

March 21, 2023 Approved Minutes

**Official Proceedings
Pontiac City Council
77th 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, March 21, 2023 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Pastor Coley Grace, Shiloh Baptist Church

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 Nichols, William Parker, Jr. and Melanie Rutherford

Mayor Greimel was present
A quorum was announced.

Amendments to and Approval of the Agenda

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

Motion to amend the agenda to move item #7 Resolution Honoring the Life and Service of Mr. Harold Harris before item #1 Special Presentation Construction Update for Woodward Avenue and South Boulevard Intersection. Moved by Councilperson Rutherford and second by Councilperson Goodman.

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

The vote was taken to approve the agenda as amended.

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

Consent Agenda

23-107 **Resolution to approve the consent agenda for March 21, 2023.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Whereas, the City Council has reviewed the consent agenda for March 21, 2023.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for March 21, 2023 including March 14, 2023 City Council Meeting Minutes.

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

Resolution Passed

Resolution

City Council

23-108

Resolution Honoring the Life and Service of Mr. Harold Harris. Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, Mr. Harold “Hank” Harris was a Pontiac resident for many decades and highly involved with members of our Pontiac community throughout the Oakland County for many years and;
WHEREAS, Mr. Harris was an active part of many civic, social, and philanthropic endeavors throughout the years including his voluntary service on multiple City of Pontiac boards and commissions and;
WHEREAS, Mr. Harris passed away March 6, 2023 at the age of 60 which is a tragic lost for his family and our entire community through his amazing legacy, which we shall endure;
NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council and the Pontiac Mayor Tim Greimel hereby acknowledges as life and legacy of Mr. Harold Harris and mourns his passing and;
FURTHER RESOLVED the Pontiac City Council, Mayor of Pontiac and the entire City of Pontiac extends our deepest sympathies to the family, friends, neighbors and colleagues of Mr. Harris and;
FURTHER, BE IT RESOLVED we celebrate the life and profound impact of Mr. Harold Harris and salute is admirable service to the City of Pontiac.

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

No: None

Resolution Passed

Special Presentation

Construction Update for Woodward Avenue and South Boulevard Intersection

Suspend the Rules

Motion to suspend the rules to add Resolution on Woodward & South Blvd Construction. Moved by Councilperson James and second by Councilperson Rutherford.

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

No: None

Motion Carried

Resolution

City Council

23-109

Resolution on Woodward & South Blvd Construction. Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the State of Michigan will be undertaking construction on south bound Woodward Ave. between Rapid St. & South Blvd from late March to late May 2023 and;
WHEREAS, all lanes will be closed during those months potentially impacting Pontiac residents and those that work in the City of Pontiac;
NOW, THEREFORE, BE IT RESOLVED the Pontiac City Council hereby requests Mayor Tim Greimel and the administration to take considered efforts to notify all residents and businesses in the City of Pontiac so that they are aware of this serious obstacle to Pontiac commuters and;
FURTHER RESOLVED we acknowledge that Mayor Greimel is already committed to those efforts and we look forward to partnering with him on getting the word out as much as possible so that all Pontiac residents and businesses are fully apprised.

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

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No: None
Resolution Passed

Special Presentation

CNS Healthcare Resources and Services

Presenters: Chief Clinical Officer Marcy Johnson and Chief Corporate Compliance Officer and General Counsel Darnell Boynton

Recognition of Elected Officials

1. Jonathan Wertheimer, State Rep Brenda Carter's Office

Agenda Address

1. Dr. Deirdre Waterman addressed items #3 & #10
2. Diane Balsick addressed item 6
3. Larry Jasper addressed item #2
4. Gail Spaulding addressed item #6
5. Ed Dowd addressed item #6
6. Carol Dowd addressed item #6

Suspend the Rules

Motion to suspend the rules to move item # 6 An Ordinance Amendment ZMA 23-001 to Rezone 204 W. New York Ave from R-1 Family Dwelling to R-3 Multiple Family Dwelling. (Wever School) (First Reading) before item #3 Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading Postponed from March 14, 2023 City Council Meeting). Moved by Councilperson Rutherford and second by Councilperson Goodman.

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

No: None

Motion Carried

Ordinances

Resolution

23-110 Resolution to Approve Zoning Map Ordinance Amendments to Rezone 204 W. New York Ave from R-1 Family Dwelling to R-3 Multiple Family Dwelling. (Wever School) (First Reading). Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the City is proposing an ordinance to amend Appendix B of the municipal code of the City of Pontiac, amending article 2, Section 2.103 – Zoning Map, to change the zoning classifications for a parcel on W. New York Ave., on the west side of Carlisle Street between W. New York Avenue and W. Chicago Avenue from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of ordinance amendments to Article 2, Section 2.103 – Zoning Map, to change the zoning classifications for a parcel on W. New York Ave., on the West side of Carlisle Street between New York Avenue and W. Chicago Avenue from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.

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

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No: None
Resolution Passed

Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading Postponed from March 14, 2023 City Council Meeting).

Motion to amend Section 2.303 Table 2.1. Moved by Councilperson Carrington and second by Councilperson James.

Shall be amended as follows: A maximum of five (5) Adult-Use Marihuana Retailers shall be allowed in each of the four (4) overlay districts

Ayes: James & Carrington
No: Goodman, McGuinness, Nicholson and Parker
Motion Failed
Councilwoman Rutherford was absent during vote.

Motion to amend Section 2.303 Table 2.1 number of Social Equity Retailers. Moved by Councilperson Carrington and second by Councilperson McGuinness.

Walton 5
Downtown 5
Cesar Chavez 5
Woodward 3

Ayes: James, McGuinness and Carrington
No: Nicholson, Parker and Goodman
Motion Failed
Councilwoman Rutherford was absent during the vote.

Motion to amend Section 2.303 Table 2.1 number of Social Equity Retailers. Moved by Councilperson Nicholson and second by Councilperson Parker.

Walton 5
Downtown 5
Cesar Chavez 5
Woodward 2

Ayes: McGuinness, Nicholson, Parker, Carrington, Goodman and James
No: None
Motion Carried
Councilwoman Rutherford was absent during the vote.

Motion to amend Section 2.553 E(2)(d). Moved by Councilperson Carrington and second by Councilperson James

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Shall be amended as follows: Marihuana Facilities in the Woodward Gateway Overlay District need not be adjacent to the M-1 or M-2 Zoning Districts.

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

No: None

Motion Carried

Councilwoman Rutherford was absent during the vote.

Motion to amend Section 3.1205. Moved by Councilperson James and second by Councilperson Parker.

3.1205 Licensing

All operators of adult-use marihuana businesses listed in Section 3.1202 must obtain State of Michigan license and applicable City of Pontiac permits, including but not limited to, adult-use marihuana businesses, building and zoning.

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

No: None

Motion Carried

Councilwoman Rutherford was absent during the vote.

Motion to postpone for one week the Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading Postponed from March 14, 2023 City Council Meeting). Moved by Councilperson Goodman and second by Councilperson Parker

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

No: None

Abstain: Rutherford

Motion Carried

Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (Second Reading Postponed from March 14, 2023 City Council Meeting).

Motion to amend Section 09. Licensing of Adult-Use Marihuana Businesses. Amends the number of retailers from 18 to 17. Moved by Councilperson Goodman and second by Councilperson Carrington.

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

No: None

Abstain: Rutherford

Motion Carried

Motion to amend Section 08. Marihuana Businesses Rules and Regulations. Adds Class A Microbusinesses to the subparagraphs regulating hours of operation and prohibition of drive throughs and drive through, walk-up window service, and curbside service. Moved by Councilperson Nicholson and second by Councilperson Goodman.

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

Motion to amend Section 17. Class A Microbusinesses. In (e) aligns the buffering measurement language to the language approved by Council on March 14, 2023. In (f) adds hours of operation amendment for Class A Microbusinesses located in the Downtown Overlay District and in (g) prohibits drive throughs and drive through, walk-up window service, and curbside service. Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

Motion to amend Section 18. Designated Consumption Establishments. Amends (f) to align the buffering measurement language to the language approved by Council on March 14, 2023. Moved by Councilperson Goodman and second by Councilperson Carrington.

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

Motion to amend Section 13. Marihuana Business Permit Application Process. In (h) amends the number of retailer permit from 18 to 17. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Nicholson, Parker, Carrington, Goodman and McGuinness
No: James
Abstain: Rutherford
Motion Carried

Motion to amend Section 13. (f)(3) Permit Application Process: Neighborhood Communication/Education Plan. Amends subparagraph (f)(3) to change “should” to “shall” and add that the Clerk shall be provided a copy of the written notice two (2) weeks before the public meeting.. Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

Motion to amend Section 24. Annual Marihuana Business Permit Renewal. Amends subparagraph (e)(6) to require as part of the annual permit renewal that the permittee explain with supporting data that operations have been consistent with all plans submitted with the application including but not limited to the neighborhood communication/education plan.. Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

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No: None
Abstain: Rutherford
Motion Carried

Motion to postpone for one week Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (Second Reading Postponed from March 14, 2023 City Council Meeting).
Moved by Councilperson Goodman and second by Councilperson Carrington.

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

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 Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) (Second Reading Postponed from March 14, 2023 City Council Meeting).

Motion to Amend An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Conditionally Rezone the Zoning Classifications for Specific Parcels on Woodward Ave. Moved by Councilperson Rutherford and second by Councilperson Goodman.

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

Ordinance

2405 **Adoption of An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Conditionally Rezone the Zoning Classifications for Specific Parcels on Woodward Ave.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

See Ordinance 2405 Conditional Rezoning Ordinance attached as Exhibit A

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman
No: None
Ordinance Adopted

Suspend the Rules

Motion to suspend the rules to amend agenda to add a Conditional Rezoning Agreement. Moved by Councilperson Rutherford and second by Councilperson Carrington.

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

Resolutions

23-111 **Resolution to adopt Conditional Rezoning Agreement between the City of Pontiac and Lighthouse MI.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

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BE IT RESOLVED the Pontiac City Council approves of the Conditional Rezoning Agreement between the City of Pontiac and Lighthouse MI and authorizes the Mayor to execute the agreement.

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

No: None

Resolution Passed

See Conditional Rezoning Agreement attached as Exhibit B

City Council

23-112

Resolution approving the Reappointment of Sheldon Albritton to the GERS Reestablished Board of Trustees. Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, The Pontiac City Council wishes to re-appoint Sheldon V. Albritton to the General Employees Retirement System (GERS) Reestablished Board of Trustees and;

WHEREAS, at this time Sheldon V. Albritton has signed to be re-appointed and attend any necessary training sessions; and

WHEREAS, Sheldon V. Albritton will be serving a term beginning April 1, 2023, and will be ending on March 31, 2027; and

NOW THEREFORE, BE IT RESOLVED, that the Eleventh Pontiac City Council shall re-appoint Sheldon V. Albritton to the General Employee Retirement System (GERS) Reestablished Board of Trustees.

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

No: None

Resolution Passed

Finance

Resolution to authorize the City Clerk to publish the proposed budget amendment for Fiscal Year 2022-2023 to increase the appropriation in the following GL accounts 208-756-719.000 Workers Compensation Ins. -\$5,000, 208-756-779.020 Programming -\$7,500, 208-756-942.001 Copier Lease – \$2,400, 208-756-943.000 Services – Equip Rental City-Owned – \$1,000, 208-775-716.000 – Medical Insurance – \$9,600, 208-775-745.000 – Recreation Supplies – \$2,000 (This proposed budget amendment is for Youth Recreation.) Moved by Councilperson Rutherford and second by Councilperson Carrington

The Resolution was listed wrong on the agenda. Councilperson Rutherford withdrew her motion and Councilperson Goodman withdrew his second.

23-113 **Resolution to approve budget amendment for Fiscal Year 2022-2023 to increase the appropriation in the following GL accounts 208-756-719.000 Workers Compensation Ins. -\$5,000, 208-756-779.020 Programming -\$7,500, 208-756-942.001 Copier Lease – \$2,400, 208-756-943.000 Services – Equip Rental City-Owned – \$1,000, 208-775-716.000 – Medical Insurance – \$9,600, 208-775-745.000 – Recreation Supplies – \$2,000 (This proposed budget amendment is for Youth Recreation.).** Moved by Councilperson Goodman and second by Councilperson Carrington.

WHEREAS, The Youth Recreation division has been operating without an appropriation for some of the expense line items given below which are essential for the functioning of Youth Recreation operation:

208-756-719.000 Workers Compensation Insurance

208-756-942.001 Copier Lease

208-756-943.000 Services – Equip Rental City-Owned

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208-775-716.000 – Medical Insurance; and,

WHEREAS, since there was a delay in securing the “United Way-Out of School Time” grant, City could not use the grant dollars to pay for the recent purchase of Programing Services and Recreation Supplies; and,

WHEREAS, this Budget amendment will reduce the 208-Youth Recreation Millage fund balance by \$27,500 and the estimated fund balance after this amendment is \$294,470;

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

This budget amendment allocates the funds in the categories as given below:

208-756-719.000 Workers Compensation Ins.	\$5,000,
208-756-779.020 Programming	\$7,500,
208-756-942.001 Copier Lease	\$2,400,
208-756-943.000 Services – Equip Rental City-Owned	\$1,000,
208-775-716.000 Medical Insurance	\$9,600,
208-775-745.000 Recreation Supplies	\$2,000
Net Decrease in the General Fund Balance	<u>\$27,500</u>

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

No: None

Resolution Passed

Human Resources

23-114 **Resolution to appoint Timothy Sadowski as the New Finance Director.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, The City of Pontiac has been without a permanent Finance Director for over seven months and;

WHEREAS, The Deputy Mayor, has successfully filled that vacancy during this period and;

WHEREAS, Mr. Timothy Sadowski has a master’s degree in finance and over two years of experience in the public sector and;

WHEREAS, Mr. Sadowski has over two decades of experience in municipal financial services and;

WHEREAS, Mr. Sadowski’s successful work experience demonstrates that he is qualified to lead the department,

NOW, THEREFORE BE IT RESOLVED, The Pontiac City Council approves Mr. Timothy Sadowski to be the Finance Director for the City of Pontiac.

BE IT FURTHER RESOLVED, that upon this appointment, Mr. Sadowski’s salary will be \$110,000.

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

No: None

Resolution Passed

Mayor’s Office

23-115 **Resolution of Approval of the amendment to the 2022-2024 Oakland County Sheriff Law Enforcement Agreement with the City of Pontiac.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

BE IT RESOLVED the Pontiac City Council approves of the amendment to the 2022-2024 Oakland County Sheriff Law Enforcement Agreement with the City of Pontiac and authorizes the Mayor to execute the agreement.

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

No: None

Resolution Passed

Councilman Goodman was absent during the vote.

Public Comment

1. Billie Swazer
2. Beatrice Wright
3. Dr. Deirdre Waterman

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Councilman Parker, Councilwoman James, Councilwoman Rutherford, Councilman Nicholson, Councilman Goodman and Council President Mike McGuinness made closing comments.

Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 9:41 p.m.

Garland S. Doyle
City Clerk

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

ORDINANCE NO. 2405

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 CONDITIONALLY REZONE THE ZONING CLASSIFICATIONS FOR SPECIFIC PARCELS ON WOODWARD AVE.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefore, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal descriptions shall be rezoned as follows:

1. Existing C-0 Residential Office parcels to C-1 Local Business;
2. Existing R-1 One Family Dwelling parcels to C-0 Residential Office with CR Conditional Rezoning.

LOTS 118 AND 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC (NOW CITY OF PONTIAC), ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF PLATS, PAGE 2, OAKLAND COUNTY RECORDS, ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, THE VACATED ALLEY ADJACENT TO SAID LOTS, 1/2 OF VAC ALLEY ADJACENT TO LOTS 9 AND 10, ALL IN BLOCK 1 AND THAT PORTION OF HOVEY STREET (50 FEET WIDE) OF THE MAP OF TREGENT AND STOCKWELL'S PLAT OF PONTIAC MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 4 OF PLATS, PAGE 34, OAKLAND COUNTY RECORDS AND LOCATED IN THE NORTHWEST

1/4 OF SECTION 33, T. 3 N., R.E 10 E., CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT ON THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET (60 FEET WIDE) AND THE EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE (WIDTH VARIES); THENCE N. 87°07'52" E. 656.45 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CENTER STREET (60 FEET WIDE); THENCE S. 03°00'48" E. 155.00 FEET (RECORD AND MEASURED) TO A POINT ON THE NORTHERLY LINE OF LOT 10 IN SAID TREGENT AND STOCKWELL'S PLAT; THENCE S. 87°06'04" W. 122.49 FEET ALONG SAID NORTH LINE OF LOTS 10 AND 9 TO A POINT ON THE WESTERLY LOT LINE OF SAID LOT 9; THENCE S. 02°44'37" E. 140.07 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK PLACE (89 FEET WIDE); THENCE S. 87°04'08" W. 211.50 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID HOVEY STREET; THENCE S. 02°23'32" E. 6.61 FEET; THENCE S. 87°07'38" W. 115.00 FEET; THENCE N. 02°23'26" W. 38.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC; THENCE ALONG SAID LINE S. 87°07'31" W. 207.75 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE; THENCE N. 02°52'55" W. 264.00 FEET (MEASURED AND RECORD) ALONG SAID EASTERLY RIGHT-OF-WAY 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.

Section 4. Conditional Rezoning Agreement

A Conditional Rezoning Agreement shall be entered between the City and the Developer to ensure that the conditions placed upon the approval of the rezoning request are met by the Developer. The Mayor shall be granted the authority to execute said Conditional Rezoning Agreement which shall be recorded with the Register of Deeds.

ORDINANCE DECLARED ADOPTED.

**CITY OF PONTIAC
CONDITIONAL REZONING AGREEMENT**

This Conditional Rezoning Agreement (the “**Agreement**”) is made this ____ day of _____, 2023, by and between THE CITY OF PONTIAC, a Michigan Municipal Corporation, with its offices located at 47450 Woodward Ave., Pontiac, MI 48342 (the “**City**”), and Lighthouse MI, a Michigan nonprofit corporation (“**Lighthouse**”) with its principal office located at 46156 Woodward Ave., Pontiac, MI 48342.

THE PARTIES RECITE THAT:

WHEREAS, Lighthouse owns certain parcels of real property located within the City of Pontiac, which are commonly described as follows:

Table A1:

Vacant Lot- Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-151-007	17-19 Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-152-005
9 Park Place, Pontiac, MI 48342 Tax ID: #14-33-152-007	80 Cottage Street, Pontiac, MI 48342 Tax ID: #14-33-152-002
15 Park Place, Pontiac, MI 48342 Tax ID: #14-33-152-008	130 Center Street, Pontiac, MI 48342 Tax ID: #14-33-152-004
11-13 Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-152-001	86 Cottage Street, Pontiac, MI 48342 Tax ID: #14-33-152-003

WHEREAS, Lighthouse seeks re-zoning of a portion of the referenced parcels only, as shown on **Exhibit A**. The parcels where rezoning is sought shall be referred to herein as the “Property.” The Property is currently zoned as follows and the legal descriptions for the Property are on **Exhibit A** attached hereto:

Table A2:

Parcel Number(s)	Previous Zoning District	Rezoned to the following Zoning District:
14-33-152-001 14-33-152-002 14-33-152-003 14-33-152-004 14-33-152-005 14-33-152-006 14-33-152-007 14-33-152-008	One Family Dwelling District (R-1)	Office Business (C-0)

WHEREAS, under and pursuant to Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, as amended (codified at MCL §125.3405 *et seq*), certain conditions voluntarily offered by the owner of land, including an agreement between the City and the Lighthouse, may become a condition of rezoning of the Property; and

WHEREAS, Lighthouse submitted the Application for Rezoning, which was supplemented by a letter providing an Offer of Conditions on March 9, 2023, attached as **Exhibit B** (collectively “**Application**”), voluntarily offering, in writing, certain conditions to rezone the Property as set forth in the table above, subject to the conditions of this Agreement; and

WHEREAS, the City Planning Commission on February 1, 2023, held a Public Hearing on the request for Conditional Rezoning and proposed amendment to the City’s Zoning Map Ordinance; and

WHEREAS, the City Council on _____, voted to approve this Conditional Rezoning Agreement and adopted Ordinance No. [add Ordinance number] to amend the City’s Zoning Map Ordinance based upon the conditions set forth in this Agreement and the attached Exhibits;

NOW, THEREFORE, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and the Lighthouse agree as follows:

- 1. CONDITIONAL REZONING, PROJECT DEVELOPMENT, AND CONDITIONS AND EXCEPTIONS TO USE OF PROPERTY**

A. **Conditional Rezoning.** Consistent with MCL §125.3405, the Property has been conditionally rezoned from the classification of One Family Dwelling District (R-1) to a zoning classification of Office Business (C-0) as set forth in table A2 above, with conditions as approved by the City Council based upon Lighthouse's Letter of March 9, 2023 with an Offer of Conditions, subject to and in accordance with this Agreement, unless this Agreement is amended by mutual agreement of the City and Lighthouse, following public hearing, or unless Lighthouse determines to use the Property in accordance with the zoning applicable to the Property under and in accordance with the termination provisions set forth herein. Lighthouse and future owners of the Property shall not develop and use the Property in a manner inconsistent with this Agreement.

B. **Project Definition.** The Project shall be based on Lighthouse's Site Plan Approval Application Submittal Package that is to be submitted subsequent to the approval and execution of this Agreement and is a condition of this Agreement as more fully set forth below. Except as modified herein or pursuant to any variances or deviations approved by the City, the Property shall remain subject to all other zoning and use district regulations of the City Zoning Ordinance, for property zoned Office Business (C-0), as applicable in accordance with the zoning of each respective parcel as set forth in Table A1 and A2 above, and as limited by Lighthouse's Offer of Conditions, and shall remain subject to all other requirements of the City's building, zoning, and other land use regulations.

C. **Offered Conditions.** The Lighthouse has voluntarily offered the following condition in consideration for the City's granting of the rezoning:

- i. In the event Lighthouse remises, releases, alienates, and conveys majority ownership of the parcels listed herein, the rezoned parcels as set forth in table A1 and A2 above shall revert to their previous zoning classification of One Family Dwelling District (R-1).
- ii. The following actions by Lighthouse shall not meet the requirement of a conveyance of majority ownership and shall not result in a reversion to the previous zoning classification: (1) Lighthouse completes a merger with a 3rd party entity; (2) Lighthouse completes a name change; (3) Lighthouse relinquishes ownership to an entity that is partially controlled or partially owned by Lighthouse; or (4) Lighthouse remises, releases, alienates, and conveys ownership in the Property to a 3rd Party that does not result in relinquishment of Lighthouse's ownership interest of the Property to any 3rd Party(s).

D. **Acknowledgement.** Lighthouse hereby acknowledges that the rezoning with conditions was proposed by Lighthouse to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the

terms spelled out in the conditional rezoning agreement; and, Lighthouse further agrees and acknowledges that the conditions and this Agreement are authorized by all applicable state and federal laws and the Michigan constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City. Lighthouse further represents and warrants that it agrees to all of the following:

- i. That the property in question shall not be developed or used in a manner inconsistent with this Agreement.
- ii. That each of the requirements and conditions set forth in this Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
- iii. Nothing in this Agreement shall be construed as replacing the requirement for Lighthouse to obtain preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as applicable.

2. **PERIOD OF APPROVAL.** Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

A. **Expiration.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and this Agreement shall be void and of no effect. Lighthouse may apply for a one (1) year extension one (1) time. The request must be submitted to the City Clerk before the two (2) year time limit expires. Lighthouse must show good cause as to why the extension should be granted.

B. **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established. Either or both of the following actions may be taken:

- i. Lighthouse may seek a new rezoning of the property and the City may approve same; and/or

- ii. Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

C. **Extension.** If an extension of approval is granted by the City Council, a new conditional rezoning agreement with the new expiration date shall be recorded.

D. **Continued Full Force and Effect.** If Lighthouse commences bona fide development of the property as set forth in Sec. 2(A), within two years from the date of this Agreement, this Conditional Rezoning approval shall have continued full force and effect, consistent with the terms and conditions of this Agreement.

3. **RECORDATION.** This Agreement shall become effective following publication in the manner provided by law and recording of the Agreement with the County Register of Deeds.

4. **DEFAULT.** If development and/or actions are undertaken on or with respect to the property are in violation of this Agreement, such development and/or actions shall constitute a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with this Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance. In the event that the Lighthouse defaults on the condition(s) of this Agreement, then, the City may, at its option and within its sole discretion, terminate this Agreement. In the event that this Agreement is terminated by written notice given by the City to the Lighthouse within three (3) months following such failure by the Lighthouse, the City may, at its option and within its sole discretion, declare the Property to revert back to its previous Zoning District(s) and terminate the approval of any Site Plan for the Project.

5. **ENTIRE AGREEMENT.** This Agreement, the exhibits attached hereto, if any, and the instruments which are to be executed in accordance with the requirements hereof set forth all the covenants, agreements, stipulations, promises, conditions, and understandings between the City and the Lighthouse concerning the Project as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

6. **RELATIONSHIP OF THE PARTIES.** The relationship of the City and the Lighthouse shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the City and the

Lighthouse, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

7. **MODIFICATION.** This Agreement can be modified or amended only by a written instrument expressly referring hereto and executed by the City and Lighthouse.

8. **MICHIGAN LAW TO CONTROL.** This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

9. **DUE AUTHORIZATION.** The City and Lighthouse each warrant and represent to the other that this Agreement and the terms and conditions thereof have been duly authorized and approved by, in the case of the City, its City Board and all other governmental agencies whose approval may be required as a precondition to the effectiveness hereof, and as to Lighthouse, by its board of directors, and that the persons who have executed this Agreement below have been duly authorized to do so. The parties hereto agree to provide such opinions of counsel as to the due authorization and binding effect of this Agreement and the collateral documents contemplated hereby as the other party shall reasonably request.

10. **SUCCESSORS AND ASSIGNS.** The approval of the terms, provisions, and conditions of this Agreement are for the benefit of the Property and shall run with the Property and shall bind and inure to the benefit of the parties to this Agreement and their respective successors, assigns, and transferees.

11. **NO PERSONAL LIABILITY.** The obligations hereunder of the City and the Lighthouse shall constitute solely the obligations of the respective entities to be satisfied solely from their respective assets, and no officer, Board member, agent, employee or partner of any of said entities shall have any personal obligation, responsibility or liability for the performance of the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

[SIGNATURES COMMENCE ON NEXT PAGE]