

September 26, 2023, Approved Minutes

**Official Proceedings
Pontiac City Council
109th 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, September 26, 2023, at 6:05 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

Mayor Tim 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 Carrington.

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

No: None

Motion Carried

Consent Agenda

23-338 **Resolution to approve the consent agenda for September 26, 2023.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City Council has reviewed the consent agenda for September 26, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for September 26, 2023, including September 14, 2023, Public Safety, Health & Wellness Subcommittee Meeting Minutes, September 19, 2023, City Council Meeting Minutes, Resolution Recognizing October as Breast Cancer Awareness Month, Resolution Supporting State House Bills 4274 and 4275, Resolution Scheduling a Public Hearing for the Sale of Vacant City-Owned Parcels in the City of Pontiac, Oakland County, State of Michigan for October 10, 2023, Resolution Scheduling a Public Hearing on Obsolete Property Rehabilitation District Establishment for 31 N. Astor Street for October 10, 2023, Resolution Scheduling a Public Hearing on Obsolete Property Rehabilitation Exemption Certificate for 48 W. Huron Street for October 10, 2023, Resolution Scheduling a Public Hearing on Obsolete Property Rehabilitation Exemption Certificate for 91 N. Saginaw Street for October 10, 2023, and Resolution Modifying October 17, 2023, City Council Meeting Start Time to 12:00 p.m.

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

No: None

Resolution Passed

September 26, 2023, Approved Minutes

23-338 (C) **Resolution Recognizing October as Breast Cancer Awareness Month.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the Pontiac City Council recognizes the month of October 2023 as Breast Cancer Awareness Month and stands in solidarity with all of the brave women and men who have been diagnosed with breast cancer and honor those who have lost their battle to this disease; and,

WHEREAS, as the second most common cancer affecting women, an estimated 1 in 8 women will develop breast cancer over the course of their lifetime; and,

WHEREAS, there are several types of breast cancer—divided into non-invasive and 23 invasive types—which can be diagnosed at different stages of development and can grow at 24 different rates; and,

WHEREAS, early detection is one of the most important strategies for treating breast cancer successfully, and regular screenings are the most reliable way to detect it; and,

WHEREAS, if cancer is identified at an early stage, it can be treated before it spreads to 26 other parts of the body and, while the exact cause of breast cancer is not fully understood, there are many factors that increase the likelihood of developing it, including age, family, and medical history; and,

WHEREAS, the Pontiac City Council looks forward to the day when no woman or man will suffer from breast cancer or lose their life to this disease.

NOW, THEREFORE BE IT RESOLVED, that the Pontiac City Council honors breast cancer patients, survivors, and their families and recognizes October as Breast Cancer Awareness Month and to promote research for a cure.

BE IT FURTHER RESOLVED that the Pontiac City Council applauds and commends the advocates, medical professionals, researchers, and caregivers who dedicate their lives to making progress toward cures and encourages citizens, government agencies, private businesses, nonprofit organizations and other interested groups to join in increasing awareness and prevention and to pay tribute to those who have lost their lives to this disease.

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

No: None

Resolution Passed

23-338 (D) **Resolution Supporting State House Bills 4274 and 4275.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, The Pontiac City Council strongly supports the following Revenue Sharing Trust Fund House Bills 4274 and 4275; and,

WHEREAS, if passed these bills will create a fund whose purpose will be to ensure that municipalities receive more money in state revenue than in the past; and

WHEREAS, The Pontiac City Council asserts that revenue sharing allows for equitable distribution of funds that will assist local municipalities such things as Infrastructure Investment, economic growth, and fiscal stability; and

NOW THEREFORE BE IT FUTHER RESOLVED, that the Pontiac City Council strongly urges the Speaker of the Michigan House of Representatives to promptly schedule HB 4274 and 4275 for a vote.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the City Clerk to the Speaker of the Michigan State House of Representatives, The Minority Leader of the Michigan State House of Representatives, and to our State Representative Brenda Carter and State Senator Jeremy Moss.

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

No: None

Resolution Passed

September 26, 2023, Approved Minutes

23-338 (E) Resolution Scheduling a Public Hearing for the Sale of Vacant City-Owned Parcels in the City of Pontiac, Oakland County, State of Michigan for October 10, 2023. Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, prior to selling any city-owned properties resident or taxpayer in the City of Pontiac may appear and be heard; and

WHEREAS, City is the owner of certain real property located in the City of Pontiac and legally described below; and

WHEREAS, the City intends to sell the following Commercial parcels: 172 S Francis Ave Parcel Number 14-34-105-014; 339 Paddock Parcel Number 14-33-179-001; 94 Dwight Parcel Number 14-30-476-002; in, Pontiac, Michigan; and

WHEREAS, the City intends to sell the following In-fill Housing parcels for a project to be known as The Bridge on Orchard: 447 Orchard Lake Rd. Parcel Number 14-32-152-006; 439 Orchard Lake Rd. Parcel Number 14-32-152-031; 429 Orchard Lake Rd. Parcel Number 14-32-152-033; 469 Orchard Lake Rd. Parcel Number 14-32-152-035; 453 Orchard Lake Rd. Parcel Number 14-32-152-039; Parcel Number 4-32-152-037; Parcel Number 14-32-152-029; 505 Luther Ave. Parcel Number 19-05-278-003; Parcel Number 19-05-278-037; in Pontiac, MI; and

WHEREAS, the City intends to sell the following In-Fill Housing parcel for the project known as Franklin School: 494 Bloomfield Ave. Parcel Number 19-04-107-021; Highland Parcel Number 19-04-159-004; Parcel Number 19-05-254-019; Parcel Number 19-05-254-020; 548 California Ave., Parcel Number 19-05-207-026; California Avenue Parcel Number 19-05-252-012; 586 California Ave. Parcel Number 19-05-207-031; in Pontiac Michigan; and

WHEREAS, the City intends to sell the following Side-Lot parcels: 232 E. Wilson Parcel Number 14-33-334-009; Parkdale Parcel Number 14-20-106-006; 82 Rockwell Parcel Number 14-32-430-027; 32 Bennett Parcel Number 14-20-383-026; Parcel Number 14-22-129-021; S. Jessee Parcel Number 14-33-180-006; 113 Strathmore Parcel Number 14-17-329-011; Stout St. Parcel Number 14-32-107-040; S. Sanford Parcel Number 14-28-460-012; 172 S. Francis Parcel Number 14-33-205-026; Arthur St. Parcel Number 19-05-252-032; S. Anderson Parcel Number 14-33-278-021; in Pontiac, Michigan; and

WHEREAS, the City of Pontiac should give public notice of the hearing not less than 10 days or more than 30 days before the hearing; and

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that the Pontiac City Council hereby schedules a public hearing to sell vacant, City-owned parcels in the City of Pontiac, Oakland County, and State of Michigan, such hearing to be held on October 10, 2023, at 6:00 PM:

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

Resolution Passed

23-338 (F) Resolution Scheduling a Public Hearing on Obsolete Property Rehabilitation District Establishment for 31 N. Astor Street for October 10, 2023. Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, pursuant to the Obsolete Property Rehabilitation Act (OPRA) P.A. 146 of 2000 as amended, the City of Pontiac, by resolution may establish an Obsolete Property Rehabilitation District; and
WHEREAS, prior to establishing an obsolete property rehabilitation, written public notice by certified mail to the owners of all real property within the proposed obsolete property rehabilitation district at which any of those owners and any other resident or taxpayer in the City of Pontiac may appear and be heard; and

WHEREAS, red Chickweed, LLC ("Petitioner") is the owner of that certain real property located in the City of Pontiac and legally described below (the "Property"); and

WHEREAS, Petitioner is requesting establishment of an obsolete property rehabilitation district for parcel number 14-27-306-014, located at 31 N. Astor Street, in Pontiac, Michigan; and

September 26, 2023, Approved Minutes

WHEREAS, the City of Pontiac should give public notice of the hearing not less than 10 days or more than 30 days before the hearing as set forth in the Obsolete Property Rehabilitation Act P.A.146 of 2000 as amended, section 4(1); and

WHEREAS, construction, acquisition, alternation or installation of the proposed facility has not commenced at the time of the filing the application for the obsolete property rehabilitation; and

WHEREAS, the Pontiac City Council deems it to be in the public interest of the City of Pontiac to schedule a public hearing to approve the application of the Obsolete Property Rehabilitation and to give notice of such hearing as provided in the Obsolete Property Rehabilitation Act P.A. 146 of 2000, as amended; and

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that Pontiac hereby schedules a public hearing to establish an Obsolete Property Rehabilitation District for parcel number 14-27-306-014, for Red Chickweed, LLC at 31 N. Astor Street in the City of Pontiac, Oakland County, State of Michigan, such hearing to be held on October 10, 2023, at 6:00 PM.

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

No: None

Resolution Passed

23-338 (G) **Resolution Scheduling a Public Hearing on Obsolete Property Rehabilitation Exemption Certificate for 48 W. Huron Street for October 10, 2023.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, pursuant to the Obsolete Property Act (OPRA) P.A. 146 of 2000 as amended, the City of Pontiac, by resolution may approve an exemption certificate; and

WHEREAS, HASAP, LLC ("Petitioner) is the owner of that certain real property located in the City of Pontiac and legally described below ("Property"); and

WHEREAS, Petitioner is requesting an Obsolete Property Rehabilitation Act Exemption Certificate ("Property") for parcel number 14-29-409-010 located at 48 W. Huron St., Pontiac, Michigan; and

WHEREAS, the City of Pontiac should give public notice of the hearing not less than 10 days or more than 30 days before the hearing as set forth in the Obsolete Property Rehabilitation Act P.A.146 of 2000 as amended; and

WHEREAS, construction, alternation or installation of the proposed facilities have not commenced at the time of the filing the applications for the obsolete property rehabilitation; and

WHEREAS, the Pontiac City Council deems it to be in the public interest of the City of Pontiac to schedule a public hearing to approve the application of the Obsolete Property Rehabilitation Application Exemption Certificate and to give notice of such a public hearing as provided in the Obsolete Property Rehabilitation Act P.A. 146 of 2000, as amended; and

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that Pontiac hereby schedules a public hearing to approve the Obsolete Property Rehabilitation Application Exemption Certificate for parcel number 14-29-409-010, located at 48 W. Huron St.in the City of Pontiac, Oakland County, State of Michigan, such hearing to be held on October 10, 2023, at 6:00 PM; and

FURTHER RESOLVED, by the Pontiac City Council, that the Pontiac City Council hereby instructs the City Clerk to publish such public hearing notice 10 days prior to the public hearing.

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

No: None

Resolution Passed

23-338 (H) **Resolution Scheduling a Public Hearing on Obsolete Property Rehabilitation Exemption Certificate for 91 N. Saginaw Street for October 10, 2023.** Moved by Councilperson Rutherford and second by Councilperson Parker.

September 26, 2023, Approved Minutes

WHEREAS, pursuant to the Obsolete Property Act (OPRA) P.A. 146 of 2000 as amended, the City of Pontiac, by resolution may approve an exemption certificate; and
WHEREAS, 91 North OZ, LLC ("Petitioner") is the owner of that certain real property located in the City of Pontiac and legally described below ("Property"); and
WHEREAS, Petitioner is requesting an Obsolete Property Rehabilitation Act Exemption Certificate ("Property") for parcel number 14-29-429-009 located at 91 N. Saginaw St., Pontiac, Michigan; and
WHEREAS, the City of Pontiac should give public notice of the hearing not less than 10 days or more than 30 days before the hearing as set forth in the Obsolete Property Rehabilitation Act P.A.146 of 2000 as amended; and
WHEREAS, construction, alternation or installation of the proposed facilities have not commenced at the time of the filing the applications for the obsolete property rehabilitation; and
WHEREAS, the Pontiac City Council deems it to be in the public interest of the City of Pontiac to schedule a public hearing to approve the application of the Obsolete Property Rehabilitation Application Exemption Certificate and to give notice of such a public hearing as provided in the Obsolete Property Rehabilitation Act P.A. 146 of 2000, as amended; and
NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that Pontiac hereby schedules a public hearing to approve the Obsolete Property Rehabilitation Application Exemption Certificate for parcel number 14-29-429-009, located at 91 N. Saginaw St.in the City of Pontiac, Oakland County, State of Michigan, such hearing to be held on October 10, 2023, at 6:00 PM; and
FURTHER RESOLVED, by the Pontiac City Council, that the Pontiac City Council hereby instructs the City Clerk to publish such public hearing notice 10 days prior to the public hearing.

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

No: None

Resolution Passed

23-338 (I) **Resolution Modifying October 17, 2023, City Council Meeting Start Time to 12:00 p.m.** Moved by Councilperson Rutherford and second by Councilperson Parker.

NOW THEREFORE BE IT RESOLVED, The Pontiac City Council authorizes the time change of the City Council Meeting on Tuesday, October 17, 2023, from 6pm to Noon and instructs the City Clerk to update the city council meeting calendar to reflect the time change.

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

No: None

Resolution Passed

Special Presentation

Pontiac Housing Needs Study Status and Next Steps

Presentation Presenter: Deborah Younger, Economic Development Manager

Recognition of Elected Officials – None

Agenda Address

1. Dr. Deirdre Waterman addressed item #B
2. Beatrice Wright addressed items #1 and #4
3. Carlton Jones addressed item #1
4. Pastor Kathy Dessureau addressed item #2
5. Darlene Clark addressed item #1

Agenda Items

Ordinances

September 26, 2023, Approved Minutes

Motion to postpone Adoption of an Ordinance to Amend Ordinance 2406 An Ordinance to Allow Adult-Use Marihuana Establishments to Operate in the City of Pontiac Pursuant to the Michigan Regulation And Taxation Of Marihuana Act, Initiated Law 1 of 2018, MC 333.27951 Et Seq.; to Provide for Standards and Procedures to Permit and Regulate Adult-Use Marihuana Establishments; to Provide for the Imposition of Permit Application Fees and Renewal Fees; and to Impose Conditions For The Operation Of Adult-Use Marihuana Establishments for one week. (Second Reading) Moved by Councilperson Nicholson and second by Councilperson Carrington.

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

No: None

Abstain: Rutherford

Motion Carried

2423 **Adoption of an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103—Zoning Map, to Change the Zoning Classifications for a Specific Parcel on the South Side of Auburn Road Between South Stanford Street and South Francis Avenue, Subject to the Agreed upon Conditions (*Rezoning of the parcel totaling 1.3 acres at 454 Auburn Avenue, with Lighthouse as the applicant*) Moved by Councilperson Rutherford and second by Councilperson Parker. Discussion.**

Motion to remove the “t” from Stanford in the Ordinance Heading: Adoption of an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103—Zoning Map, to Change the Zoning Classifications for a Specific Parcel on the South Side of Auburn Road Between South Stanford Sanford Street and South Francis Avenue, Subject to the Agreed upon Conditions (*Rezoning of the parcel totaling 1.3 acres at 454 Auburn Avenue, with Lighthouse as the applicant*) Moved by Councilperson McGuinness and second by Councilperson Nicholson.

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

No: None

Motion Carried

2423 **Adoption of an Amended Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103—Zoning Map, to Change the Zoning Classifications for a Specific Parcel on the South Side of Auburn Road Between South Sanford Street and South Francis Avenue, Subject to the Agreed upon Conditions (*Rezoning of the parcel totaling 1.3 acres at 454 Auburn Avenue, with Lighthouse as the applicant*) Moved by Councilperson Rutherford and second by Councilperson Parker.**

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

No: None

Ordinance Passed

****See Ordinance 2423 as Exhibit A following meeting minutes****

Resolutions

City Clerk

23-339

Resolution to authorize the Mayor and City Clerk to sign the agreement for Election Services between Oakland County and the City of Pontiac for Early Voting Sites. Moved by Councilperson Rutherford and second by Councilperson Goodman.

September 26, 2023, Approved Minutes

WHEREAS, Michigan voters approved Early Voting for Michigan in November 2022 to take effect in 2024, and;

WHEREAS, municipalities are required to offer nine days of early voting prior to Election Day for federal and state elections, and;

WHEREAS, the state law allows municipalities to partner with their county to offer early voting. The City of Pontiac wishes to partner with Oakland County.

NOW, THEREFORE, BE IT RESOLVED, the Pontiac City Council authorizes the Mayor and City Clerk to sign the agreement for Election Services between Oakland County and the City of Pontiac.

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

No: None

Resolution Passed

City Council

23-340

Resolution of Solidarity with Shawn Fain and the Striking United Auto Workers.

Moved by Councilperson Carrington and second by Councilperson Goodman.

WHEREAS, On September 15, 2023, the United Auto Workers (UAW) and UAW President Shawn Fain initiated an unprecedented strike against General Motors, Ford Motor, and Stellantis after negotiations between the UAW and the Big 3 automakers were not resolved prior to the expiration of the union contracts; and

WHEREAS, Currently, UAW workers are striking at 41 facilities across the country including 14 facilities here in Michigan, including the members of Local 653 at the General Motor Customer Care and Aftersales distribution facility right here in Pontiac; and

WHEREAS, the UAW is expected to expand the strike if negotiations do not produce contracts that are agreeable to their demands; and

WHEREAS, The UAW's primary demands are for wage increases, cost of living increases, shorter work weeks, a restoration of defined benefit pensions, the end of separate wage tiers, and stronger job security as automakers increasingly shift production to electric vehicles; and

WHEREAS, UAW President Shawn Fain has stated that the union is attempting to address the increasingly unequal wage gap between auto workers and executives, as executive pay has increased 40% during the life of the previous contract while worker pay has only increased by 6%; and

WHEREAS, The UAW is demanding a fairer share of the profits that auto workers generate, as the three automakers combined have made over \$20 billion in profits in the first six months of 2023 and roughly a quarter of a trillion in profits over the last decade; and

WHEREAS, The UAW was founded in Detroit, Michigan in 1935, largely in response to brutal working conditions in auto factories; and

WHEREAS, General Motors (GM) began building coaches in Pontiac as early as 1928, making Pontiac the world's capital of coach manufacturing, and over many years these workers built cutting-edge GM coaches that carried passengers in comfort throughout America, including Freedom Riders who rode interstate buses to the segregated South in the 1960's; and

WHEREAS, Perhaps the most famous and significant event in UAW history was the sit-down strike at the GM Fisher Body Plant in Flint, Michigan, which paved the way for union recognition at GM and shortly thereafter at Ford and Chrysler; and

WHEREAS, The rise of the UAW and other unions in the 1930s and 1940s resulted in the first great expansion of healthcare for Americans, and throughout the 20th century, unions are credited with gaining vast improvements in the lives of working people, which include the weekend, the 40 hour work week, the end of child labor, the 8 hour work day, unemployment benefits, workers compensation benefits, and the Family and Medical Leave Act (FMLA); and

September 26, 2023, Approved Minutes

WHEREAS, The UAW is calling its new strategy a “stand-up strike” in recognition that striking workers are continuing a long legacy of fighting for improved compensation and working conditions for its members and for all workers.

NOW, THEREFORE BE IT RESOLVED, That the Pontiac City Council supports and stands in solidarity with striking UAW members, especially the members of Local 653, and UAW President Shawn Fain as they continue to seek a resolution to the strike that results in improved compensation, working conditions, as well as overall respect and dignity for its members working for GM, Ford, and Stellantis.

NOW, BE IT FINALLY RESOLVED, That the Pontiac City Clerk’s Office provide a copy of this resolution to UAW President Shawn Fain and UAW Local 653 President James Gonzales.

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

No: None

Resolution Passed

Department of Public Works (DPW)

23-341 **Resolution to authorize the DPW Director to purchase needed Vehicles for DPW from Lindco for \$243,294.00.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the City of Pontiac DPW will purchase vehicles needed in the daily operations of the department.

WHEREAS, it is necessary to have these vehicles for the DPW operations.

NOW, THEREFORE IT IS RESOLVED, the Pontiac City Council authorizes the DPW Director to purchase needed Vehicles for DPW from Lindco for \$243,294.

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

No: None

Resolution Passed

Councilman Goodman and Councilwoman Rutherford were absent during the vote.

Economic Development Division

23-342 **Resolution requesting Oakland County Brownfield Authority Determination for 204 W. New York Avenue. (Carlisle Townhomes)** Moved by Councilperson James and second by Councilperson Carrington. Discussion.

Motion to amend the Resolution requesting Oakland County Brownfield Authority Determination for 204 W. New York Avenue. (Carlisle Townhomes) by striking the words: “and approval” from the second whereas paragraph. Moved by Councilperson Nicholson and second by Councilperson Carrington.

WHEREAS, A Brownfield project known as 204 W. New York Avenue (Carlisle Townhomes) in the City of Pontiac is proposed by the Community Housing Network, Inc. for review ~~and approval~~ by the Oakland County Brownfield Authority.

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

No: None

Motion Carried

23-342 **Amended Resolution requesting Oakland County Brownfield Authority Determination for 204 W. New York Avenue. (Carlisle Townhomes)** Moved by Councilperson James and second by Councilperson Carrington.

September 26, 2023, Approved Minutes

WHEREAS, the Oakland County Redevelopment Authority was created by Oakland County pursuant to MCL 125.2651 et seq. to assist jurisdictions like the City of Pontiac; and

WHEREAS, A Brownfield project known as 204 W. New York Avenue (Carlisle Townhomes) in the City of Pontiac is proposed by the Community Housing Network, Inc. for review by the Oakland County Brownfield Authority; and

WHEREAS, City of Pontiac desires to have the Oakland County Brownfield Redevelopment Authority process the 204 W. New York Avenue (Carlisle Townhomes) Brownfield Plan; and

WHEREAS, the Oakland County Brownfield Redevelopment Authority is prepared to assist the City of Pontiac by reviewing the proposed 204 W. New York Avenue (Carlisle Townhomes) Brownfield Plan, provided that the City of Pontiac acknowledges certain rights that the Oakland County Brownfield Redevelopment Authority has, to wit:

OCBRA intends to collect an administrative fee of 5% of the local tax increment per year for the length of the Brownfield Plan; and

WHEREAS, THE City of Pontiac will have the opportunity to provide public comment on any Brownfield Plan (including the amount of the administrative fee to be collected) before it is finally adopted by the Oakland Board of Commissioners; and

NOW THEREFORE BE IT RESOLVED, the City of Pontiac requests that the Oakland County Brownfield Authority undertake review of the 204 W. New York Avenue (Carlisle Townhomes) Redevelopment Plan.

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

No: None

Resolution Passed

Mayor's Office

23-343

Resolution to approve the Mayor's Appointments to the Local Officer

Compensation Commission. Moved by Councilperson Parker and second by Councilperson Rutherford.

WHEREAS, in accordance with act 279 of 1909 the City should appoint 7 members to a local compensation commission; and

WHEREAS, those members should be appointed before October 1; and

WHEREAS, the commission can only meet in odd numbered years; and

WHEREAS, the city is undergoing a complete review of compensation.

NOW THEREFORE, BE IT RESOLVED, in accordance with the act 279 of 1909, the following individuals are appointed to the local officers compensation commission.

Michael Klockow – 1 Year Term

Val Gross – 2 Year Term

Lee Jones – 3 Year Term

Roger Jackson – 4 Year Term

Gloria Harsten-Spann – 5 Year Term

Caroll Turpin – 6 Year Term

Susan Loveland – 7 Year Term

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

No: None

Resolution Passed

Councilwoman Rutherford was absent the vote.

Planning Division

23-344

Resolution to authorize the Mayor to execute a Conditional Rezoning Agreement

for 454 Auburn Avenue. Moved by Councilperson Nicholson and second by Councilperson James.

September 26, 2023, Approved Minutes

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance Map to conditionally rezone 454 Auburn Avenue; specifically to amend the Zoning Ordinance Map which list 454 Auburn Avenue from the classification(s) Local Business (C-1), Corridor Commercial (C-3), and Multiple-Family Dwelling (R-3) to Multiple-Family Dwelling Elevator Apartment (R-4) with the Conditional Rezoning Agreement.

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 authorizes the Mayor to Execute the Conditional Rezoning Agreement regarding 454 Auburn Avenue.

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

No: None

Resolution Passed

Councilwoman Rutherford was absent during the vote.

****See Conditional Rezoning Agreement as Exhibit B following the meeting minutes****

Purchasing Division

23-345

Resolution to approve the Mayor or Deputy Mayor to amend the existing AmeriScan contract fully executed on December 12, 2022, to allow for an increase to the not-to-exceed amount by \$60,750 and timeframe for AmeriScan to complete the City Building Documents Project to December 31, 2023. Moved by Councilperson Nicholson and second by Councilperson Parker.

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 for the Mayor or Deputy Mayor to Amend the AmeriScan Agreement to include an increase in spend not-to-exceed \$60,750 and for the project completion date to extend to December 31, 2023.

NOW, THEREFORE Be It Resolved, The Pontiac City Council approves the Mayor or Mayor Designee to amend the AmeriScan contract to allow for successful completion of the City's Building Documents Scanning Project.

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

No: None

Resolution Passed

Councilman Parker and Councilwoman Rutherford were absent during the vote.

Public Comment

1. Dr. Deirdre Waterman
2. H. Bill Maxey
3. Pastor Keyon Payton
4. Beatrice Wright
5. Carlton Jones
6. Darlene Clark
7. Chuck Johnson
8. Gloria Miller
9. Terri Covington
10. Pastor Kathy Dessureau

September 26, 2023, Approved Minutes

Communications

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

Mayor, Clerk and Council Closing Comments

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

Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 9:15 p.m.

Garland S. Doyle
City Clerk

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC

ORDINANCE NO. 2423

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CHANGE THE ZONING CLASSIFICATIONS FOR A SPECIFIC PARCEL ON THE SOUTH SIDE OF AUBURN ROAD BETWEEN SOUTH SANFORD STREET AND SOUTH FRANCIS AVENUE, SUBJECT TO THE AGREED UPON CONDITIONS.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal description, commonly referred to as 454 Auburn Road, Parcel ID: 14-33-205-034, from Local Business (C-1); Corridor Commercial (C-3); Multiple Family Dwelling (R-3) to Multiple-Family Dwelling Elevator Apartment (R-4) with CR Conditional Rezoning, this Amendment is subject to the Conditions as described in Section 3.

Provided Legal Description:

The land referred to herein below is situated in the City of Pontiac, County of Oakland, State of Michigan, and is described as follows:

Part of Lot 1, also all of Lot 2, also part of Lot 3, of ASSESSORS PLAT NO. 52, according to the plat thereof recorded in Liber 1B of Plats, page 52 of Oakland County Records, all being described as beginning at the Northeast corner of said Lot 3, thence South 02 degrees 00 minutes 30 seconds East 221.46 feet; thence South 88 degrees 00 minutes 40 seconds West 265.12 feet; thence North 01 degree 59 minutes 20 seconds West 220 feet; thence North 87 degrees 41 minutes 50 seconds East 265 feet to the point of beginning.

Section 2. Conditions.

Said amendment is conditioned as provided in the voluntarily agreed Conditional Rezoning Agreement entered into between the City of Pontiac and ACORP Services, LLC, which include:

- i. The 60 feet of frontage along the Right of Way shall include a 10- to 12-foot-deep patio in front of the Community Room/Leasing Office Area. This patio shall include six (6) benches along with a paved patio area of approximately 430 square feet. The patio area shall include six (6) shade trees over the seating area.
- ii. A row of Arbor Vitae shrubs shall be planted along the entire length of the east and west buffer yards (planted 4 feet on center) to help screen the adjacent commercial-zoned properties.
- iii. In order to help buffer the Auburn Road Right of Way and the adjacent multi-family properties to the south, an additional 10% over and above the required amount of landscaping shall be added to the front and rear yards.

If the conditions as described above, and any other conditions as provided in the Conditional Rezoning Agreement, are not adhered to, the property in this Amendment will revert back to Local Business (C-1); Corridor Commercial (C-3); Multiple Family Dwelling (R-3).

Section 3. 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 4. 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.

**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, with its offices located at 47450 Woodward Ave., Pontiac, MI 48342 (the “**City**”), and Lighthouse MI (“**Lighthouse**”) with its principal office located at 46156 Woodward Ave., Pontiac, MI 48342.

THE PARTIES RECITE THAT:

WHEREAS, Lighthouse owns a certain parcel of real property located within the City of Pontiac, which is commonly described as follows:

454 Auburn Rd., Pontiac, MI 48342

WHEREAS, Lighthouse seeks re-zoning of the referenced parcel, 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:

Parcel Number(s)	Previous Zoning District	Rezoned to the following Zoning District:
14-33-205-034	Local Business (C-1); Corridor Commercial (C-3); Multiple Family Dwelling (R-3)	Multiple-Family Dwelling Elevator Apartment (R-4)

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, the Lighthouse submitted the Application for Zoning Map Amendment, which was supplemented by the Offer of Conditions on August 29, 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 [REDACTED], 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 [REDACTED], voted to approve the request for Conditional Rezoning 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(s) Local Business (C-1), Corridor Commercial (C-3), and Multiple-Family Dwelling (R-3) to Multiple-Family Dwelling Elevator Apartment (R-4) as set forth above, with conditions as approved by the City Council based upon the Lighthouse's 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 the 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 the 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 Multiple-Family Dwelling Elevator Apartment (R-4), as applicable in accordance with the zoning of each respective

parcel as set forth 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. The 60 feet of frontage along the Right of Way shall include a 10- to 12-foot-deep patio in front of the Community Room/Leasing Office Area. This patio shall include six (6) benches along with a paved patio area of approximately 430 square feet. The patio area shall include six (6) shade trees over the seating area.
- ii. A row of Arbor Vitae shrubs shall be planted along the entire length of the east and west bufferyards (planted 4 feet on center) to help screen the adjacent commercial-zoned properties.
- iii. In order to help buffer the Auburn Road Right of Way and the adjacent multi-family properties to the south, an additional 10% over and above the required amount of landscaping shall be added to the front and rear yards.

D. **Acknowledgement.** Lighthouse Michigan hereby acknowledges that the rezoning with conditions was proposed by the 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 conditional rezoning agreement are authorized by all applicable state and federal law and 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 conditional rezoning 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 the conditional rezoning 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.

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

4. **DEFAULT.** If development and/or actions are undertaken on or with respect to the property in violation of the conditional rezoning 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 the conditional rezoning 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 then, 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 the 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 the 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 the Lighthouse, by the members thereof, 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]

WITNESSED:

WITNESSED:

Approved as to Form:

By: _____

Its: _____

SIGNED:

CITY OF PONTIAC

By: _____

Its: _____

By: _____

Its: _____

SIGNED:

LIGHTHOUSE MI

By: _____

Its: _____

EXHIBIT A

(Legal Description)

The land referred to herein below is situated in the City of Pontiac, County of Oakland, State of Michigan, and is described as follows:

Part of Lot 1, also all of Lot 2, also part of Lot 3, of ASSESSORS PLAT NO. 52, according to the plat thereof recorded in Liber 1B of Plats, page 52 of Oakland County Records, all being described as beginning at the Northeast corner of said Lot 3, thence South 02 degrees 00 minutes 30 seconds East 221.46 feet; thence South 88 degrees 00 minutes 40 seconds West 265.12 feet; thence North 01 degree 59 minutes 20 seconds West 220 feet; thence North 87 degrees 41 minutes 50 seconds East 265 feet to the point of beginning.