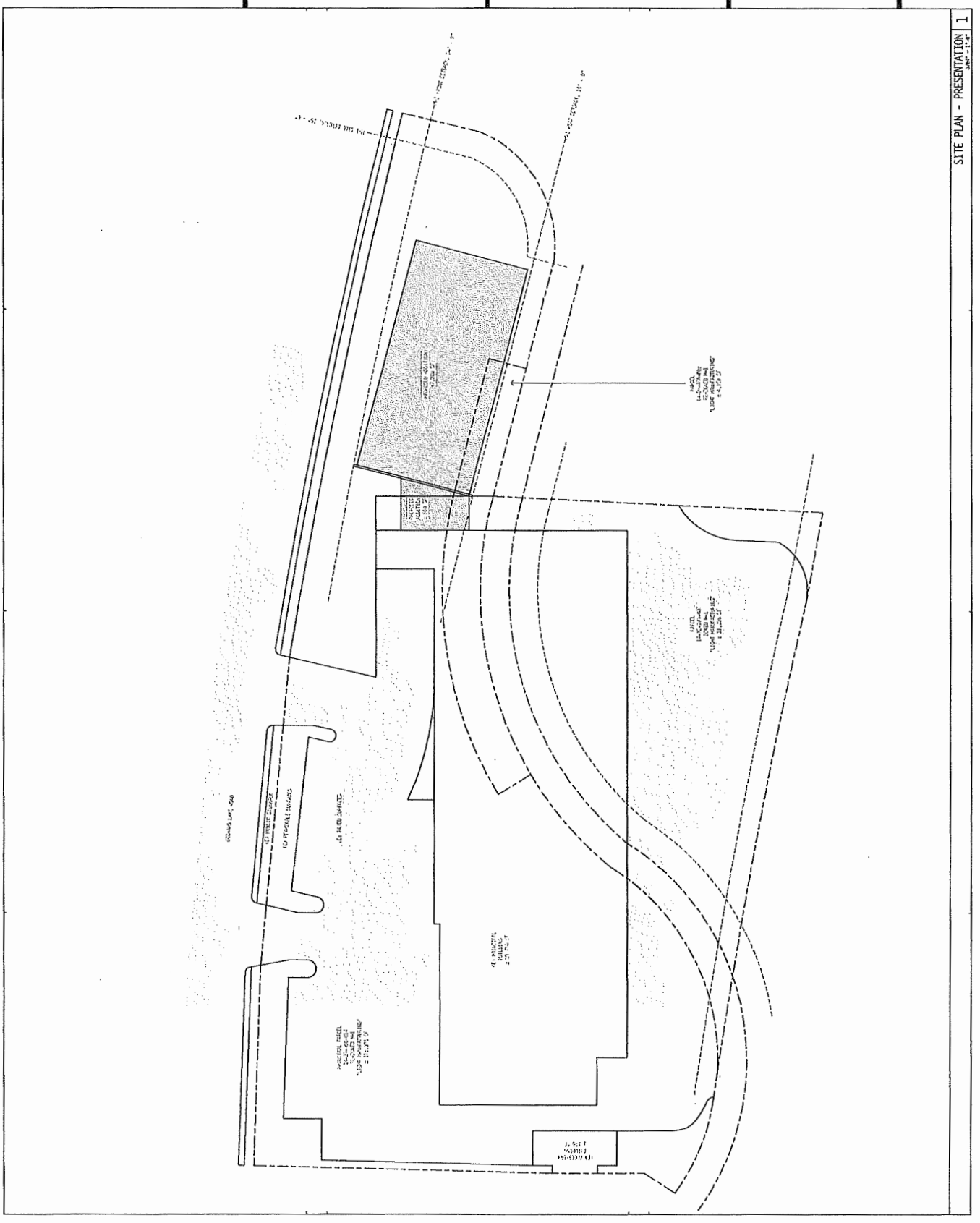
WHOLESALE HEATING SUPPLY
135 GUYTON LANE, SUITE 100
FREDERICK, MD 21701
TEL: 410.326.1234

PROPOSED ARCHITECTURAL SITE
PLAN
ARCHITECTURAL REQUIREMENTS FOR SUBMITTAL



PROJECT SHEET TITLE
05 - 05 - 2023

A-
1.00



SITE PLAN - PRESENTATION
DATE: 05-05-2023

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

ORDINANCE NO. _____

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CHANGE THE ZONING CLASSIFICATIONS FOR TWO (2) PARCELS ON ORCHARD LAKE ROAD, ON THE SOUTH SIDE OF ORCHARD LAKE ROAD BETWEEN BAGLEY STREET AND CONGRESS STREET FROM C-1 LOCAL BUSINESS TO M-1 LIMITED INDUSTRIAL.

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, also known as 121 Orchard Lake Road, on the South side of Orchard Lake Road between Bagley Street and Congress Street, Tax IDs: 64-14-29-460-14 and 64-14-29-460-008, shall be rezoned from C-1 Local Business to M-1 Limited Industrial.

Legal Description (as provided):

T3N, R10E, SEC 29 & 32 ASSESSOR'S PLAT NO. 115 LOTS 7 & 8, ALSO LOTS 11 TO 14 EXC THAT PART IN PCL BEG AT NW COR OF LOT 14, TH N 75-39-07 E 47.64 FT, TH N 88-34-22 E 275.50 FT, TH S 01-25-01 E 24.69 FT, TH S 89-04-04 W 59.11 FT, TH ALG CURVE TO LEFT, RAD 2247 FT, CHORD BEARS S 85-46-59 W 257.38 FT, DIST OF 257.52 FT, TH N 13-51-45 W 26.68 FT TO BEG, ALSO LOTS 15 & 16 EXC THAT PART IN PCL BEG AT NE COR OF LOT 15, TH S 13-51-45 E 26.68 FT, TH ALG CURVE TO LEFT, RAD 2247 FT, CHORD BEARS S 79-26-54 W 239.32 FT, DIST OF 239.43 FT, TH N 13-52-33 W 10.83 FT, TH N 75-39-07 E 238.93 FT TO BEG 2-2-99 FR002,003,004 010&012

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:

#4

ORDINANCE

Community Development Department

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



TO: City Council
FROM: Corey Christensen, Senior Planner
Mark Yandrick, Planning Manager
DATE: August 17, 2023
RE: ZMA 23-009: 1075 E Walton Blvd.

Executive Summary

SPR 23-004 is a request by Jason Ayer to rezone four (4) parcels from R-1 One Family Dwelling to C-1 Local Business. The applicant intends to convert the vacant school into multiple family residential with a commercial space on the first floor. There are 10 parcels in total as part of this rezoning.

Planning Commission recommended approval, 7-0 without any conditions supplied by the applicant during the public hearing on August 2, 2023.

Proposal

The applicant intends to rezone four parcels from R-1, One Family Dwelling to C-1, Local Business.

The four parcels are located at the northwest corner of Giddings Road and Walton Blvd. The applicant owns the property on the northeast corner of the same intersection where he operates his Carnival Market. The

four parcels in question are 14-10-378-013, -019, -012, -018.



Figure 1: Location of Proposed Rezoning

The applicant has requested this rezoning to facilitate more retail at the intersection. He believes the area has a need for a stronger retail presence and three (3) of the four (4) requested parcels have been vacant for several years. Adjacent parcels are zoned R-1, parcels to the south across E. Walton Blvd are zoned R-1A and the parcel to the east across Giddings Rd is zoned C-1.

There appears to be a single-family home on the parcel at 1023 E Walton that are on one of the parcels to be rezoned. It is unclear from the City's records if there were ever single-family homes on the remaining parcels.

Overview

Approval of this request would rezone four parcels from R-1 One Family Dwelling to C-1 Local Business. The R-1 Zoning classification is fairly restrictive. The uses permitted include:

- one family dwellings
- state licensed residential facilities for six (6) or fewer persons
- community gardens
- parks
- bed and breakfasts
- golf courses
- cemeteries
- public transit terminals
- religious institutions
- schools.

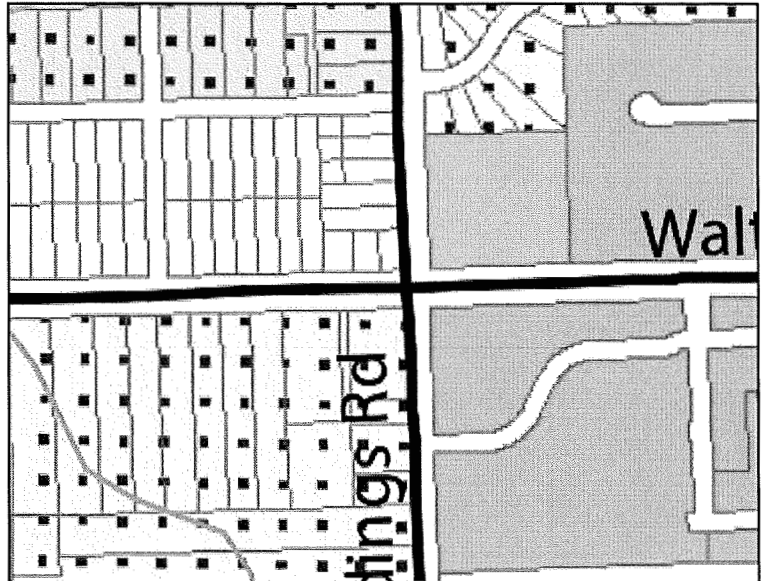


Figure 2: Zoning Map

The C-1 district, on the other hand, permits a much broader range commercial uses intended to serve the adjacent neighborhoods.

Approval of this request would alter the dimensional requirements for these parcels. The R-1 district requires a front yard setback of 25 feet, a rear yard setback of 30 feet, and side setbacks of 5 feet. The C-1 district permits zero-foot front yard setbacks, 5-foot side yard setback and 20-foot rear yard setbacks. Both districts limit the height of structures to 35 feet.



Figure 3: View from the Intersection of Walton and Giddings

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 "suburban residential." This classification is the most restrictive of the Master Plan's residential classifications. The intent is to develop the area in a suburban style with uses limited to detached single family dwelling units on large lots. Approval of this variance would not comply with this intent. However, this request is to rezone a corner of two thoroughfares in the City and if approved would extend the commercial corridor on Walton Blvd.

- 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. The site has been zoned this way since at least 2012 and has not solicited interested developers. This lack of interest indicates the zoning is misaligned with the optimal use of the property.

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

The C-1 zoning district would introduce higher intensity uses than would be permitted otherwise. Developing the site as a commercial operation poses risks to the neighboring residences. The applicant has indicated they will provide proper buffers and screening as necessary to protect the adjacent residences.

- 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.

- 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 is located at the northwest corner of Giddings Rd and E Walton Blvd. Both streets are for high volumes of traffic and can easily accommodate more commercial uses. The northeast corner of the intersection has already been developed for commercial with no negative impact on the street network.

- 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 and the area of the site is consistent with similar commercial developments in the area.

- 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 C-1 zoning district was selected because it represents the least change necessary to permit the type of commercial development the applicant is interested in.

- 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 commercial uses.

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

Approval of the requested rezoning will not create an isolated or incompatible zone. The property to the east across Giddings Rd is already zoned C-1 and is in character for the intersection adjacent to two major thoroughfares.

Planning Commission Recommendation

Planning Commission recommended approval, 7-0 without any conditions supplied by the applicant during the public hearing on August 2, 2023.

Staff had several discussions with the applicant about offering a condition to provide an additional buffer between the commercial uses and adjacent residential properties to protect the neighboring properties from noise, pollution, etc from the rezoning that would permit a commercial use. It was discussed further during the Planning Commission public hearing that the applicant is conceptually providing 10' buffer between the parking lot and the R-1 residential-zoned properties to the north. During the future site plan phase, if a screening wall is installed, a 5' buffer is the minimum required while without a wall, a 10' buffer is required, which would be either meet the standard (without a wall) or be just slightly more than the requirement if a wall was placed).

The applicant has not offered conditions related to this with this zoning map amendment.

Attachments

- Application & Narrative
- Resolution for First Reading
- Ordinance

**Resolution of the Pontiac City Council
To Approve First Reading of Zoning Ordinance Map Amendment
to Rezone four (4) parcels at 1075 E. Walton Blvd.**



**Resolution to Approve First Reading of Zoning Ordinance Map Amendment to Rezone
Four (4) parcels 2.89 acres at 1075 E. Walton Blvd.**

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 2.89 acre parcel (64-14-10-378-012, 64-
14-10-378-013, 64-14-10-378-018, 64-14-10-378-019) at 1075 E. Walton Blvd.; specifically, to
amend the Zoning Ordinance Map which list these properties as R-1 One Family Dwelling to C-1
Local Business.

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: August ____, 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 FOUR (4) PARCELS ON WALTON BOULEVARD, ON THE NORTH SIDE OF WALTON BOULEVARD BETWEEN GIDDINGS ROAD AND CAMERON AVENUE FROM R-1 ONE-FAMILY DWELLING TO C-1 LOCAL BUSINESS.

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 descriptions, also known as 1023 E. Walton and 1075 E. Walton, on the North side of Walton Boulevard between Giddings Road and Cameron Avenue, Tax IDs: 14-10-328-012; 14-10-328-013; 14-10-328-018; and 14-10-328-019, shall be rezoned from R-1 One-Family Dwelling to C-1 Local Business.

Legal Description (as provided):

Part of the Southwest ¼ of Section 10, T3N, R10E; City of Pontiac and Pontiac Township, Oakland County, Michigan. Commencing at the Southwest corner of Section 10, T3N, R10E,; City of Pontiac and Pontiac Township, Oakland County, Michigan thence North 88 degrees 11 minutes and 45 seconds East along the South line of said Section 2,637.60 feet to the South ¼ corner of said Section, thence North 01 degrees 59 minutes 15 seconds West 60.00 feet thence South 88 degrees 11 minutes 45 seconds West 33.00 feet to the Point of Beginning thence North 01 degrees 59 minutes 15 seconds West 215.00 feet thence South 88 degrees 11 minutes 45 seconds West 260.00 feet thence North 01 degrees 59 minutes 15 seconds West 35.00 feet thence South 88 degrees 11 minutes 45 seconds West 280.00 feet thence South 01 degrees 59 minutes 15 seconds East 250.00 feet thence North 88 degrees 11 minutes 45 seconds East 540.00 feet to the Point of

Beginning.

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:



(2.84 acres)

#1350 + \$50 per acre

Application for Zoning Map Amendment

ZMA23-009

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: E. Walton, 1023 E. Walton
Giddings, 1075 E. Walton

Office Use Only

PF Number:

Sidwell Number:

Date: 6-27-23

64-14-10-378-012
-019
-013
-018

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	Jason Ayar		
Address	7186 Woodlore Dr.		
City	West Bloomfield		
State	Michigan		
ZIP Code	48323		
Telephone	Main:	Cell:	
E-Mail			

Project and Property Information

Name of Proposed Development: Retail strip center

E. Walton, 1023 E. Walton, Giddings, 1075 E. Walton
The subject property is location at _____ on the N / S / E / W side of Walton
between _____ and Giddings.

The property is zoned: R-1

Proposed Zoning District: C-1

It is proposed that the property will be used as: Retail

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

64-14-10-378-012, 013, 018, 019 - See attached
legal

Property Owner Information

Name	Walton Giddings Medical, LLC		
Address	1465 Axtell Dr. # G		
City	Troy		
State	MI.		
ZIP Code	48084		
Telephone	Main:	Cell: 810-908-2655	Fax:
E-Mail	K1ahmed@yahoo.com		

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

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

Retail Center

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

The area has a need for a stronger retail presence which will allow for more choices for the residents and also create many jobs and tax dollars for the city thru property taxes and payroll taxes.

Signature of Owner

[Signature]
Signature of Applicant

State of Michigan
County of Oakland

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

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



traffic Count

31,447

3,086

34,533



TRIUMPH

Triumph Engineering & Design, Inc.

10775 S. Saginaw St., Ste. D | Grand Blanc, MI 48439 | Ph: 810-584-7364 | www.triumpheng.com

TRANSMITTAL

Date: 06/28/23
To: City of Pontiac
Attention: Planning Manager Mark Yandrick
Fax:

Job Number: TE-22-XXX
Purchase Order:
Job Name: E. Walton Site Plan

We are Sending:

- | | | | | |
|--|---------------------------------------|--------------------------------|-----------------------------------|---|
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Bluelines | <input type="checkbox"/> Other | <input type="checkbox"/> Separate | <input type="checkbox"/> Specifications |
| <input checked="" type="checkbox"/> Attached | <input type="checkbox"/> Calculations | <input type="checkbox"/> Rates | <input type="checkbox"/> Sepias | <input type="checkbox"/> Tracings |

Copies	Date	Sheet No.	Description
1	06/28/23	1	Transmittal Letter
1	06/28/23	6	Zoning Application, Site Plan Application, Traffic Count and Site Plan Checklist

These are transmitted as checked below:

- | | | |
|--|---|--|
| <input type="checkbox"/> For Approval | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit _____ Copies for Approval |
| <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit _____ Copies for Distribution |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned for Corrections | <input type="checkbox"/> Return _____ Approved or Correct Prints |
| <input checked="" type="checkbox"/> For Review and Comment | | |

Remarks:

Signed By:

James Terbrueggen

#5

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION HONORING THE LIFE AND SERVICE OF LARRY MIRACLE

WHEREAS, the Pontiac City Council would like to pay proper tribute to Larry Mircale an individual of exemplary character and a consummate professional who worked assiduously to improve the quality of life for his fellow citizens in numerous capacities; and,

WHEREAS, Larry Miracle, born on May 20, 1955, in Pontiac, Michigan; and,

WHEREAS, Larry Miracle departed this life on July 21, 2023, which is a unexpected loss for the family and for our community; and,

WHEREAS, Larry Miracle served with acumen and alacrity as a member of member of the Pontiac Police department where he retired as the Chief of Police; and,

WHEREAS, Larry Miracle loved sports as he excelled in basketball, baseball, and football, and was a member of the of the football team at Eastern Michigan University and,

WHEREAS, Larry Miracle enjoyed the loving companionship of his wife Kimberlee of 46 astonishing years; and was also deeply devoted to his family, as he always endeavored to remain true to family values of the highest order; and,

NOW, THEREFORE BE IT RESOLVED, that the Members of the Pontiac City Council and members of this great community will greatly miss Larry Miracle as he leaves behind an indelible legacy of integrity and probity in public life, compassion and loyalty in private life and diligence and dedication in all his chosen endeavors; and we give our sincerest condolences to the family and friends of Larry Miracle.

PONTIAC CITY COUNCIL • Pontiac, Michigan • August 22, 2023.

Mike McGuinness, *Council President*

Mikal Goodman, *Councilmember*

Brett Nicholson, *Councilmember*

Melanie Rutherford, *Councilmember*

William A. Carrington, *President Pro Tem*

Kathalee James, *Councilmember*

William Parker, Jr., *Councilmember*

#6

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

TO: Honorable City Council President and City Council

FROM: Alexandra Borngesser, Director of Grants & Philanthropy

DATE: August 8th, 2023

RE: Council resolution to authorize the City Clerk to publish the proposed budget amendment to increase budgeted revenues in the amount of \$7,497,100 to account 445-000-539.000-OPDCON, and appropriations in the amount of \$1,250,000 to account 445-451-974.074-OPDCON, \$1,565,000 to account 445-463-974.072-OPDCON, 1,930,000 to account 445-451-974.001-OPDCON, 1,423,500 to account 445-000-539.000-OPDCON, and \$ 1,328,600 to account 445-000-539.000-OPDCON to reflect the Michigan Enhancement Grant.

The City of Pontiac was awarded \$7,500,000 assigned to the Meadow Street Extension and Clinton River Trail Expansion Project. The acceptance of this award was approved through formal Council Resolution on May 2nd, 2023.

The Meadow Street Extension and Clinton River Trail Expansion Project will create a new bypass road, and other affected and related city infrastructure, that will directly or indirectly result in the City of Pontiac's acquisition of at least 40 acres of land to use for public recreation purposes.

The project will include extending Meadow Drive to connect with Opdyke Road; extending the Clinton River Trail to connect to Murphy Park; repairing Centerpointe Parkway North; and extending the Clinton River Trail to M-59.

The budget for this project is detailed below:

MI Enhancement Grant OPDCON

GL CODE Name	Account Type	GL Code	Budget Amount
State Grant	Revenue	445-000-539.000-OPDCON	7,497,100
Opdyke and Meadow Rd Construction	Expenditure	445-451-974.074-OPDCON	1,250,000
CenterPoint Construction	Expenditure	445-463-974.072-OPDCON	1,565,000
Trail Extension -Meadow and M59	Expenditure	445-451-974.001-OPDCON	1,930,000
Other Professional Services	Expenditure	445-000-539.000-OPDCON	1,423,500
Engineering Services	Expenditure	445-000-539.000-OPDCON	1,328,600



Council resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$7,497,100 to account 445-000-539.000-OPDCON, and appropriations in the amount of \$1,250,000 to account 445-451-974.074-OPDCON, \$1,565,000 to account 445-463-974.072-OPDCON, 1,930,000 to account 445-451-974.001-OPDCON, 1,423,500 to account 445-000-539.000-OPDCON, and \$ 1,328,600 to account 445-000-539.000-OPDCON to reflect the Michigan Enhancement Grant.

WHEREAS, the City of Pontiac was awarded \$7,500,000 assigned to the Meadow Street Extension and Clinton River Trail Expansion Project through the Michigan Economic Development Corporation's Enhancement Grant Program; and,

WHEREAS, the grant will allow the City to extend Meadow Drive to connect with Opdyke Road, extend Clinton River Trail to connect to Murphy Park and to M-59, and to repair the concrete on Centerpointe Parkway North; and,

WHEREAS, this grant is part of a larger strategic project to acquire at least 40 acres of land to offset the City's park deficit; and,

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment for the Fiscal Year 2023-24 Budget as requested by the Administration to increase budgeted revenues in the amount of \$7,497,100 to account 445-000-539.000-OPDCON, and appropriations in the amount of \$1,250,000 to account 445-451-974.074-OPDCON, \$1,565,000 to account 445-463-974.072-OPDCON, 1,930,000 to account 445-451-974.001-OPDCON, 1,423,500 to account 445-000-539.000-OPDCON, and \$ 1,328,600 to account 445-000-539.000-OPDCON to reflect the Michigan Enhancement Grant.

#7

RESOLUTION



OFFICIAL MEMORANDUM

TO: Honorable City Council President and City Council

FROM: Alexandra Borngesser, Director of Grants & Philanthropy

DATE: August 8th, 2023

RE: **Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$41,700 to account 285-699-816.000-ARPCPK for the purpose of ballfield renovations at Beaudette Park**

In March of 2021, President Biden signed the American Rescue Plan Act into law. This act is meant to provide aid to both state and local governments, and to promote local communities' recovery and revitalization following the impacts of COVID-19. The City of Pontiac was allocated \$37.7 million from the American Rescue Plan Act. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19.

In an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Park Revitalization Program. On November 10th 2022, the Pontiac City Council unanimously approved the Executive Administration's ARPA program budget, allocating \$2,000,000 to establish a Park Revitalization Program for Community Parks. Cities with robust park systems experience stronger economies, a decrease in crime, increased property value, and protection from environmental impacts of urban landscapes. The benefit of investing in Pontiac's parks is invaluable and the public will reap those benefits by way of a stronger economy, safer neighborhoods, and a more resilient environment.

The requested budget amendment below will fund an emergency project in Beaudette Park to renovate the existing ballfields.



Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$41,700 to account 285-699-816.000-ARPCPK for the purpose of ballfield renovations at Beaudette Park.

WHEREAS, the City of Pontiac was awarded The City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund(SLFRF) under the American Rescue Plan Act (ARPA), and;

WHEREAS, the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19, and;

WHEREAS, the City's Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

WHEREAS, the Pontiac City Council unanimously approved the Executive Administration's ARPA Program Budget on November 10th, 2022, allocating \$2,000,000 to establish a park revitalization program for community parks, and to fund the administration of the program, and;

WHEREAS, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Park Revitalization Program, and;

WHEREAS, the following budget amendment reflects funding for costs associated with urgent repairs needed to ballfields at Beaudette Park, and;

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment to establish budget appropriations in the amount of \$41,700 to account 285-699-816.000-ARPCPK for the purpose of ballfield renovations at Beaudette Park.

#8

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

TO: Honorable City Council President and City Council

FROM: Alexandra Borngesser, Director of Grants & Philanthropy

DATE: July 25th, 2023

RE: Council resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$12,277.50 to account 101-000-532.000-OAKPSD, and expenditures in the amount of \$12,722.50 to account 101-818-806.001-OAKPSD and \$2,722.50 to account 101-818-818.000-OAKPSD.

The City of Pontiac was awarded funding in the amount of \$12,277.50 from the Southeast Michigan Council of Governments (SEMCOG) Planning Assistance Program to fund the planning necessary for the Oakland Park Stormwater Drainage Project. The acceptance of this award was approved by the Pontiac City Council by way of formal resolution. Budgets for the aforementioned grant awards and their corresponding accounts are below.

GL CODE Name	Account Type	GL Code	Budget Amount
Federal Grant	Revenue	101-000-532.000-OAKPSD	12,277.50
Stormwater Services	Expenditure	101-818-806.001-OAKPSD	12,277.50
Other Professional Services - Local Match	Expenditure	101-818-818.000-OAKPSD	2,722.50



Council resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$12,277.50 to account 101-000-532.000-OAKPSD, and expenditures in the amount of \$12,722.50 to account 101-818-806.001-OAKPSD and \$2,722.50 to account 101-818-818.000-OAKPSD.

WHEREAS, the City of Pontiac was awarded \$12,277.50 from the Southeast Michigan Council of Governments Planning Assistance Program; and,

WHEREAS, the grant award will fund planning necessary for the Oakland Park Stormwater Drainage Project; and,

WHEREAS, the grant award has a match requirement of \$2,722.50; and,

WHEREAS, the term of the Agreement ends June 30th, 2024.

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2023-2024 in the amount of \$12,277.50 for grant income.

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment for the Fiscal Year 2023-24 Budget as requested by the Administration to increase budgeted revenues in the amount of \$12,277.50 to account 101-000-532.000-OAKPSD, and expenditures in the amount of \$12,722.50 to account 101-818-806.001-OAKPSD and \$2,722.50 to account 101-818-818.000-OAKPSD.

#9

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

TO: Honorable City Council President and City Council

FROM: Alexandra Borngesser, Director, Grants and Philanthropy,

DATE: August 22, 2023

RE: Resolution to approve the High Intensity Drug Trafficking Area (HIDTA) Sub Grant Agreement.

The Oakland County Narcotic Enforcement Team (NET) is a cooperative partnership of federal, county, and local law enforcement agencies in Oakland County, Michigan. NET is located at the Oakland County Sheriff's Office in Pontiac and focuses on mid- to upper-level drug trafficking organizations (DTOs) and criminal groups operating in Oakland County. NET also supports street level investigative operations targeting smaller quantities of cocaine, crack, methamphetamine, fentanyl, and controlled prescription drugs.

NET is led by the Oakland County Sheriff's Office and supported by full-time law enforcement personnel assigned by the Drug Enforcement Administration (DEA), Homeland Security (HIS), Oakland County Prosecutor's Office and several local law enforcement agencies. NET will leverage HIDTA funds to support investigative overtime and communication services. The main goal of the task force is to identify, disrupt and dismantle local DTOs and criminal groups.

Resolution on Following Page



CITY OF PONTIAC CITY COUNCIL

RESOLUTION TO APPROVE THE HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) SUB GRANT AGREEMENT.

WHEREAS, Oakland County is, the legal entity that administers the Narcotic Enforcement Team (NET) and it has submitted an Initiative Description and budget proposal to the Executive Board for Michigan High-Intensity Drug Trafficking Area (HIDTA) requesting the United States Office of National Drug Control Policy (ONDCP) to grant NET an award for the program year 2023 to reimburse NET participating agencies for eligible law enforcement officers overtime costs; and,

WHEREAS, If ONDCP grants NET an award for the program year 2023, the ONDCP disburses the HIDTA funds to the Michigan State Police (MSP); and,

WHEREAS, The County has the authority to allocate a portion of the grant funds to reimburse a participating municipality for qualifying overtime costs subject to the terms and conditions of the agreement; and,

WHEREAS, The City of Pontiac desires to enter into the attached sub-recipient agreement between the city and Oakland County; and,

WHEREAS, Oakland County Corporate Council and the City Executive Branch of the City of Pontiac have approved the attached sub-recipient agreement.

NOW THEREFORE BE IT RESOLVED that the City of Pontiac approves the 2023 HIDTA sub-grant agreement with the Oakland County and authorizes the Mayor to sign on behalf of the City.

**PROGRAM YEAR 2023
HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)
SUBRECIPIENT AGREEMENT BETWEEN
THE COUNTY OF OAKLAND AND CITY OF PONTIAC
Data Universal Numbering System (DUNS) #: 831471144**

This Agreement is made between Oakland County, a Constitutional Corporation, 1200 North Telegraph, Pontiac, Michigan 48341 ("County") and City of Pontiac, 47450 Woodward Ave., Pontiac, MI 48342, a Michigan Municipal Corporation ("Municipality"). The County and Municipality shall be collectively referred to as the "Parties."

PURPOSE OF AGREEMENT.

The Parties enter into this Agreement for the purpose of delineating their relationship and responsibilities regarding the County's use of Grant funds (defined below) to reimburse the Municipality for overtime expenses that it incurred related to its participation in the Oakland County Narcotic Enforcement Team ("N.E.T."), a multijurisdictional drug enforcement task force under the direction and supervision of the Oakland County Sheriff's Office ("OCSO").

Under the Parties' separate N.E.T. agreement, the Municipality is responsible for providing a full-time employee for participation in N.E.T. and for all costs associated with that employment, including overtime.

The County, as the legal entity that administers N.E.T., submitted an Initiative Description and Budget Proposal (Exhibit A) to the Executive Board for Michigan HIDTA requesting the United States Office of National Drug Control Policy ("ONDCP") to grant N.E.T. an award for program year (PY) 2023 to reimburse N.E.T. participating agencies for eligible law enforcement officer overtime. PY 2023 begins January 1, 2023 and ends December 31, 2023.

If ONDCP grants N.E.T. an award for PY 2023, the ONDCP disburses the HIDTA grant funds to the Michigan State Police ("MSP"). To receive the Grant funds for overtime costs, N.E.T. must submit requests for reimbursement with the required supporting documentation to Michigan HIDTA. If Michigan HIDTA approves the N.E.T. overtime reimbursement requests, the MSP should distribute the Grant funds to County on behalf of N.E.T. The County has the authority to allocate a portion of the Grant funds to reimburse the Municipality for qualifying overtime costs subject to the terms and conditions of this Agreement.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS.** The following terms, whether used in the singular or plural, within or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows.

2023 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT
SUBRECIPIENT AGREEMENT BETWEEN
OAKLAND COUNTY
AND
CITY OF PONTIAC

- 1.1. **Claim** means any alleged loss, claim, complaint, demand for relief or damages, cause of action, proceeding, judgment, deficiency, liability, penalty, fine, litigation, costs, and/or expenses, including, but not limited to, reimbursement for attorney fees, witness fees, court costs, investigation expenses, litigation expenses, and amounts paid in settlement, which are imposed on, incurred by, or asserted against the County or Municipality, or the County's or Municipality's agents or employees, whether such claim is brought in law or equity, tort, contract, or otherwise.
- 1.2. **Grant funds** mean the funds that may be awarded to the County and the other participating agencies in N.E.T. pursuant to Michigan HIDTA Initiative Description and Budget Proposal Version 2023 (Exhibit A) submitted to Michigan HIDTA by County on behalf of itself and the other participating agencies in N.E.T.

2. **EXHIBITS.** The Exhibits listed below are incorporated and are part of this Agreement.

- 2.1. **Exhibit A** – Michigan HIDTA Initiative Description and Budget Proposal Version 2023.
- 2.2. **Exhibit B** - Template Request for HIDTA Overtime Reimbursement (Locals to County).
- 2.3. **Exhibit C** – Sample letter regarding notification of current overtime pay rate.
- 2.4. **Exhibit D** – Sample overtime slip, signed by the officer's supervisor that supports each Request for HIDTA Overtime Reimbursement.
- 2.5. **Exhibit E** – Sample paystub or payroll report that supports each Request for HIDTA Overtime Reimbursement.

3. **FEDERAL AWARD PROJECT DESCRIPTION.**

- 3.1. Catalog of Federal Domestic Assistance ("CFDA") #: 95.001
- 3.2. Federal Awarding Agency: United States Office of National Drug Control Policy ("ONDCP")
- 3.3. Program: High Intensity Drug Trafficking Areas (HIDTA)
 - 3.3.1. HIDTA Objective: To reduce drug trafficking and drug production in the United States by: (A) facilitating cooperation among Federal, State, local, and tribal law enforcement agencies to share information and implement coordinated enforcement activities; (B) enhancing law enforcement intelligence sharing among Federal, State, local, and tribal law enforcement agencies; (C) providing reliable law enforcement intelligence to law enforcement agencies needed to design effective enforcement strategies and operations; and (D) supporting coordinated law enforcement strategies which maximize use of available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.
- 3.4. Period of Performance: January 1, 2023 through December 31, 2023.

2023 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT
SUBRECIPIENT AGREEMENT BETWEEN
OAKLAND COUNTY
AND
CITY OF PONTIAC

- 3.5. The Federal Award Identification Number (FAIN) is provided in the HIDTA Grant Agreement between ONDCP and MSP, which is incorporated into this Agreement by reference.

4. USE OF HIDTA FUNDS.

- 4.1. The total amount of the federal award for overtime costs committed to the Municipality and obligated by this action by the County to the Municipality is not to exceed **\$5,700.00** for each participating law enforcement officer unless otherwise provided herein. That amount is based on the number of N.E.T participating agencies and eligible law enforcement officers at the time this Agreement was executed by both Parties. If the number of N.E.T participating agencies and/or eligible law enforcement officers changes during the term of this Agreement, the total amount of the federal award for overtime costs committed to the Municipality and obligated by this action by the County to the Municipality amount may change as funds are available on a pro rata basis. Such commitment and obligation for overtime costs is contingent upon the ONDCP awarding the Grant funds to N.E.T and the MSP reimbursing the County.
- 4.2. The County will reimburse the Municipality up to **\$5,700.00** for each participating law enforcement officer for qualifying N.E.T.-related overtime unless otherwise provided herein. That amount is based on the number of N.E.T participating agencies and eligible law enforcement officers at the time this Agreement was executed by both Parties. If the number of N.E.T participating agencies and/or eligible law enforcement officers changes during the term of this Agreement, the maximum reimbursement amount may change as funds are available on a pro rata basis. Such reimbursement shall only be made after the supporting documentation is submitted by the Municipality and approved by the County, as described in Paragraph 5.1. Such reimbursement is contingent upon the ONDCP awarding the grant funds to N.E.T and the MSP reimbursing the County.
- 4.2.1. HIDTA funds shall be used to pay overtime only if the overtime was performed in support of a HIDTA-designated Enforcement initiative or Intelligence and information Sharing Initiative. HIDTA funds shall not be used to pay overtime related to training attendance, financial management, drug treatment, drug demand reduction or prevention, or non-investigative related administrative work.
- 4.2.2. No HIDTA funds shall be used to supplant the Municipality's funds that would otherwise be made available for the same purposes.
- 4.3. There is no research and development performed pursuant to this Agreement.
- 4.4. No indirect costs shall be charged or reimbursed under performance of this Agreement.

5. REIMBURSEMENT OF ELIGIBLE NET OVERTIME.

- 5.1. To request reimbursement for eligible N.E.T. overtime costs, the Municipality shall submit to the County the documentation described in the following subparagraphs no later than thirty (30) days after PY 2023 has expired. If the County, in its sole discretion, determines that the

documentation submitted by the Municipality does not reconcile, then the Municipality shall provide any additional documentation requested by the County in order to process payment.

5.1.1. A fully completed and signed Request for HIDTA Overtime Reimbursement attached as Exhibit B.

5.1.2. A letter substantively similar to the sample letter regarding notification of current overtime pay rate attached as Exhibit C.

5.1.3. Overtime slips, signed by the officer's supervisor, that support each Request for HIDTA Overtime Reimbursement. The overtime slips shall be substantively similar to the sample overtime slip attached as Exhibit D.

5.1.4. The paystub or payroll report that supports each Request for HIDTA Overtime Reimbursement. The paystub or payroll report shall be substantively similar to the sample paystub attached as Exhibit E.

5.2. County will only reimburse Municipality for approved overtime costs after County has received the Grant funds from MSP for that particular reimbursement request.

6. GENERAL COMPLIANCE.

6.1. The Municipality shall comply with to 28 C.F.R. Part 69 (New Restrictions on Lobbying) and 2 C.F.R. Part 25 (Universal Identifier and System of Award Management).

6.2. The Municipality shall comply with the Government-wide Suspension and Debarment provision set forth at 2 CFR Part 180.

6.3. The Municipality shall perform all activities in accordance with The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200 (the "Part 200 Uniform Requirements"), as adopted and implemented by the Office of National Drug Control Policy (ONDCP) in 2 C.F.R. Part 3603. For this award, the Part 200 Uniform Requirements supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

6.4. The Municipality shall comply with ONDCP's HIDTA Program Policy and Budget Guidance, all other applicable Federal, state, and local laws and regulations, and the terms and conditions contained in this Agreement.

6.5. The Municipality shall comply with all applicable requirements for subrecipients that are provided in the HIDTA Grant Agreement between ONDCP and MSP. The HIDTA Grant Agreement between ONDCP and MSP will be provided to the Municipality within a reasonable time after the County receives a copy of it.

6.6. As specified in the HIDTA Program Policy and Budget Guidance, the Municipality must:

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- 6.6.1. Establish and maintain effective internal controls over the Federal award that provides reasonable assurance that Federal award funds are managed in compliance with Federal statutes, regulations and award terms and conditions. These internal controls should be in compliance with the guidance in "Standards for Internal Control in the Federal Government," issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- 6.6.2. Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- 6.6.3. Evaluate and monitor compliance with applicable statute and regulations, and the terms and conditions of the Federal award.
- 6.6.4. Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- 6.6.5. Take reasonable measures to safeguard protected personally identified information (PII) and other information ONDCP or the Municipality designates consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

7. FINANCIAL ACCOUNTABILITY AND AUDIT REQUIREMENTS.

- 7.1. The Municipality shall maintain standards of financial accountability that conform to 2 C.F.R. §200.302 (Financial Management) and 2 C.F.R. §200.303 (Internal Controls).
- 7.2. The Municipality shall comply with audit requirements contained in 2 C.F.R. Part 200, Subpart F, which requires the Municipality to have an annual audit conducted within nine (9) months of the end of their fiscal year, if the Municipality has an aggregate expenditure of more than \$750,000 in federal funds in a fiscal year. Any deficiencies noted in audit reports must be fully cleared by the Municipality within thirty (30) days after receipt of same. The Grant funds spent by the County on behalf of the Municipality for training expenses shall be included on the Schedule of Expenditures of Federal Awards if the Municipality is required to have a single audit performed. Municipalities that are exempt from the Single Audit requirements that receive less than \$750,000 of total Federal funding must submit a Financial Statement Audit prepared in accordance with Generally Accepted Auditing Standards ("GAAS") if the audit includes disclosures that may negatively impact the HIDTA program including, but not limited to fraud, financial misstatements, and violations of any contract or grant provisions. The County shall have the right to review and audit all records of the Municipality pertaining to any payment by the County.

8. CONFLICT OF INTEREST.

- 8.1. The Municipality shall comply with the following ONDCP conflict of interest policies:

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- 8.1.1. As a non-Federal entity, you must maintain written standards of conduct covering conflicts of interest and governing the performance of your employees engaged in the selection, award, and administration of subawards and contracts.
- 8.1.2. None of your employees may participate in the selection, award, or administration of a subaward or contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an organization considered for a subaward or contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients or contractors or parties to subawards or contracts.
- 8.1.3. If you have a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, you must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, you are unable or appear to be unable to be impartial in conducting a sub-award or procurement action involving a related organization.

9. MANDATORY DISCLOSURE.

- 9.1. As a non-Federal entity, the Municipality must disclose, in a timely manner, in writing to ONDCP all violations of Federal criminal law involving fraud, bribery or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award that includes the term and condition outlined in 200 CFR Part 200, Appendix XII "Award Term and Condition for Recipient Integrity and Performance Matters," are required to report certain civil, criminal, or administrative proceedings to System for Award Management (SAM). Failure to make required disclosures can result in remedies such as: temporary withholding of payments pending correction of the deficiency, disallowance of all or part of the costs associated with noncompliance, suspension, termination of award, debarment, or other legally available remedies outlined in 2 CFR 200.338 "Remedies for Noncompliance".

10. RECORD RETENTION.

- 10.1. The Municipality shall comply with the record retention provisions of 2 C.F.R. 200.333 (Retention requirements for records).
- 10.2. The Municipality should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine readable formats rather than in closed formats or on paper in accordance with 2 C.F.R. 200.335 (Methods for collection, transmission and storage of information).

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11. ACCESS TO RECORDS.

- 11.1. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the County, or any of their authorized representatives, have the right of access to any documents, papers, or other records of the Municipal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the Municipality's personnel for the purpose of interview and discussion related to such documents. The right of access to the Municipality's records is not limited to the required retention period but last as long as the records are retained.
- 11.2. The Municipality shall permit the County and auditors to have access to the Municipality's records and financial statements as necessary for the County to meet the requirements of 2 C.F.R. Part 200.

12. TERM.

- 12.1. This Agreement and any amendments hereto shall be effective when executed by both Parties with concurrent resolutions passed by the governing bodies of each Party, and when the Agreement is filed according to MCL 124.510. The approval and terms of this Agreement and any amendments hereto shall be entered in the official minutes of the governing bodies of each Party. This Agreement shall end on December 31, 2023.

13. ASSURANCES.

- 13.1. Each Party shall be responsible for its own acts and the acts of its employees and agents, the costs associated with those acts, and the defense of those acts.
- 13.2. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.
- 13.3. Each Party shall comply with all federal, state, and local ordinances, regulations, administrative rules, laws, and requirements applicable to its activities performed under this Agreement.

14. TERMINATION OF AGREEMENT.

- 14.1. This Agreement may be terminated in whole or in part as follows:
 - 14.1.1. by the County, if the Municipality fails to comply with the terms and conditions of this Agreement;
 - 14.1.2. by the County for cause;

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14.1.3. by the County with the consent of the Municipality, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;

14.1.4. by the Municipality upon sending to the County written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the County determines in the case of partial termination that the reduced or modified portion of the subaward will not accomplish the purpose for which this Agreement was made, the County may terminate the Agreement in its entirety.

14.2. The County must provide to the Municipality a notice of termination. Written suspension or notice of termination will be sent to the Municipality's business address. If this Agreement is terminated or partially terminated, both the County and the Municipality remain responsible for compliance with the requirements at 2 CFR 200.343 Closeout and 2 CFR 200.344 Post-closeout Adjustments and Continuing Responsibilities.

15. CLOSEOUT.

15.1. The County shall close-out this Agreement when it determines that all applicable administrative actions and all required work under this Agreement have been completed by Municipality.

15.2. The Municipality shall comply with the closeout provisions of 2 C.F.R. 200.343 (Closeout).

16. POST-CLOSEOUT ADJUSTMENTS AND CONTINUING RESPONSIBILITIES.

16.1. The closeout of this Agreement does not affect any of the following:

16.1.1. The right of County to disallow costs and recover funds on the basis of a later audit or other review. The County must make any cost disallowance determination and notify the Municipality within the record retention period;

16.1.2. The obligation of the Municipality to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments;

16.1.3. Audit requirements in Subpart F—Audit Requirements of 2 C.F.R. Part 200.

16.1.4. Records retention as required in Subpart D—Post Federal Award Requirements of this part, §200.333 Retention requirements for records through §200.337 Restrictions on public access to records.

17. REMEDIES FOR NONCOMPLIANCE.

17.1. If the Municipality fails to comply with federal statutes, regulations, or the terms and conditions of this Agreement, the County may impose additional conditions, as described in 2 CFR §200.207 Specific Conditions. If the County determines that noncompliance cannot be

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remedied by imposing additional conditions, the County may take one or more of the following actions, as appropriate in the circumstances:

- 17.1.1. temporarily withhold cash payments pending correction of the deficiency by the Municipality or more severe enforcement action by the County;
 - 17.1.2. disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
 - 17.1.3. wholly or partly suspend or terminate the Agreement;
 - 17.1.4. recommend that the Federal awarding agency initiate suspension or debarment proceedings as authorized under 2 CFR Part 180 and Federal awarding agency regulations;
 - 17.1.5. withhold further funds for the project or program;
 - 17.1.6. take other remedies that may be legally available.
18. **NO THIRD-PARTY BENEFICIARIES.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right, in favor of any other person or entity.
19. **DISCRIMINATION.** The Parties shall not discriminate against their employees, agents, applicants for employment, or another persons or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.
20. **PERMITS AND LICENSES.** Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations necessary to carry out its obligations and duties pursuant to this Agreement.
21. **RESERVATION OF RIGHTS.** This Agreement does not, and is not intended to waive, impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
22. **DELEGATION/SUBCONTRACT/ASSIGNMENT.** Neither Party shall delegate, subcontract, and/or assign any obligations or rights under this Agreement without the prior written consent of the other Party.
23. **NO IMPLIED WAIVER.** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement.

No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

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

25. CAPTIONS. The section and subsection numbers and captions in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers and captions shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural number, any reference to the male, female, or neuter genders, and any possessive or nonpossessive use in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.

26. NOTICES. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first-class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.

26.1. If Notice is sent to the County, it shall be addressed and sent to: Oakland County Board of Commissioners Chairperson, 1200 North Telegraph, Pontiac, Michigan 48341, with a copy to Oakland County Sheriff's Office, Sheriff Fiscal Officer, 1200 N. Telegraph, Bldg. 38E, Pontiac, Michigan 48341.

26.2. If Notice is sent to the Political Subdivision, it shall be addressed to: City of Pontiac.

26.3. Either Party may change the address and/or individual to which Notice is sent by notifying the other Party in writing of the change.

27. CONTACT INFORMATION.

<u>County of Oakland</u>	<u>City of Pontiac</u>
Lieutenant Sean Jennings Investigative & Forensic Services Division Narcotics Enforcement Team Office: 248-858-1722 Fax: 248-858-1754 Email: jennings@oakgov.com	

28. GOVERNING LAW. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan, without regard to Michigan's conflict of laws provisions.

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29. AGREEMENT MODIFICATIONS OR AMENDMENTS. Any modifications, amendments, rescissions, waivers, or releases to this Agreement must be in writing and executed by both Parties.

30. ENTIRE AGREEMENT. This Agreement represents the entire agreement and understanding between the Parties. This Agreement supersedes all other oral or written agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

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

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

WITNESSED: _____ DATE: _____
Printed Name:
Title:

IN WITNESS WHEREOF, _____, acknowledges that he/she has been authorized by a resolution of the Municipality's governing body, a certified copy of which is attached, to execute this Agreement, and hereby accepts and binds the Municipality to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
Printed Name:
Title:

WITNESSED: _____ DATE: _____
Printed Name:
Title:



Michigan HIDTA

Initiative Description and Budget Proposal

All Initiatives which seek HIDTA funding must complete this proposal and return to Michigan HIDTA via e-mail by the announced deadline. Completion of all sections of this proposal is required. The Office of National Drug Control Policy examines these submissions very closely. Your proposal must be clear, concise and complete. **A complete proposal consists of this form AND the Michigan HIDTA FMS Budget Sheet.**

Program Year: Initiative Title:

Submitter's Rank/Name: Submitter's Telephone #:

Submitter's E-mail Address:

SECTION 1: INITIATIVES

Level of Activity - Check all that apply

☒ Local DTO Focus ☒ Multi-State DTO Focus ☐ International DTO Focus ☐ Interdiction Focus

Does this Initiative Routinely Provide Information to the HIDTA Investigative Support Center (ISDC)?

☒ YES ☐ NO

SECTION 2: PROFILE**Initiative Description**

Enter Lead Agency:

Enter Location of Initiative (City):

Check All That Apply

- ☐ Initiative is Collocated with other HIDTA Initiatives
- ☒ Initiative is Staffed with Full-Time Federal and Full-Time State/Local Personnel
- ☒ Full-Time Members of Initiative are Collocated and Commingled with Federal and State/Local Personnel

Initiative Description and Budget Proposal Instructions

Enter your initiative description and budget detail in the text box on the following page. The text box is not character limited, nor is it limited to the visible field on the page. It works best to compose the narrative in Word and copy into the text field on the following page. Please use narrative only to complete this section. The PMP software will not accept graphs, tables, charts, images, etc.

The narrative section is intended to describe the mission and proposed activities for your initiative (dismantling DTOs, meth labs, interdicting drugs/money, apprehending fugitives, etc.) and detail your initiative's funding request. This description should indicate when the initiative was first funded by HIDTA.

Your narrative must be clear, concise and complete. Do not include a long narrative detailing the history or accomplishments of your initiative. Please **limit** your initiative description to several short paragraphs.

The first paragraph should clearly **identify the threat** (drug problem, violent crime, money laundering) in your area. ONDCP expects detailed information regarding the threat in the **HIDTA county/counties which your initiative serves**. Describe the types of drugs being trafficked, the presence/activities of gangs and drug-related violent crime. Include information on DTOs and MLOs operating in your area. **DO NOT** use specific names/addresses for any organizations or provide any information which is law enforcement sensitive or classified. Referring to the Michigan HIDTA Annual Threat Assessment/Drug Market Analysis is essential when describing the threat in your region.

In the next paragraph **discuss your plan to attack the threat** in your region. Describe your initiative and detail your plan to address the specific threats/problems in your area and achieve your performance targets. If your initiative consists of multiple teams, explain how each team's activities attack the drug threat in your HIDTA county. Detail how you will work more efficiently and effectively by conducting intelligence-driven investigations and sharing information (leads).

The next paragraph(s) should **present your budget request**. Remember that HIDTA funding is added-value funding and cannot be used to supplant normal operating budget items. Each budget line item (overtime, equipment, supplies, vehicles, phones, services, etc.) must be detailed in narrative form, specifying the amount requested and how each line item amount will be utilized. It is important to relate why each line item is needed and how it fits into your plan to attack the threat in your region and attain your performance targets. Provide a clear, concise and complete explanation of all items in your budget request. The budget narrative will be reviewed by the Michigan HIDTA Steering Committee and Executive Board before being sent to ONDCP for review and approval.

ONDCP closely examines vehicle expenditures. Lease costs and other vehicle-related expenses must be detailed. Ensure the number of vehicles and expenses match the number of eligible officers in your initiative. Examples: *"6 vehicles @ \$500/month x 12 months = \$36,000; Gasoline Expense, 6 officers @ \$200/month x 12 months = \$14,400 .*

ONDCP also scrutinizes overtime expenses. Ensure these expenses line-up with eligible officers in your initiative. ONDCP caps overtime for individual officers at \$9,500 annually. The Michigan HIDTA limits the cap to \$6,500 per officer annually. Each initiative is required to maintain documentation/spreadsheet to ensure these limits are not exceeded. Example: *10 task force officers x \$3,000/annually = \$30,000 annual overtime.*

PLEASE NOTE: Equipment vs. Supplies - There has been a change in how these items are categorized. All items purchased for \$5,000 or more per item are categorized as Equipment. All items purchased for \$4,999 or less per item are categorized as Supplies.

Equipment expenses must be detailed. Provide specifics for what will be purchased, the cost, and how it relates to your plan to address the threat. Example: *10 ballistic shields @ \$6,000 each = \$60,000.*

Supplies expenses must be detailed. Provide specifics for what will be purchased, the cost, and how it relates to your plan to address the threat. Example: *12 laptop computers @ \$1,000 each = \$12,000.*

Service expenses must also be detailed. Example: *Monthly cell phone service for 12 officers @ \$100/monthly x 12 months = \$14,400.*

The total of all items must match the total entered in the **"Total Dollar Amount Requested"** field at the top of the next page.

A complete proposal consists of this form AND the Michigan HIDTA FMS Budget Sheet.

Enter Initiative Description and Budget Proposal Detail Below

Total Dollar Amount Requested: \$132,300

INITIATIVE PURPOSE:

The Oakland County Narcotic Enforcement Team (NET) is a cooperative partnership of federal, county and local law enforcement agencies in Oakland County, Michigan. NET is located at the Oakland County Sheriff's Office in Pontiac and focuses on mid- to upper-level drug trafficking organizations (DTOs) and criminal groups operating in Oakland County. NET also supports street level investigative operations targeting smaller quantities of cocaine, crack cocaine, methamphetamine, fentanyl, and controlled prescription drugs.

THREAT FOCUS:

Fentanyl and fentanyl mixed with other narcotics continue to be the most lethal category of illicit substances misused in Oakland County. Heroin-related overdose deaths remain at high levels in the county. NET has observed a substantial increase in methamphetamine distribution and use. Cocaine has become a resurgent threat and is widely available throughout the county. Controlled prescription drugs remain an area of concern. Regional and local DTOs are the primary drug trafficking threats in the NET Area of Responsibility (AOR). These DTOs transport cocaine, heroin, fentanyl, and methamphetamine into Oakland County. Most of the illegal narcotics remain in the county and are distributed by local DTOs and criminal groups and eventually consumed by users.

PERSONNEL STRUCTURE AND PARTICIPATING AGENCIES:

NET is led by the Oakland County Sheriff's Office and supported by full-time law enforcement personnel assigned by the Drug Enforcement Administration (DEA), Homeland Security (HSI), Oakland County Prosecutor's Office, Auburn Hills Police Department, Birmingham Police Department, Bloomfield Township Police Department, Farmington Hills Police Department, Ferndale Police Department, Franklin Police Department, Hazel Park Police Department, Madison Heights Police Department, Rochester City Police Department, Royal Oak Police Department, Troy Police Department, Waterford Police Department and West Bloomfield Police Department. The multi-agency approach combines local and federal law enforcement officers and their investigative capacities as a means to dismantle and disrupt large and mid-level DTOs and criminal groups in Oakland County.

INVESTIGATIVE APPROACH:

NET will leverage HIDTA funds to support investigative overtime and communication services. Drug seizures will be thoroughly investigated by NET investigators in order to (1) trace these seizures back to the source(s) of supply, (2) assist investigators in ultimately disrupting and dismantling DTOs and seizures back to the source(s) of supply, and (3) assist investigators in ultimately disrupting and dismantling DTOs and criminal groups. NET investigators monitor DTO trafficking patterns and share the information with our federal partners. The NET task force initiates investigations into upper- and mid-level DTOs and criminal groups. The main goal of the task force is to identify, disrupt, and dismantle local DTOs and criminal groups. If the DTO is identified as a multi-state or international organization, then this intelligence is passed on to the DEA for investigation and federal prosecution. In addition to DEA participation in NET, NET further assigns two investigators to work closely and coordinate with two other DEA groups. This partnership ensures that interstate and international DTOs operating in Oakland County are being thoroughly investigated and prosecuted.

Agency Positions

Summarize the staffing levels you confidently expect to be part of your initiative for the Program Year selected. The *HIDTA Funded* box should be marked Yes **ONLY** when HIDTA funding covers the salary/wages for the listed position.

[illegible]

Predicting Expected Outputs: When developing your expected outputs for the Program Year, please ensure you take into consideration your past 2-3 year performance averages. ONDCP frequently refers to these averages when evaluating future performance target numbers.

SECTION 3: DTOs

DTO Expected Outputs:

Predict the number of DTOs and MLOs you expect to disrupt and/or dismantle during the Program Year. Your performance targets should be aggressive but reasonably attainable, considering expected staffing and funding. Remember that your initiative's performance is compared to how successfully it attained its predicted totals. Please note Initiative's performance is not compared to the performance of other initiatives. Include pertinent notes in the Notes/Additional Information box.

DISRUPTED Defined

DISMANTLED Defined

Enter Number of **DTOs** Expected to be Disrupted or Dismantled This Program Year:

5

Notes/Additional Information:

Enter Number of **MLOs** Expected to be Disrupted or Dismantled This Program Year:

0

Notes/Additional Information:

SECTION 4: CLANDESTINE LABS

Predict the number of each of the following items which you expect to seize during the Program Year. Include pertinent notes in the Notes/Additional Information box.

Enter the Number of Lab Dump Sites Expected to be Seized

0

Enter the Number of Chemical/Glassware/Equipment Expected to be Seized

0

Enter the Number of Children Expected to be Affected

0

Enter the Number of **Meth Labs** Expected to be Dismantled

0

Enter the Number of **Other Clan Labs** (Production/Conversion) Expected to be Dismantled

0

Notes/Additional Information:

SECTION 5: ACTIVITIES

Predict the number of each of the following items for the Program Year. Include pertinent notes in the Notes/Additional Information box.

New HIDTA Cases:

Enter the Number of New HIDTA Initiative Cases Expected to be Opened This Program Year:

Notes/Additional Information:

Case Support:

Enter the Number of Cases Expected to be Provided Analytical Support This Program Year:

Refer to definition of Analytical Support (AS). Project only number of cases which will receive AS from an analyst embedded with your TF or the DSEMIIC/MIOC. Do not include cases which will receive AS from an analyst seated at the HIDTA. A case can be reported receiving AS only **ONCE IN A CALENDAR YEAR** but can be counted each calendar year it receives AS. Project the number of separate cases to receive AS in the year, not the number of times AS is received on all cases. **Important: Remember to submit a completed survey with your quarterly report for each case receiving AS.**

Enter the Number of Event Deconflctions Expected to be Submitted This Program Year:

Enter the Number of Case Matching Requests Expected to be Submitted This Program Year:

Notes/Additional Information:

SECTION 6: FUGITIVES

Predict the number of fugitives you expect to apprehend for the Program Year. A *Fugitive* is defined as an apprehension made pursuant to some type of court-issued pick-up order, such as an arrest warrant, a writ, etc. An *Arrest* is defined as any apprehension made absent any type of court-issued pick-up order, primarily arrests made on probable cause. Initiative plans to make *Arrests* during the year are indicated by selecting *Arrests* from the *Other Outputs* pick list in Section 7.

Enter the Number of Fugitives Expected to be Arrested This Program Year:

Notes/Additional Information:

SECTION 7: OTHER OUTPUTS

ENTRY OF MANDATORY OUTPUTS

FORENSIC ENHANCEMENT - MSP TECHNICAL SUPPORT UNIT - REDRUM

Continue to report Other Outputs contained in the pick list boxes below. Other Output information provided will be maintained internally at the HIDTA but will not be reported in PMP.

ALL OTHER HIDTA INITIATIVES

Report **ONLY** the four Other Outputs **ARRESTS, CRIMINAL GROUPS, FIREARMS SEIZED** and **T-III WIRETAPS**. This information will be reported in PMP.

FUGITIVES VS. ARRESTS

Fugitives: Provide a projection of how many fugitives your task force will arrest for the year in *Section 6: Fugitives*.

A fugitive is defined as an apprehension made pursuant to some type of court-issued pick-up order, such as an arrest warrant, a writ, etc.

Arrests: No projection of how many arrests your task force will make for the year is required. **An arrest is defined as any apprehension made absent any type of court-issued pick-up order; primarily arrests made on probable cause.** Indicate your task force's intentions to make arrests during the year by selecting/loading **ARRESTS** into one of the Other Output boxes below.

Definition of Wiretap

A wiretap is a form of electronic monitoring where a Federal or state court order authorizes law enforcement to surreptitiously listen to phone calls or intercept wireless electronic text messages or video communications. Indicate your plan to utilize wiretaps by selecting **T-III WIRETAPS** in one Other Output box to the right.

Reporting Wiretaps

No projection regarding the number of wiretaps to be utilized is required. The actual number of wiretaps is reported each quarter on the Task Force Quarterly Report. Report only the number of lines (telephone numbers) for which a court order authorized eavesdropping. Do not report an extension of a court order for the same telephone line (number) unless the extension is spanning the calendar year being reported. Note: Dialed number recorders (Pen Registers) are not considered a wiretap for PMP reporting purposes.

Select the Other Outputs your initiative plans to utilize in the pick list boxes below.

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:

Other Output:



Michigan HIDTA
Request for HIDTA Overtime Reimbursement

ONE FORM PER OFFICER

REGULAR OVERTIME

EXHIBIT-B

Michigan HIDTA
Mary Szymanski - Financial Manager
FAX: 248.356.6513
mszymanski@mi.hidta.net

OFFICER'S NAME AND RANK

HOME DEPARTMENT NAME

PHONE NUMBER

MAILING ADDRESS

FEDERAL TAX ID OR MSP INDEX/PCA

REQUESTING OFFICER IS REQUIRED TO TYPE HIS/HER NAME IN THE BLUE BORDERED BOX BELOW. By typing my name in the box below, I certify that this overtime was incurred pursuant to HIDTA-related investigations on the dates and in the amounts listed.

APPROVING TASK FORCE COMMANDER IS REQUIRED TO TYPE HIS/HER NAME IN THE RED BORDERED BOX BELOW: By typing my name in the box below, I certify I received this overtime request from the Requesting Officer, and have reviewed and approved after determining it to be in compliance with ONDCP Program Policy as previously provided to me.

--	--

ITEM #	COMPLAINT #	DATE OT WORKED	# OT HOURS WORKED	OT HOURLY RATE	TOTAL ENTRY COST	LOCATION: Address, City/Township/County
OVERTIME APPROVED FOR STATE/LOCAL OFFICERS ONLY. LIMIT PER OFFICER IS \$8,000 ANNUALLY AS PER MICHIGAN HIDTA PROGRAM POLICY.						
FEDERAL PARTICIPANTS ARE NOT ELIGIBLE TO RECEIVE HIDTA OVERTIME.						
1					\$0.0000	
2					\$0.0000	
3					\$0.0000	
4					\$0.0000	
5					\$0.0000	
6					\$0.0000	
					\$0.0000	

ITEM #	PROVIDE A BRIEF DETAIL OF THE CORRESPONDING ITEM # FROM THE TABLE ABOVE.
1	
2	
3	
4	
5	
6	

THIS INFORMATION IS CONFIDENTIAL. DISCLOSURE OF CONFIDENTIAL INFORMATION IS PROTECTED BY THE FEDERAL PRIVACY ACT.

YOUR AGENCY LETTERHEAD

January 17, 2018

Director
Michigan HIDTA
28 W. Adams
Suite 400
Detroit, MI 48226

Dear Director

Please accept this correspondence as notification of the current pay rate for the listed ADD YOUR AGENCY NAME police officer assigned to the Oakland County Narcotic Enforcement Team (NET). The rate became effective July 1, 2017.

Parent Agency:	ADD YOUR AGENCY NAME
Employee Name/Rank:	ADD OFFICER'S NAME AND RANK
Regular Pay Rate:	OFFICER'S REGULAR HOURLY RATE
Overtime Pay Rate:	OFFICER'S OVERTIME HOURLY RATE

As requested, the overtime rate listed does not include any fringe benefits, such as retirement, FICA, etc. Please contact my office if additional information is required.

Sincerely,

Exhibit D

Please Note: This document is used for illustrative purposes only and the required documentation does not have to be the same, but must contain the same elements.

Required: Overtime slip signed by officer's supervisor. This item should include name, date, and overtime hours associated with HIDTA. The overtime rate should also be included unless provided in the paystub or payroll report.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

TIME SHEET

DATE	HOURS	OVERTIME	NET#
------	-------	----------	------

07/11/2016	08:30-16:30		
07/12/2016	08:30-16:30		
07/13/2016	08:30-16:30		
07/14/2016	08:30-16:30		
07/15/2016	08:30-16:30		

APPROVED

8/16/16

[REDACTED]

08/01/2016	15:00-23:00		
08/02/2016	15:00-23:00		
08/03/2016	14:00-00:00	2hour	16-net-419
08/04/2016	14:00-23:00	1hour	IR-16-263
08/05/2016	03:00-07:00	4hour	IR-16-264
08/05/2016	15:00-23:00		

APPROVING SIGNATURE: [REDACTED]

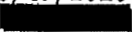
[REDACTED]

OVERTIME IN RED HAS BEEN TAKEN AS NET TIME (COMP)
OVERTIME IN GREEN HAS BEEN SUBMITTED FOR MJ OT GRAMP

Please sign and return.

Please Note: This document is used for illustrative purposes only and the required documentation does not have to be the same, but must contain the same elements. **Exhibit E**

Required: Pay stub or payroll report containing the same information as pay stub. If the paystub does not indicate the overtime rate of pay, then please include with the overtime slip.

Pay Period Ending On: 08/07/2016
 Check #: 
 Check Date: 08/12/2016
 Primary Rate: 31.2962
 Withholding Rate: 00
 Federal Allowances: 0

PAYCODE-ED	HOURS	OT-HOURS	GROSS	YTD	DEDUCTION-ED	AMOUNT	YTD
LONGEVITY_PS	0.00	0.00	0.00	350.00	FITW	475.02	8,268.40
SALARY	80.00	7.00	2,832.31	41,498.79	SITW	112.08	1,906.87
TRAINING_PS	0.00	0.00	0.00	876.28	SOCSEC_EE	176.08	2,991.56
SICK PS 07/01	0.00	0.00	0.00	625.92	MEDICARE_EE	41.18	699.64
F/Y SICK PAYOUT	0.00	0.00	0.00	594.63	DUES_PSO	29.63	444.38
PS SCK GAP	0.00	0.00	0.00	2,879.25	PS_HBL_VISION	9.13	104.73
IN_LIEU_MED_P_S	0.00	0.00	115.38	1,846.08	RETIRE_PS_OFF	84.97	1,424.49
LIFE_INS	0.00	0.00	0.00	8.96	ICMA_PCNT	117.91	1,959.14
HOLIDAY	0.00	0.00	0.00	1,251.85	FLEX_PLAN	98.50	1,576.00
					SAVINGS_PSO	5.60	84.00
					PNC	647.59	11,474.94
					PNC	1,000.00	16,588.65
					ALLY	150.00	2,400.00
TOTALS:	80.00	7.00	2,947.69	49,931.76	TOTALS:	2,947.69	49,922.80

Net Pay This Period: 1,797.59

LEAVE BANK	PRIOR BALANCE	HOURS ACCRUED	HOURS LOST	HOURS TAKEN	NEW BALANCE
COMP_PS	7.50	0.00	0.00	0.00	7.50
F/Y SICK PAYOUT	0.00	0.00	0.00	0.00	0.00
PS KELLY BANK	0.00	0.00	0.00	0.00	0.00
SICK PS 07/01	96.00	0.00	0.00	0.00	96.00
SICK PS GAP	41.00	0.00	0.00	0.00	41.00
VAC_PS	124.00	0.00	0.00	0.00	124.00

08/12/2016

1,797.59

VOID**VOID*****VOID*****CHECK STUB REPRINT*****

#10

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

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

FROM: Alicia Martin, Purchasing Manager
Tim Sadowski, Finance Director

DATE: August 16, 2023, for August 22 Session

RE: The Purchasing Manager and Finance Director requests that the Pontiac City Council approves for the Finance Director to establish a \$50,000 line of credit with Lowe's to purchase commercial appliances for the Ruth Peterson Senior Centers.

The Purchasing Manager collaborated with Hubbell, Roth & Clark, Inc. (who designed the Senior Center improvements to solicit bids for the Pontiac Senior Center Improvements Phase 2 for the Ruth Peterson Senior Center. The bids will be to install the new appliances the City will purchase for the Ruth Peterson Senior Center. Director Alexandra Borngesser was instrumental in obtaining a grant totaling **\$200,000** for the project. A total of **\$91,900** is allocated for the appliance purchase.

The Purchasing Manager uses the Omnia Partners purchasing cooperative to procure the Lowe's appliances. Omnia Partners has conducted competitive bidding for maintenance, repair, and operating supplies and awarded a contract to Lowe's. The Purchasing Manager opted to use a cooperative for the project because time is of the essence, and the project must be completed (i.e., the work performed, and invoices paid) no later than November 15, 2023.

According to Pontiac Code Section 2-523, the City may use cooperative purchasing when the Purchasing Agent or the City Council deems it to be in the "best interest of the City." The ordinance further permits that when bids are received through such cooperatives, the advertising and bidding requirements are deemed to have been met.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and

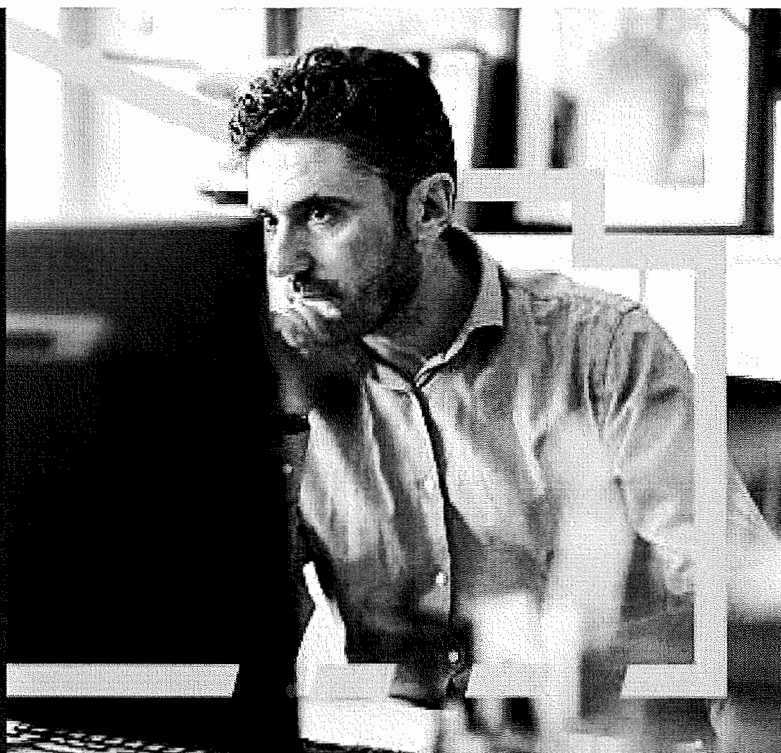
WHEREAS, the Purchasing Manager is requesting approval to establish a line of credit with Lowe's up to a not-to-exceed amount of \$91,900;

NOW, THEREFORE
BE IT RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to execute the line of credit application with Lowe's to purchase appliances for the Ruth Peterson Senior Center.

AM



Lowe's has been awarded a Walk-in Building Supplies and Related Materials contract through the NASPO ValuePoint Cooperative Purchasing Organization. In participating states, the contract can be utilized by state agencies, cities, K-12 schools, higher education, special districts and special authorities.



CONTRACT BENEFITS

- Competitively awarded
- Deeper discount for cost savings
- Instant savings with no RFP process
- No participation fee
- Pro sales and support
- Multiple ways to purchase
- Works with all payment types
- No minimum order requirements
- 1,700+ Stores nationwide
- Access to 40,000 products in store and 500,000+ products online

PAYMENT METHODS

Multiple payment types are accepted for walk-in and online purchasing. To open a LAR, please email matthew.d.duoos@Lowe's.com for instructions.

VISIT LOWESFORPROS.COM/NASPO TO ORDER GOVERNMENT CONTRACT SAVINGS CARDS.



PROCUREMENT SYSTEMS

Email NASPO@Lowe's.com to take advantage of a powerful, efficient resource for your agency with benefits including:

- Over 1 million products online
- Access to real-time product availability across 1,700 stores
- Tax-exempt purchasing
- Custom product catalog
- Lowe's Account Receivable (LAR)

HOW TO PARTICIPATE

POINT OF SALE DISCOUNT

Walk in:

Use your key fob in store to save 7%* on every purchase, every day.

Online:

1. Create your Lowe'sForPros.com account and save 7%
2. Start shopping on Lowe'sForPros.com

FOR MORE INFORMATION ON GOVERNMENT PROGRAMS

Matt Duoos, National Account Manager
phone 612-364-6614
matthew.d.duoos@lowes.com



Extended Payment Term Agreement

NewAcctApp@LowesProSupply.com

Fax: 1(866) 634-6747

Phone: (281) 564-9700

LEGAL NAME:		PHONE:	
COUNTY:	FEIN:	SALES TAX EXEMPT: <input type="checkbox"/> Yes <input type="checkbox"/> No If "Y", valid tax exempt from must be attached.	
DELIVERY ADDRESS:		CITY:	STATE: ZIP:
BILLING ADDRESS (if different from above):		CITY:	STATE: ZIP:
NAME OF PRIMARY CONTACT:		TITLE:	PHONE:
PRIMARY CONTACT EMAIL ADDRESS:		FAX NUMBER:	
CONTACTS			
A/P CONTACT:	EMAIL ADDRESS:	PHONE:	FAX:
LOCATION ADDS/DELETES:	EMAIL ADDRESS:	PHONE:	FAX:
TECHNOLOGY SUPPORT:	EMAIL ADDRESS:	PHONE:	FAX:
ACCOUNT DETAILS			
Co-op ID: <input type="checkbox"/> OMNIA <input type="checkbox"/> NASPO <input type="checkbox"/> E&I	ORGANIZATION NAME:	IDENTIFIER OR ID#:	
PO NUMBER REQUIRED: <input type="checkbox"/> Yes <input type="checkbox"/> No	Multiple Ship To: <input type="checkbox"/> Yes <input type="checkbox"/> No		
ALTERNATE PREFERRED PAYMENT OPTIONS:	<input type="checkbox"/> Credit Card <input type="checkbox"/> ACH/Electronic Transfer <input type="checkbox"/> 3 RD Party Processor (if so, please identify):		
Invoice/Statement Email Option: <i>If preferred method of delivery, please provide valid email address.</i>	EMAIL ADDRESS:		
<p>The undersigned certifies the above information to be true and correct, that it is submitted for the purpose of obtaining an account and agrees to the Terms and Conditions of Sale of Seller on reverse side and any changes to those terms, which may occur in the future; and further acknowledges and agrees that applicant is authorized to bind itself and its principal in accordance with the terms herewith; all of which are herein incorporated by reference.</p> <p>Signature: _____ Title: _____</p> <p>Print Name: _____ Date: _____</p>			
<u>FOR OFFICE USE ONLY:</u>	<u>SALES REP ID:</u>	<u>WHSE:</u>	<u>ROUTE:</u>
<u>ACCOUNT #:</u>			

TERMS AND CONDITIONS OF SALE

All references in this document to "Seller" shall include each affiliate, subsidiary, or division of Maintenance Supply Headquarters, LP, unless specifically identified herein.

Order of Precedence. All sales made by Seller are subject to any Master Agreement between Seller and Purchaser and these Terms and Conditions of Sale. Any Master Agreement shall prevail over any inconsistent terms in these Terms and Conditions of Sale, which shall prevail over any inconsistent terms of Purchaser's purchase order or other purchasing documents. No terms and conditions in any way altering or modifying these provisions shall be binding upon Seller unless they are specifically authorized in writing by Seller's authorized representative. No modification or alteration of these provisions shall result by Seller's shipment of goods following receipt of Purchaser's purchase order, or other documents containing provisions, terms, or conditions in addition to, in conflict with, or inconsistent with these provisions.

Seller assumes no responsibility whatsoever for Seller's interpretation of plans or specifications provided by Purchaser and Purchaser's acceptance must be premised on final approval by architects, engineers, or other third parties, and not on Seller's interpretation.

Quotations. Prices in quotations made by Seller are subject to change without notice, and all quotations expire and become invalid if not accepted within 30 days from the date of issue, unless otherwise noted by Seller in writing. Price extensions, when made, are for Purchaser's convenience only, and they, as well as any mathematical, stenographic or clerical errors, are not binding on Seller. Prices shown do not include any sales, excise, or other governmental tax or charge payable by Seller to Federal, State or local authorities. Any taxes now or hereafter imposed upon sales of shipments will be added to the final invoice. Purchaser agrees to reimburse Seller for any such tax or to provide Seller with an acceptable tax exemption certificate.

Force Majeure. Seller shall not be liable for delay or default in delivery and all quotations and agreements are contingent upon any cause beyond Seller's reasonable control, including, but not limited to, governmental action, strikes, or other labor troubles, fire, damage or destruction of goods, manufacturers' shortages, inability to obtain materials, fuels, or supplies, acts of God, or any other cause whatsoever beyond Seller's control.

Manufacturer's Warranty and Limitation of Warranties. Goods not manufactured by Seller are warranted and guaranteed only to the extent and in the manner warranted and guaranteed to Purchaser by the original manufacturer of such goods.

ALL OTHER WARRANTIES ARE EXCLUDED, WHETHER EXPRESSED OR IMPLIED BY OPERATION OF LAW OR OTHERWISE, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. SELLER'S LIABILITY HEREUNDER, AND PURCHASER'S EXCLUSIVE REMEDIES HEREUNDER, EITHER IN CONTRACT OR IN TORT OR PURSUANT TO STATUTE, FOR BREACH OF WARRANTY OR FOR NEGLIGENCE, ARE EXPRESSLY LIMITED TO THE GIVING OF CREDIT OR REPLACEMENT. SELLER MUST BE GIVEN WRITTEN NOTICE IDENTIFYING THE DEFECTIVE GOODS AND SPECIFYING THE DEFECT WITHIN TEN (10) DAYS AFTER RECEIPT OF THE GOODS BY PURCHASER. SELLER MUST ALSO BE GIVEN THE OPPORTUNITY TO INSPECT THE ALLEGEDLY DEFECTIVE GOODS, AND IF REQUESTED BY SELLER, THE ALLEGEDLY DEFECTIVE GOODS MUST BE RETURNED TO SELLER. FAILURE TO GIVE REQUIRED NOTICE WITHIN THE TIME PROVIDED, OR FAILURE TO RETURN ALLEGEDLY DEFECTIVE GOODS TO SELLER FOLLOWING SELLER'S REQUEST CONSTITUTES A WAIVER OF ALL CLAIMS AGAINST SELLER. SELLER'S RESPONSIBILITY TO GIVE CREDIT OR REPLACEMENT IS LIMITED TO THE EXTENT THAT SELLER IS ABLE TO OBTAIN EQUIVALENT CREDIT OR REPLACEMENT FROM THE ORIGINAL MANUFACTURER OF SUCH GOODS. PURCHASER AND SELLER AGREE THAT SELLER SHALL NOT BE LIABLE DIRECTLY OR INDIRECTLY FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL OR INDIRECT DAMAGES IN ANY WAY ARISING FROM THE SALE, HANDLING, INSTALLATION, OR USE OF THE GOODS SOLD OR FROM ANY OTHER BREACH OF THIS DOCUMENT, ANY PURCHASE ORDER OR ANY OTHER AGREEMENT BETWEEN PURCHASER AND SELLER.

Returns. No credit for goods returned by Purchaser shall be given without MSH's written authorization. All returns to MSH are subject to a restocking charge. No claim for shortage of goods or damage to goods shall be allowed unless Purchaser, within ten (10) days after receipt of shipment, gives MSH written notice of the claim for shortage or damage and in such written notice fully describes the shortage and/or damage alleged. MSH's responsibility ceases upon issuance of Bill of Lading. MSH shall not be liable to Purchaser for goods which are damaged or lost while in the possession of a common carrier, and it will be Purchaser's responsibility to recover any and all damage directly from the common carrier.

Purchases at Affiliates. Purchases made at Lowe's Home Centers, LLC (Lowe's) are governed by Lowe's return policies and any terms of sale.

Changes. Any change in quantities or destination may result in a price adjustment by Seller.

Terms of Payment. Unless otherwise stated, payment terms are net 30 days. Payment is due in the form of cash, check, or money order. Payments of Seller's invoices are due and payable at P.O. Box 301451, Dallas, Dallas County, Texas 75303-1451. More specifically, Purchaser agrees to pay Seller's invoices at Seller's lock box located at P.O. Box 301451, Dallas, Dallas County, Texas 75303-1451. Purchaser hereby expressly agrees and consents to Seller's presentment of and request for payment of any check or other payment order issued to Seller by Purchaser by any commercially reasonable electronic means in accordance with applicable provisions of the Uniform Commercial Code, and Purchaser further authorizes any bank or other financial institution on which any such order is drawn or through which such order is payable to make payment pursuant to such order directly to Seller or for credit to Seller's account by electronic funds transfer. Seller may apply Purchaser's payment against any open charges within Seller's sole discretion. Purchaser agrees to pay Seller on past due accounts a monthly interest charge equal to the maximum statutory interest charge or as otherwise specified by laws or regulations governing Purchaser.

Termination Rights. If Purchaser fails to comply with these Terms and Conditions of Sale, or Purchaser's account becomes unsatisfactory in Seller's sole discretion, Seller reserves the right to terminate or restrict any order upon notice to Purchaser. Purchaser certifies that it is solvent and that it will immediately advise Seller if it becomes insolvent.

#11

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

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

FROM: Alicia Martin, Purchasing Manager
Allen H. Cooley, III, DPW Director

DATE: August 16, 2023, for August 24 Session

RE: The Purchasing Manager and the Department of Public Works (DPW) Director request that City Council approves to execute an agreement with DLZ for the completion of a Roads Master Plan for the City of Pontiac.

City Council approved the resolution for DLZ to provide Architectural and Engineering Services for a not to exceed amount of \$75,000 during the April 4, 2023, Council session. Purchasing used the State of Michigan's MiDeal Cooperative Purchasing Program – Contract No. 00876 to comply with the City's ordinance as it pertains to bidding requirements. The purchasing manager and DPW director is requesting that City Council Approving the execution of a contract for DLZ to complete the Roads Master Plan will total a **not-to-exceed amount of \$55,000**, which will bring the total spend for DLZ to \$130,000.

According to Pontiac Code Section 2-523, the City may use cooperative purchasing when the Purchasing Agent or the City Council deems it to be in the "best interest of the City." The ordinance further permits that when bids are received through such cooperatives, the advertising and bidding requirements are deemed to have been met.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and

WHEREAS, the Purchasing Manager is requesting approval to execute a contract with DLZ to complete the Roads Master Plan no later than November 2023;

NOW, THEREFORE
BE IT RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to execute a contract with DLZ for the Road Master Plan.

AM

August 1, 2023

Mr. Al Cooley III
Director of Public Works
City of Pontiac
47450 Woodward Avenue
Pontiac, MI 48342

Re: **Proposal for Roads Master Plan**
Using the State of Michigan MiDeal Program

Dear Mr. Cooley:

DLZ Michigan, Inc. (DLZ) is pleased to submit this proposal for developing a multi-year roads master plan to the City of Pontiac (CITY). As you are aware, the State of Michigan operates an extended purchasing program that allows cities to buy goods and services from State contracts. This program has been authorized by the Michigan legislature since 1984. Members of the MiDEAL program benefit directly from the reduced cost of goods and services and indirectly by eliminating the time needed to process bids. DLZ has been selected by the State for design and construction services through the MiDEAL program under Contract No. 00876. We are very proud of our record of service as it relates to cost and performance on the assignments that we have undertaken.

SCOPE OF SERVICES

The CITY has selected DLZ as one of its preferred vendors for Engineering Services. Services will be performed utilizing DLZ's ISID MiDEAL Agreement #00876, dated April 16, 2021. Under this contract, DLZ will be assigned the development of a long-term roads master plan. The initial scope of work, as identified below, is expected to include activities within Phase 1000-2000 of the MiDEAL contract.

DLZ will include, at a minimum, the following services:

- Review the existing road, alley, sidewalk and storm sewer condition assessments.
- Review data on existing road projects currently under design, construction and/or forecasted for such in the next five (5) years.
- Review the existing GIS mapping data.
- Review the CITY'S annual road budget for the last three (3) years.
- Identify potential repair/replacement options to meet CITY'S goals of improved roads in a 10- and 20-year period.
- Develop an objective method for project prioritization.
- Develop a total conceptual cost estimate, in 2023 dollars, to bring the road network to a PASER rating of five (5) or better.
- Summarize the findings and recommendations into a written report.

The CITY will provide the following:

- Access to the Roadsoft data relevant to the CITY;
- Access to most current GIS data;

- Access to latest condition assessments; and
- Attendance at regular project progress meetings.

PROJECT TEAM

DLZ is proposing Ms. Shannon Filarecki, P.E. to be the primary contact and liaison with the CITY. Ms. Filarecki has been the acting City Engineer since spring of 2023. She is familiar with the requirement of Act 51 for road funding including the requirements for submittal of annual reporting, map updates, and asset management plans. Yadong Dong, PH.D., PE will serve as the project lead. Dr. Dong has an educational background in pavement asset management and has worked on several projects where he has performed pavement condition assessments and developed preventive maintenance and repair plans. He will lead a team of engineers and planners in the development of the roads master plan for the CITY.

SERVICE FEE

For services described in the **SCOPE OF SERVICES**, DLZ proposes to charge, and the CITY agrees to pay a lump sum not to exceed fee of **\$55,000.00** without written consent from the CITY. Payment will be made monthly in proportion to services performed upon presentation of proper invoices. The Terms and Conditions of Department of Technology, Management, and Budget (DTMB) ISID MiDeal Contract #00876, dated April 16, 2021, are incorporated here into and made a part of this Work Order Proposal. Additional Services not included herein may be performed on an hourly-rate basis with authorization from the CITY. If authorized, additional services shall be invoiced using the Standard Rate Schedule of ISID MiDEAL Contract #00876.

Services under this agreement may be terminated by either party upon thirty (30) days written notice. In the event of termination, CITY will pay DLZ for all services and reimbursable expenses rendered to the date of termination.

If you approve and accept this Proposal, please sign, date, and return one copy of this Proposal for our records. Should you prefer to issue a Purchase Order as your official acceptance, we request that you reference this Proposal in your paperwork.

DLZ appreciates the consideration for the proposed professional services. This offer will remain open for acceptance for 60 days. If for any reason you should have questions, please do not hesitate to call Shannon Filarecki, P.E. at (248) 681-7800.

Sincerely,
DLZ MICHIGAN, INC.



Manoj Sethi, P.E.
President

Approved and Accepted

Signature _____

Printed Name _____

Title _____

Date _____

PO# _____

#13

RESOLUTION

Resolution of the Pontiac City Council



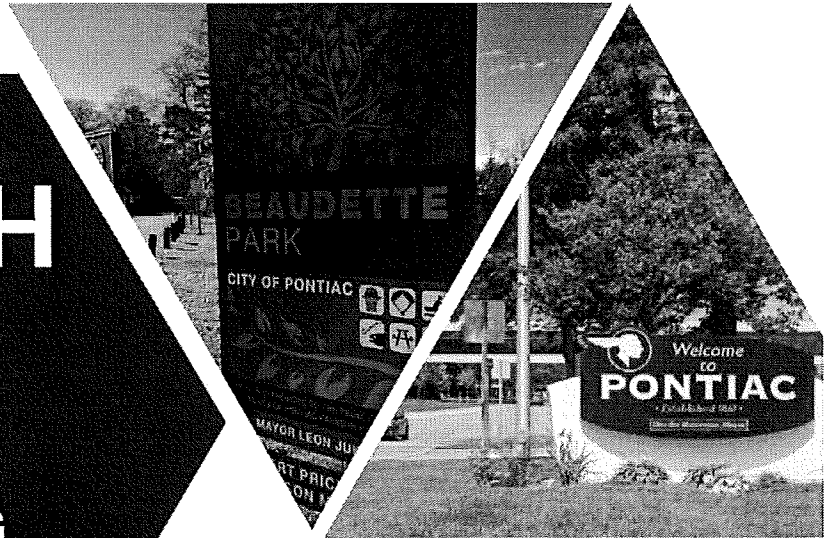
RESOLUTION TO PROCEED IN CLOSED SESSION

WHEREAS, Counsel for the City is requesting a closed session pursuant to MCL 15.268(1)(e) to discuss the pending matter of The City of Pontiac Retired Employees Association, et. al. v. Louis Schimmel, et. al., United States District Court Case No. 2:12-cv-12380.

NOW THEREFOR BE IT RESOLVED, the City Council will proceed into Closed Session pursuant to the Open Meetings Act, MCL 15.268(1)(e) to discuss pending litigation.

#19

COMMUNICATION



SUMMER BASH

THURSDAY AUGUST 24
5PM TO 8PM

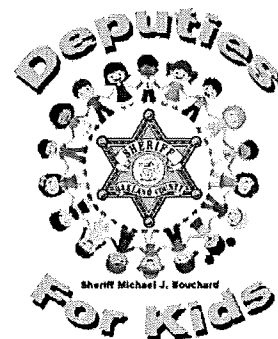
BOUNCE HOUSES | MUSIC | FOOD
ROCK CLIMBING | BUBBLE MAKING

Beaudette Park
786 Orchard Lake Rd, Pontiac, MI 48341

www.pontiac.mi.us



Pontiac Community Policing Team



UNITED IN BUILDING STRONG RELATIONSHIPS

#29

COMMUNICATION

Michigan Matters Community Water Legislation Forum

Brought to you by the Oakland County Water Resources Commissioner's office, the Great Lakes Water Authority and the Southeast Michigan Council of Governments.



Wednesday, August 30
10 to 11:30 a.m.



Zoom Meeting

<https://bit.ly/MichiganMatters>

Who should attend? Municipalities, Public Works departments, and Local Elected Officials

Meeting Agenda:

- Welcome and Introductions
- Update on Statewide Water Affordability and Shut-off Protection Bill Package
 - Legislation is being proposed that would:
 - Establish a statewide water affordability program that would provide low-income households with a plan for arrearage forgiveness, income-based water bills, and plumbing repairs to stop household leaks that drive up household water costs.
- Update on the Stormwater Utility Bill
 - This bill would clarify the legal requirements of a stormwater utility and provide a transparent approach for municipalities to plan, fund, and manage stormwater in their communities
- Q&A from industry experts



Register Now:

<https://bit.ly/MichiganMatters>



SEMCOG