

PONTIAC CITY COUNCIL

Kermit Williams, District 7
President
Randy Carter, District 4
President Pro Tem



Patrice Waterman, District 1
Megan Shramski, District 2
Mary Pietila, District 3
Gloria Miller, District 5
Dr. Doris Taylor Burks, District 6

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

47450 Woodward Pontiac, MI 48342 Phone: (248) 758-3200

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

STUDY SESSION

267th Session of the 10th Council

December 14, 2021 at 6:00 P.M.

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

Councilwoman Waterman will receive the Canvassing and Phonebank Grassroots Award during the meeting.

Call to Order

Roll Call

Authorization to Excuse Councilmembers

Amendments to and Approval of the Agenda

Approval of the Minutes

1. December 7, 2021

Public Comment

Public Hearing

- 1b. Community Development Block Grant 2022 Program Year Application

Special Presentations (Presentations are limited to 10 minutes.)

2. Special Tribute from State Representative Brenda Carter to Pontiac City Council Members
3. The American Rescue Plan (ARP) Town Hall Series
4. Mayor's 2021 Year End Report with Status of Departmental Strategic Agendas

Discussion

5. Pontiac Youth Recreation and Enrichment Center (PYREC)

Agenda Items

Ordinances

6. Emergency Ordinance for Extension of Supplemental Pension Payment for Police and Fire Retirees
7. An Ordinance to Amend the City of Pontiac Reestablished General Employees' Retirement System

Resolutions

City Council

8. Resolution of No Confidence in Mayor Deirdre Waterman

City Clerk

9. Resolution to Set a Special Election for May 3, 2021 to elect Charter Commissioners
10. Resolution to Authorize the City Clerk to post notice of a proposed budget amendment for Fiscal Year 2021-22 in the Oakland Press to amend the Elections (191) to cover expenses for Special Election and Charter Commission
11. Resolution to Change the City Council Meeting on December 30, 2021 at 12:00 p.m. to December 28, 2021 at 12:00 p.m.

Community and Economic Development

- 11b. Resolution to Approve the Submission of the Community Development Block Grant Application for Program Year 2022 Allocating \$798,883 for Sidewalks

Department of Public Works (DPW)

12. Resolution to Approve the Michigan Department of Transportation (MDOT) Annual Permit Performance Resolution

Finance

13. Resolution to Approve a Month-to-Month Agreement with Wade Trim for the City of Pontiac Building Services
14. Resolution to Authorize Mayor to sign the Oakland County Sheriff- 2021-2022 Law Enforcement Agreement with the City of Pontiac

Planning

15. Resolution to Approve Conveyance of Northwest 20 Feet of Lots 8 and 9 Elkins Addition City of Pontiac (Tax Parcel 64-14-31-403-006) Via Quit Claim Deed to Amorphous Solid, LLC (Epiphany Studios).

Law

16. Resolution to Approve Medical Marihuana Commission Amended Rules (**The City Council rules requires that if a resolution fails it cannot be brought back for 30 days. The resolution to adopt the Commission rules was not approved on November 16, 2021.**)
17. Legal Update Memorandum

Communications from the City Clerk

18. Medical Marihuana Commission Update (**This item relates to item 16.**)
19. Clerk's Response to City Attorney Memorandum about Potential Conflicts of Interest in Marihuana Application Review Process (**This item relates to item 17.**)

Adjournment

#1

MINUTES

**Official Proceedings
Pontiac City Council
266th Session of the Tenth Council**

Call to order

A Formal 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, December 7, 2021 at 6:00 p.m. by Council President Kermit Williams.

Invocation – Councilwoman Doris Taylor-Burks

Pledge of Allegiance

Roll Call

Members Present – Carter, Taylor-Burks, Waterman and Williams

Mayor Waterman was present.
A quorum was announced.

Excuse Councilmember

21-381 **Motion to excuse Councilperson Megan Shramski, Mary Pietila and Gloria Miller for personal reasons.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Williams and Carter
No: None
Motion Carried

Amendments to and Approval of the Agenda

21-382 **Motion to add-on State of the City Resolution to the agenda as item # 4a.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Taylor-Burks, Waterman, Williams and Carter
No:
Motion Carried

21-383 **Motion to add-on a Resolution for “Junior Grand Marshal” Lauren McNair to the agenda as item #4b.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Williams and Carter
No:
Motion Carried

Councilwoman Megan Shramski arrived at 6:06 p.m.

21-384 **Motion to add-on special presentation and Retirement Ordinance to the agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Taylor-Burks, Waterman, Williams, Carter, and Shramski
No: None
Motion Carried

21-385 **Motion to approve the agenda as amended.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Waterman, Williams, Carter, Shramski and Taylor-Burks

No: None

Motion Carried

Approval of Minutes

21-386 **Motion to approve meeting minutes for December 7, 2021.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Williams, Carter, Shramski, Taylor-Burks and Waterman

No: None

Motion Carried

Add-On Special Presentation

Retirement Ordinance

Presentation Presenter: Deborah Munson, Pontiac General Employees Retirement System (GERS)

Councilwoman Gloria Miller arrived at 6:08 p.m.

Public Comment

Twelve (12) individuals addressed the body during public comment

No Recognition of Elected Officials

No Agenda Address

Resolutions

City Council

21-387 **Add-on Resolution regarding the 2021 State of the City Farwell Address.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, it has come to Council's attention that the Mayor is hosting a 2021 State of the City Farwell Address on December 16, 2021 at M1 Concourse Event Center; and,

Whereas, section 4.102(b) of the Charter states that the Mayor possess all powers inherent in being the chief of operating officer of the executive branch including presenting the proposed annual budget and a state of the city address; and

Whereas, the charter is clear, the Mayor is entitled to have "a," which is singular, state of the city address and not multiple; and,

Whereas, the Mayor provided her State of the City Address on June 28, 2021; and,

Whereas, the Mayor may certainly have a farewell address ad at a location of her choosing, but not using taxpayer dollars.

Now, Therefore Be It Resolved, that the Pontiac City Council does not and will not approve any expenditures related to the Mayor's State of the City Farwell Address or for any other speech or production.

Ayes: Carter, Miller Shramski, Taylor-Burks, Waterman and Williams

No: Miller

Resolution Passed

21-388 **Add-on Resolution for “Junior Grad Marshal” Lauren McNair.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, it is the sense of this legislative body to honor an outstanding, young adult of remarkable character, who inspirational and who deserves as a role-model to others; and,
Whereas, Lauren McNair has the unique distinction and privilege of representing the City of Pontiac as the 2021 Junior Grand Marshal and is the winner of the Fran Anderson Making a Difference Scholarship; and,
Whereas, Lauren McNair is a Pontiac resident and attends Waterford Mott High School; and,
Whereas, Lauren McNair is an exceptional student who has a passion for volunteering in the community; and,
Whereas, Lauren McNair as a volunteer in the community often assists youth and teens with alcohol and drug abuse prevention, serve as a tutor, creates murals and teaches art classes, and,
Whereas, the driving force behind Lauren McNair’s community involvement is “to make the community a better place,” and,
Whereas, Lauren McNair is also a remarkable scholar who has been on the honor Roll all four years, is a member of both the National Honor Society (NHS) and the National Art Honor Society (NAHS) and has been on the Varsity Cheer team for four years; and,
Whereas, Lauren McNair is a rising star who plans to attend college next fall and major in Health Sciences; and,
Whereas, Lauren McNair is an active volunteer with the Oakland County Sheriff PAL Cheer and Dance program and the Clarence E. Phillips Ascend Foundation T.R.U.T.H Youth Coalition; and,
Whereas, Lauren McNair’s contributions of leadership, selflessness and commitment to our community are invaluable.
Now, Therefore, Be It Resolved, that the Pontiac City Council, and the members of this great community, honor and salute the personal accomplishments and achievements of Junior Grand marshal, Lauren McNair for a job well done and for truly representing the City of Pontiac. Congratulations.

Ayes: Miller, Shramski, Taylor-Burks, Waterman, Williams and Carter

No: None

Resolution Passed

21-389 **Resolution to authorize the City Clerk to post notice of a proposed budget amendment for fiscal year 2021/2022 in the Oakland Press to transfer \$55,000.00 out of General Fund Balance GL account 101-101-804-000 Legal Services and transfer \$55,000.00 into the Capitol Improvement Fund GL account 445-265-976-001 Building Additions and Improvements.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Now, Therefore, Be It Resolved, that the Pontiac City Council schedule a public hearing for a proposed budget amendment for fiscal year 2021/2022 in the Oakland Press to transfer \$55,000.00 out of General Fund Balance GL account 101-101-804-000 Legal Services and transfer \$55,000.00 into the Capitol Improvement Fund GL account 445-265-976-001 Building Additions and Improvements on December 21, 2021 at 6:00 p.m. in the Council Chambers at Pontiac City Hall 47450 Woodward Pontiac, MI 48342.

Ayes: Shramski, Taylor-Burks, Waterman, Williams, Carter and Miller

No: None

Resolution Passed

Community and Economic Development

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21-390 Resolution to schedule a Public Hearing to reprogram Senior Housekeeping Services to Safety and Repair Services for Seniors and Disabled Persons for Community Development Block Grant (CDBG) Program Years 2019 and 2020. Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Now, Therefore, Be It Resolved, that the Pontiac City Council schedule a public hearing to reprogram Senior Housekeeping Services to Safety and Repair Services for Seniors and Disabled Persons for Community Development Block Grant (CDBG) Program Year 2019 and 2020 on December 21, 2021 at 6:00 p.m. in the Council Chambers at Pontiac City Hall 47450 Woodward Pontiac, MI 48342.

Ayes: Shramski, Taylor-Burks, Waterman, Williams, Carter and Miller

No: None

Resolution Passed

Law

21-391 Resolution to authorize entry of State Local Government Intrastate Agreement concerning allocation of Settlement Proceeds in the National Opioids Litigation. Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac filed a lawsuit in the United States District Court to address the public nuisance that is the Opioid Epidemic, which named, among other companies, the following four Defendants (“Settling Defendants”):

1. Janssen Pharmaceuticals, Inc. (A prescription opioids manufacturer);
2. Amerisource Bergen Corp. (A prescription opioids wholesaler distributor);
3. Cardinal Health, Inc. (a prescription opioids wholesaler distributor); and
4. McKesson Corporation (A prescription opioids wholesaler distributor) and,

Whereas, the lawsuit was subsequently transferred to the United States District Court in the Northern District of Ohio and centralized as part of In re National Prescription Opiate Litigation, MDL 2804; Case No. 1:17-md-2804, which is presided over by the Honorable Dan Aaron Polster, United State Federal District Court Judge; and,

Whereas, the Settling Defendants have negotiated proposed national settlement agreements (“Proposed Settlements”) with the State Attorneys General, and a Plaintiff Executive Committee-designated negotiating committee that represents approximately 4,000 local governments that have brought lawsuits similar to City of Pontiac’s lawsuit; and,

Whereas, the Proposed Settlements contain a “default” allocation method where settlement funds that are allocated to a particular state to resolve the claims asserted by state and local governments within the state are allocated as follows:

- 15% of settlement proceeds paid under the Proposed Settlement are allocable to the State;
- 15% of the settlement proceeds are allocable to local governments; and
- 70% of the settlement proceeds are allocable to an opioid abatement fund; and

Whereas, the Proposed Settlements enable the state and local governments within a State to negotiate alternative allocation methods to the “default” allocation method referenced above; and

Whereas, the City of Pontiac desires to enter into an alternative allocation method which allocates settlement funds solely to:

1. Participating Local Governments who have elected to participate in the Proposed Settlements; and
2. The State of Michigan.

Now, Therefore, The City of Pontiac authorizes the execution of a Michigan State-Subdivision Agreement for Allocation of Distributor Settlement Agreement and Jassen Settlement Agreement substantially similar to the proposed agreement attached to this resolution. The City of Pontiac also authorizes execution of a similar state-subdivision agreement to the extent that it provides a substantially

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similar allocation of settlement or bankruptcy proceeds obtained from opioids litigation with any other entity.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Shramski

No: None

Resolution Passed

Mayor's Office

21-392

Resolution to adopt the Final Version of the Merger Agreement between the City of Pontiac, Police and Fire VEBA and Super VEBA. Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, the City entered into a settlement agreement with a class of retirees related to City funding of retiree health benefits in City of Pontiac Retired Employees Association et. al. v. Schimmel et. al, Docket #64-2, Case No. 2:12-cv-12830-AC-PJK dated March 30, 2018 (United States District Court Eastern District of Michigan), which was given final approval by the court on November 19, 2018 (the "Settlement Agreement");

Whereas, the City of Pontiac, Michigan (the "City") established the City of Pontiac VEBA Trust (the "Super VEBA") on March 23, 2020;

Whereas, the City established the City of Pontiac Police and Fire Retiree Prefunded Group Health and Insurance Plan (the "P&F VEBA") on August 22, 1996;

Whereas, the Internal Revenue Service has issued determination letters indicating that both the Super VEBA and P&F VEBA are exempt from federal income taxation under Code §501 (c)(9);

Whereas, Section 7 of the Settlement Agreement requires that the P&F VEBA be merged into the Super VEBA with the Super VEBA being the surviving entity;

Whereas, the City Council has been provided the proposed merger agreement to be entered into by and between the Super VEBA, the P&F VEBA, and the City, effective as of January 31, 2022 (the "Merger Agreement").

Whereas, the City Council has reviewed and discussed the Merger Agreement; and

Whereas, to effectuate the terms of the Settlement Agreement, the following resolutions are hereby adopted:

Resolved, the Merger Agreement is approved in its proposed substantive form;

Further Resolved, that Dr. Deirdre Waterman, Mayor of the City of Pontiac, is directed and authorized to (1) execute the Merger Agreement on behalf of the City; and (2) execute and direct legal counsel to make any submission to the Internal revenue Service on behalf of the City related to approval of the Merger Agreement by the Internal revenue Service pursuant to the terms of the Settlement Agreement ("IRS Submission"); and

Further Resolved, that the filing fees associated with any IRS Submission are authorized to be paid to the Internal revenue Service by the City.

Ayes: Waterman, Williams, Carter, Miller, Shramski and Taylor-Burks

No: None

Resolution Passed

Mayoral Monthly Reports

Received Personal Monthly Staff Report

Mayor, Clerk and Council Closing Comments

Mayor Waterman, Legislative Counsel Sharpe, Councilwoman Shramski, Interim Clerk Doyle, Councilwoman Miller, Council President Pro tem Carter and Council President Williams made closing comments.

Adjournment

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Council President Kermit Williams adjourned the meeting at 7:51 p.m.

Garland Doyle
Interim City Clerk

DRAFT

#3

**SPECIAL
PRESENTATION**



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council

FROM: Alexandra Borngesser, Grants

THROUGH: Executive Office of Mayor Deirdre Waterman

DATE: December 14th, 2021

RE: **The American Rescue Plan Town Hall Series**

EXECUTIVE SUMMARY

In March, 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.

In an effort to raise public awareness about the allotment of American Rescue Plan funds awarded to the city and to receive feedback from the public about how best to allocate the funds, Mayor Deirdre Waterman hosted a series of town halls. It was the goal, that through these interactive meetings, we could work towards establishing a shared vision of how best to apply these funds. The content from expert presenters, the dialogue with residents, and interactive breakout activities provided the City with feedback to better build a strategic plan for the investment of these funds. This memorandum is meant to provide a summarized synopsis of the information gathered from the American Rescue Plan Town Halls.

MEETING FORMAT

The meetings were held at various locations throughout the city for each of the seven districts. Each meeting was hosted by Mayor Deirdre Waterman and was moderated in cohort with Alexandra Borngesser. The format of the meeting included presentations from experts, question and answer sessions with residents, a breakout activity for feedback and collaborative ideation, and clear next steps.

For district 1 & district 2, the meeting was held on October 18th at 6:00 PM at the Robert Bowens Senior Center. The meeting had 64 in-person attendees and 78 virtual attendees. The October 18th panelists and their respective presentation topics included: Mayor Deirdre Waterman – Strategic Planning and Leadership, Darin Carrington, Finance Director - ARP Funding Parameters & Permissible Uses, Vern Gustafsson, Planning Director - Proposed ARP Funded City Projects, Matt Gibb, Attorney - ARP Related Business Development, Job Creation, & Leveraging Funds, and Donovan Smith– Previous Projects & Demolition Maps.

The district 3, district 4, and district 6 meeting was held on October 21st at 6:00 PM at the Ruth Peterson Senior Center. The meeting had 36 in-person attendees and 204 virtual attendees. The October 21st panelists and their respective presentation topics included: Mayor Deirdre Waterman – Strategic Planning and Leadership, Darin Carrington, Finance Director - ARP Funding Parameters & Permissible Uses, Donovan Smith - Proposed ARP Funded City Projects & Previous Projects, Matt Gibb, Attorney - ARP Related Business Development, Job Creation, & Leveraging Funds, and Peter Gleek, IT Professional – Smart City & Broadband.

The district 5 & district 7 meeting was held on November 15th at 6:00 PM at the Salvation Army Holland Community Center. The meeting had 13 in-person attendees and 260 virtual attendees. The November 15th panelists and their respective presentation topics included: Vern Gustafsson, Planning - Proposed ARP Funded City Projects, Linnette Phillips, Economic Development – Business Development Funding Opportunities, Matt Gibb, Attorney - Leveraging Funds & Pontiac Smart City, Abdul Siddiqui, Engineer – Storm Sewer Infrastructure, and Darin Carrington, Finance Director– ARP Introduction and Eligibility Requirements.

The meeting for Pontiac non-profits was held on November 6th, 2021 at Oakland University. The Meeting had 19 in-person attendees. The November 6th panelists and their respective presentation topics included: Mayor Deirdre Waterman – Strategic Planning and Leadership, Linnette Phillips, Economic Development – Business Development & Citizen Relief, and Alexandra Borngesser, Grants – Permissible Uses. The attendees also reviewed presentations from Lighthouse, Habitat for Humanity, Oakland-Pontiac Initiative, The Pontiac Skate Park Project, and Centro Multicultural La Familia.

KEY FINDINGS & TAKEAWAYS

From the feedback collected during the breakout sessions at each town hall, the following can be concluded:

Issue Space Occurrence:

- ARTS AND CULTURE: 4
- BUSINESS DEVELOPMENT & JOB CREATION: 18
- INFRASTRUCTURE: 28
- NEIGHBORHOOD REVITALIZATION: 30
- PUBLIC SAFETY: 7
- SMART CITY INITIATIVES: 10
- YOUTH: 6

The following items were recurring themes from each of the town hall discussions and feedback breakout sessions:

- OWNER OCCUPIED HOME IMPROVEMENT AND RENT TO OWN PROGRAMS
- CITY-WIDE BROADBAND INTERNET ACCESS
- POLICE AND FIRE INVESTMENTS
- CLINTON RIVER TRAIL IMPROVEMENTS
- YOUTH RECREATION AND ENRICHMENT PROGRAMS
- SIDEWALK AND ROAD REPAIRS
- SMALL BUSINESS SUPPORT

KEY PROJECTS FOR IMMEDIATE FUNDING

During this process, the Executive Office of Mayor Deirdre Waterman, used public feedback derived from the American Rescue Plan Town Halls to begin the strategic planning for key projects for immediate funding. Those projects include:

Lighthouse – *Emergency Service for Pontiac Residents*

This project would allow for funding for Lighthouse, a Pontiac non-profit, to provide access to food, permanent shelter, eviction prevention and wrap around services such as mental health support, employment coaching, credit repair, etc. The program would also include economic mobility services to all Pontiac residents and would co-locate emergency services and economic services within one location in Pontiac. This is a Person-centered services project that would promote privacy, autonomy, and stability for Pontiac residents.

Habitat for Humanity – *Affordable Housing Gap Fund*

The only solution to the problematic economic barrier to affordable homeownership is to secure grant funding to cover the gaps that are present. Current gaps for single or multi-family homes in Pontiac are approaching \$100,000 per unit (less in other communities). This gap can be partially mitigated through collaborative fundraising and innovative cost saving construction methods, but even the most creative endeavors do not close the gap. Additional gap funding from the American Rescue Plan could help close the affordable housing gap through this strategic plan in partnership with Habitat for Humanity.

Oakland University / Pontiac Initiative – *Non-Profit Incubator*

The OU-Pontiac Initiative wishes to establish a OU-Pontiac Initiative Non-Profits Incubator that extends its expertise, workspace, and hive-mind to Pontiac non-profits. The OU-Pontiac Initiative will work with existing partners to strengthen the existing non-profit community in Pontiac and to ensure that they are sustained into the future. The incubator will fill a much needed gap in mentorship, brick and mortar collaborative workspaces and guidance with standing up the operational infrastructure of a functioning non-profit.

Centro Multicultural La Familia – *Infrastructure and Programming*

Since the inception of the possibility to renovate a school building, the goal of Centro Multicultural La Familia has always been to contribute to the growth of the Pontiac community. It is their hope to build renovate a school building using American Rescue Plan funds to provide the following services on top of their regular services: CommUNITY Library Healing Garden, Support to micro-enterprises (bakery, salon, etc.), Workforce development (teaching sewing, jewelry making, growing herbs/plants, catering, etc.), Co-work or studio space for locals, Capacity-building workshops and skill shares, Communal gathering space indoors & outdoors, Community resource fairs, and Film screenings, poetry & writing workshops, family events.

Small Business Program – *Small Business Development*

This proposal is a small Business Program to provide gap funding for business owners in the form of grants and loans. Currently, we have approximately 1,200 small business owners. Business owners can apply for funding through applications and/or pitch competitions. Through review by the EDC, new or start-ups could receive funding. Funding options include, but are not limited to: Small Business Grants – one time up to \$5,000, Small Business Micro Loans – up to \$15,000 with review and approval by the EDC and Small Business Revolving Loans – up to \$50,000 with review and approval by the EDC.

The program is designed to promote entrepreneurship, small business growth and enhance the COP's economy. We will provide technical support and related resources. Additionally, small business owners applying for funding would participate in a "small business boot camp" comprised of workshops with subject matter experts (SME), workshops providing technical assistance to create documentation, business plans, generating reports with metrics, networking and connecting with providers or required, useful and necessary resources.

City-Wide Broadband Internet – *Pontiac Smart City Initiative*

A proposal to create broad based infrastructure in the COP with cameras to monitor safety and tracking of infrastructure such as pot holes, leaks in water lines, traffic congestion, etc. The COP could reach out to tech and infrastructure partners to collaborate and provide additional resources and funding.

Workers and Families Program – *Citizen Relief & Job Creation*

This program provide assistance to unemployed workers and job training in partnership and cohort with local organizations and businesses.

Investing in Housing and Neighborhoods – *Citizen Relief*

Services to support individuals facing homelessness, affordable housing and housing vouchers, residential counseling and navigation assistance. This is a program to increase home ownership to Pontiac's 61,606 residents where 60% are renters and move frequently. With our reduced unemployment rate and with an employer such as United Wholesale Mortgage (UWM) who employs over 9,000 employees. The COP would work in tandem with them to assist with programs to promote and prepare residents to purchase homes. The COP also will deploy a program to sell properties owned by the COP and also offer first right of refusal for the purchase of properties that are adjacent or congruent to current owner's property. This would also include aid to Pontiac residents for home improvements such as roof repairs, replacement for hot water tanks, windows and exterior work related to leaks, and exposure of elements.

Department of Public Works – Infrastructure Repairs

This funding opportunity would include Storm Drain Maintenance, Giddings Rd Culvert Replacement & Road Reconstruction, and Opdyke Sidewalk & Associated Drainage Updates. Additional enhancements could also include video inspection and cleaning of all storm water structures and sewers in addition to purchasing Street Sweepers for Local Roads, and purchasing Vector Trucks for Catch Basin Cleaning In-House.



AMERICAN RESCUE PLAN TOWN HALL RECAP



DISTRICT 1 & DISTRICT 2

AMERICAN RESCUE PLAN TOWN HALL


LOCATION: ROBERT BOWENS SENIOR CENTER

DATE: OCTOBER 18, 2021 AT 6:00 PM

IN-PERSON ATTENDEES: 64

VIRTUAL ATTENDEES: 78

PANELISTS:

- Mayor Deirdre Waterman – Strategic Planning and Leadership
 - Darin Carrington, Finance Director - ARP Funding Parameters & Permissible Uses
 - Vern Gustafsson, Planning Director - Proposed ARP Funded City Projects
 - Matt Gibb, Attorney - ARP Related Business Development, Job Creation, & Leveraging Funds
 - Donovan Smith– Previous Projects & Demolition Maps
- 

DISTRICT 3, DISTRICT 4, & DISTRICT 6 AMERICAN RESCUE PLAN TOWN HALL


LOCATION: RUTH PETERSON SENIOR CENTER

DATE: OCTOBER 21, 2021 AT 6:00 PM

IN-PERSON ATTENDEES: 36

VIRTUAL ATTENDEES: 204

PANELISTS:

- Mayor Deirdre Waterman – Strategic Planning and Leadership
 - Darin Carrington, Finance Director - ARP Funding Parameters & Permissible Uses
 - Donovan Smith - Proposed ARP Funded City Projects & Previous Projects
 - Matt Gibb, Attorney - ARP Related Business Development, Job Creation, & Leveraging Funds
 - Peter Gleek, IT Professional – Smart City & Broadband
- 

DISTRICT 5 & DISTRICT 7

AMERICAN RESCUE PLAN TOWN HALL


LOCATION: SALVATION ARMY – HOLLAND COMMUNITY CENTER

DATE: NOVEMBER 15, 2021 AT 6:00 PM

IN-PERSON ATTENDEES: 13

VIRTUAL ATTENDEES: 260

PANELISTS:

- Vern Gustafsson, Planning - Proposed ARP Funded City Projects
 - Linnette Phillips, Economic Development – Business Development Funding Opportunities
 - Matt Gibb, Attorney - Leveraging Funds & Pontiac Smart City
 - Abdul Siddiqui, Engineer – Storm Sewer Infrastructure
 - Darin Carrington, Finance Director– ARP Introduction and Eligibility Requirements
- 

PONTIAC NON-PROFITS AMERICAN RESCUE PLAN TOWN HALL

LOCATION: OAKLAND UNIVERSITY- THE OAKLAND CENTER

DATE: NOVEMBER 6, 2021 AT 10:00 AM

IN-PERSON ATTENDEES: 19

PANELISTS:

- Mayor Deirdre Waterman – Strategic Planning and Leadership
- Linnette Phillips, Economic Development – Business Development & Citizen Relief
- Alexandra Borngesser, Grants – Permissible Uses

SPECIAL PRESENTATIONS FROM

CENTRO MULTICULTURAL
La Familia
Healthy Families. Happy Children.

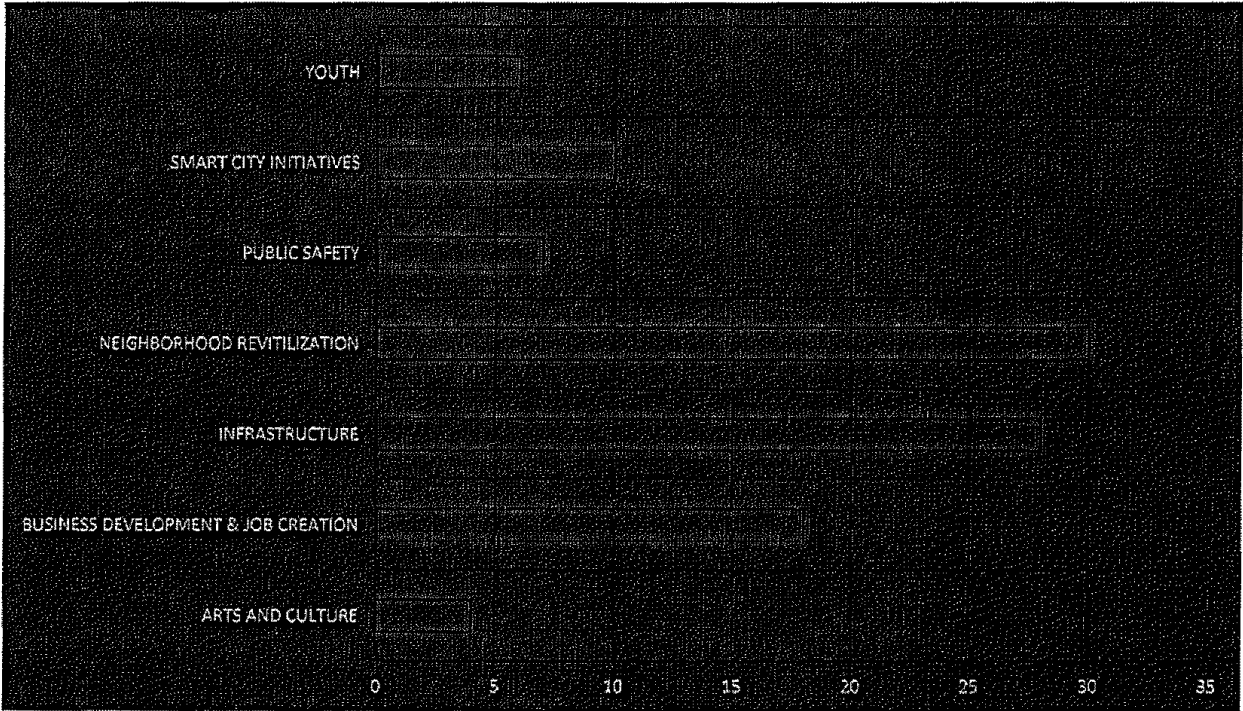
OU-Pontiac
Initiative

PONTIAC
STATE PARK
PROJECT

 **Lighthouse**

 **Habitat for Humanity**
of Oakland County

ISSUE SPACE OCCURANCE



ISSUE SPACE OCCURANCE

ARTS AND CULTURE: 4

BUSINESS DEVELOPMENT & JOB CREATION: 18

INFRASTRUCTURE: 28

NEIGHBORHOOD REVITALIZATION: 30

PUBLIC SAFETY: 7

SMART CITY INITIATIVES: 10

YOUTH: 6



Town Hall Findings and Results

7 Recurring Themes From Resident Feedback:

- Owner Occupied Home Improvement & Rent-to-own Programs
 - City-Wide Broadband Internet
 - Police & Fire Investments
 - Clinton River Trail Improvements
 - Youth Recreation & Enrichment
 - Sidewalks & Road Repair
 - Small Business Support
- 

Leveraging Other ARP Sources

- Oakland County - \$244.2M
 - State of Michigan - \$6.54B
 - Oakland County K-12 Schools - \$257M
 - Oakland University - \$39.4M
 - Oakland County Home Improvement - \$10.4M
- 

KEY PROJECTS FOR IMMEDIATE FUNDING

The Executive Office of Mayor Deirdre Waterman, used public feedback derived from the American Rescue Plan Town Halls to begin the strategic planning for key projects for immediate funding.

Those projects include the following:



Key Projects

Lighthouse – *Emergency Services for Pontiac Residents*

Habitat for Humanity – *Affordable Housing Gap Fund*

Oakland University / Pontiac Initiative – *Non-Profit Incubator*

Centro Multicultural La Familia – *Infrastructure and Programming*

Small Business Program – *Small Business Development*

City-Wide Broadband Internet – *Pontiac Smart City Initiative*

Workers and Families Program – *Citizen Relief & Job Creation*

Investing in Housing and Neighborhoods – *Citizen Relief*

Department of Public Works – *Infrastructure Repairs*





AMERICAN RESCUE PLAN

TOWN HALL MEETING

LET'S TALK ABOUT HOW TO INVEST PONTIAC'S \$37.7 MILLION

As the federal stimulus is ending, it is essential to discuss how we can best use the money that remains. This meeting will discuss the various options available to us and how we can best use the money that remains.

Monday, December 14, 2009
6:00 PM - 8:00 PM
Town Hall Meeting
Pontiac City Hall

AMERICAN RESCUE PLAN MEETING
WEDNESDAY, DECEMBER 16, 2009, 6:00 PM
PONTIAC CITY HALL





- RESTORE NEIGHBORHOODS & CITIZEN RELIEF
- INFRASTRUCTURE IMPROVEMENTS
- PUBLIC SAFETY
- BUSINESS DEVELOPMENT & JOB CREATION
- SMART CITY INITIATIVES

Question & Answer

#4

**SPECIAL
PRESENTATION**



Mayor's 2021 Year End Report
Status of Departmental Strategic Agendas



American Rescue Plan Act Funding



A TOWN HALL MEETING



PORTLAND IS RECEIVING \$27.7 MILLION FROM THE AMERICAN RESCUE PLAN ACT'S TALK ABOUT HOW TO BRING THIS MONEY TO BEHOLD FOR CITY, BUSINESS AND INDUSTRY.

MAYOR WATERMAN IS HOSTING A TOWN HALL IN YOUR DISTRICT. THE MAYOR WANTS YOUR INPUT AND COLLABORATION

Bring your feedback to the Mayor and City Council. The Mayor and City Council will be meeting with you on Tuesday, June 15, 2010, at 7:00 PM. The Mayor and City Council will be meeting with you on Tuesday, June 15, 2010, at 7:00 PM.

Mayor Waterman
City of Portland, Oregon



FOR MORE INFORMATION

City of Portland, Oregon
1-503-823-3333
www.portland.gov



THE CITY OF PONTIAC
**AMERICAN RESCUE
PLAN ACT**



\$37.7 MILLION AWARDED TO THE CITY OF PONTIAC

OVERVIEW

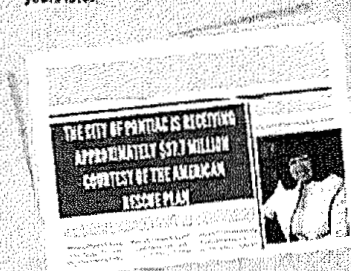
- Entitlement units received funding directly from Treasury (first 50% of the initial allocations have been provided)
- Second 50% will be received 12 months after the first was approved

RESTRICTIONS ON USES

- Funds cannot be used to directly or indirectly offset tax reductions or delay a tax rate increase
- Funds cannot be deposited into any pension fund

ELIGIBILITY DATES

- Funds must be "incurred" by December 31, 2024
- They may be committed and then spent up to 2 years later.



ELIGIBLE USES

- **Public Health and Economic Impacts** - to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits; or aid to impacted industries such as tourism, travel, and hospitality.
- **Premium pay** - to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal / local government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.
- **Revenue loss** - for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal / local government due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency, or
- **Infrastructure** - to make necessary investments in water mains, sewer drains, or broadband infrastructure.

Job Pipeline & Employment Opportunities

 Detroit Free Press

Pontiac-based United Shore to hire 1,500 more despite pandemic, recession

Exterior of United Shore's new headquarters in Pontiac, Mich. A Pontiac-based mortgage firm is preparing to hire 1,500 new employees this ...

May 27, 2020



RESTORING RETIREE HEALTHCARE

PROCESSED DATE OF OCTOBER 1, 2021



ACHIEVING FINANCIAL STABILITY

FROM DEFICITS TO SURPLUS WITH THIRD YEAR OF ANNUAL GFOA AWARDS

STATE OF THE ART YOUTH CENTER

RESTORING EWALT CENTER FOR YOUTH RECREATION AND ENRICHMENT

Youth Center & Engagement





Darius R. Eshelby
Community Center

X



IMPLEMENTING MEDICAL MARIHUANA

ECONOMIC DEVELOPMENT AND COMMUNITY BENEFITS



**MEDICINAL
MARIJUANA**

FINALIZING PHOENIX CENTER DEAL

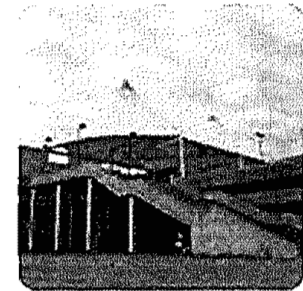
BENEFITS OF THE OPERATING PLAN AND MOU FOR PUBLIC PRIVATE PARTNERSHIP

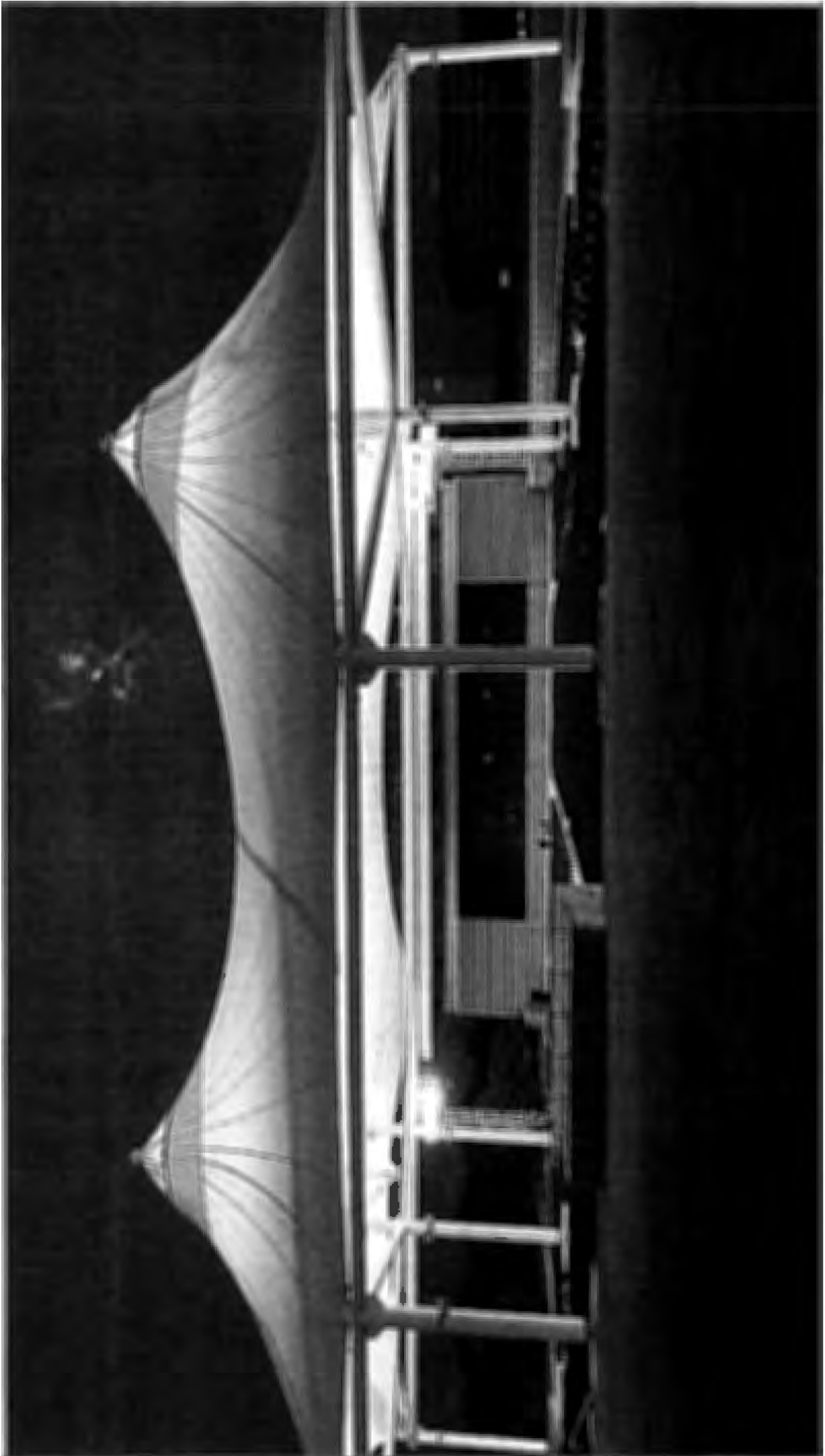
Phoenix Center Deal

 The Oakland Press

Pontiac might buy Ottawa Towers for \$19.9 million, create new Phoenix Center settlement

It's a \$19.9 million deal that would see the city own the Phoenix Center structure, the towers and the old Purdue Academy at 25 South Sanford St., ...
Oct 26, 2020





+

IMMEDIATE RENEWAL

118 BUSINESS DAYS SINCE CLOSING



MAINTENANCE BEGINS

- Power installed and the newly designed water facility connected and the grounds landscaped
- Final design of landscape completed
- Started the main floor of the city
- Drainage system cleaned and installed
- Worked on South Garage lighting
- Started the lighting program
- The drainage system completed
- Worked on main floor
- Started the main floor
- Started the main floor

PERMANENT MOU



WOODWARD LOOP CONVERSION

CONVERTING FROM ONE WAY TO TWO WAY TRAFFIC

WOODWARD LOOP PICTURES



19

OTHER TOPICS INCLUDE

- Spirit of Pontiac Foundation
- Affordable Housing Plan
- Vision for New Public Library
- Oakland University/Pontiac Partnership
- Collective Impact
- Mayor's Annual Partners In Progress Awards

20

AFFORDABLE HOUSING INVENTORY

1. Elmhaven Manor – 600 W Watson
2. Pontiac Village Senior Apartments – 1200 Colby Lane
3. Unity Rental -333 Auburn Ave
4. McDonald Senior Apartments – 370 Baldwin
5. Volunteers of America Montcalm – Montcalm and Baldwin
6. Spring Lake Village – 152 Carriage Circle
7. Newman Court Apartments – 630 Kettering
8. Village of Oakland Woods – 420 S Ojczyk
9. Pontiac Townhouse Co-op – 174 E Pike
10. Phoenix Place – 353 White Track Dr E
11. Arborview Manor – 121 Fiddis Ave
12. Fairmont Farms Co-op – 476 W Fairmont
13. Lancaster Village Co-op – 633 Palmer
14. Pontiac Plains Apartments – 483 W Columbia
15. Watson Park North – 15 Sallee Ln
16. Woodlake Hills Phase Two – 1704 Woodlake Ln
17. Seville Pointe Apartments – 604 Seville
18. Seville Pointe II Apartments – 104 East
19. Colonial Meadows – 1185 E Watson
20. Baldwin Villas Apartments – 70 Warwick Dr
21. Crystal Lake Apartments – 850 Golf Dr
22. Carriage Circle Apartments – 333 Carriage Circle
23. Lakeshore Manor – 1505 Baldwin
24. Woodland Heights Apartments – 120 N Edith
25. Paddock Manor – 145 S Paddock
26. Sanford Arms Apartments – 100 Fiddis
27. Phoenix Place Apartments – 47353 Woodward
28. Francis Street Projects – 51 S Francis
29. North Hills Farms – 17 Lantern Ln

AFFORDABLE HOUSING

The City of Pontiac has approximately 60,000 residents of which 60% rent housing.

Finding nice, safe and affordable housing is a challenge due to the limited number of properties available.

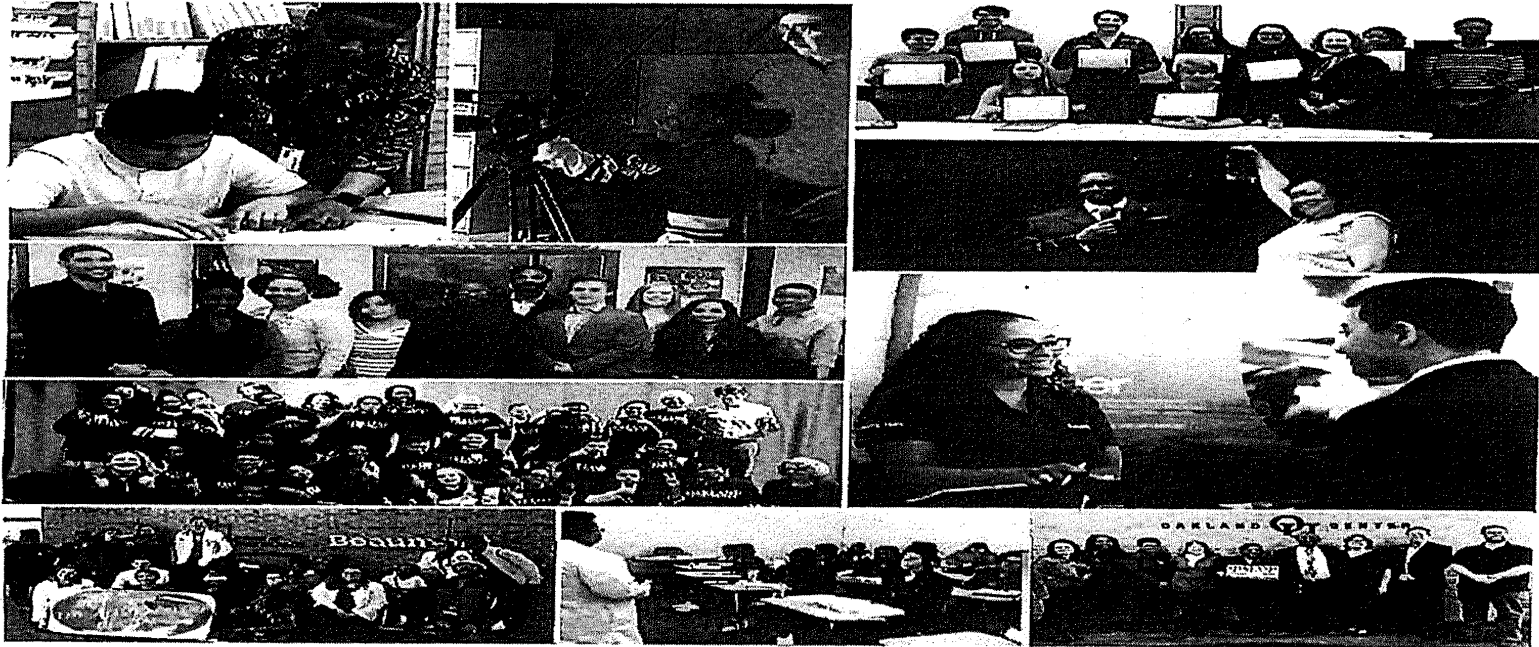
There are 29 low income, affordable housing apartment communities in Pontiac, offering 3,922 rental units.



AFFORDABLE HOUSING PROJECTS:

- Carriage Circle – 234 newly renovated units, \$37.6M project
- Winston Commons – 54 units available late August or early September, a \$13M project
- Perdue School – from Phoenix Center Deal – 100 units

2019 Report
**UNITING URBAN ACHIEVEMENT
AND ACADEMIC EXCELLENCE**



OU-Pontiac Initiative

A collaboration between Oakland University and the City of Pontiac

OU-PONTIAC INITIATIVE CORE GROUP



2

2019 PARTNER IN PROGRESS



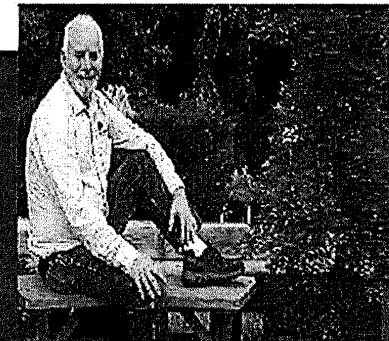
Pastor Douglas Jones
Welcome Baptist Church



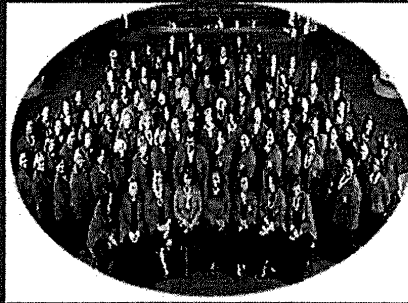
Minister Kathalee James
Friends of the Park



Mr. Bill Pulte
Pulte Homes



Mr. Tim Davis
Gourmet Walsh



Delta Sigma Theta
Pontiac Chapter



Rosa Randolph
Meals on Wheels



Andy Meisner
Oakland County

X

2021 PARTNER IN PROGRESS



Sonia Acosta
CentroMulticutral



Annie Briggs



Ed Lee
Lee Construction



Matt Ishbia
United Shore



John Orum



Dr. Ora Pescovitz
Oakland University



Pastor Spann

✂

2021 PARTNER IN PROGRESS HUMANITARIAN AWARDS



Community Foundation SE



Lighthouse



Pontiac Community Foundation



Pontiac Senior Centers



Unique Foods

#8

RESOLUTION

Pontiac City Council Resolution



WHEREAS, this resolution is to formally express in writing the Pontiac City Council’s Resolution of No Confidence in Mayor Deirdre Waterman: and,

WHEREAS, the Resolution of No Confidence in Mayor Deirdre Waterman is intended to bring an awareness to the citizens of Pontiac of the failed Mayoral leadership, disregard for transparency and accountability and total disrespect for the legislative branch of government, thereby undermining the democratic process; and,

WHEREAS, the pattern of failed leadership is evident with, the feeble working relationship between the Administration and Council, the high employee turnover (this reflects poor decision-making, and the lack of skills to mentor, retain or develop leadership), low morale, unorthodox hiring practices and excessive and disproportionate spending in complete defiance of the balanced and line-item budget passed by the Council, and,

WHEREAS, the Council as the legislative body and an equal branch of government, attempted to perform the duties and responsibilities outlined in the charter, but more often than not, Council’s rights were usurped by the Mayor; and

WHEREAS, provision 3.115 of the Charter states that Council may, within appropriations provided in the budget, appoint or contract for services and 4.204 allows Council to obtain the opinion or advice of independent legal counsel in any matter pending before it; and,

WHEREAS, the Council attempted to retain the legal services of Clark Hill PLC, Parliamentary services from Ms. Eleanor Siewert and accounting services, mores specifically, a forensic audit from Bonadio & Co., LLP, Certified Public Accountants,

WHEREAS, the Mayor commandeered Council’s authority and both severed the contractual relationships with Clark Hill and Eleanor Siewert by failing to pay their outstanding invoices for almost two years, and impeded Council from entering into an agreement with Bonadio & Co, LLP to perform a forensic audit by disregarding the resolution passed by Council to engage Bonadio, only for the City attorney to ultimately tell the Council, “NO;” and,

WHEREAS, 4.106 of the Charter states that the Mayor may, within the appropriations provided in the budget, appoint such assistants and secretaries to the staff of the office of the Mayor as may be reasonably necessary and 4.106 states that the Mayor shall appoint for each department of the executive branch a director who serves at the pleasure of the Mayor, each appointment is subject to approval by the Council; and,

WHEREAS, many of the Administration's positions have not and are not within the appropriations provided in the budget and some of the appointments presented to Council for approval were not confirmed, including the current "Interim Deputy Mayor," the "Interim Finance Director," a former Finance Director, and a past and present DPW Director; and,

WHEREAS, despite the Mayor's appointees not being confirmed, the individuals continued and continue to be employed with the City of Pontiac under the auspices of being called "Interim;" and,"

WHEREAS, going as far back as September 4, 2018, the Mayor presented a resolution to Council to approve Mayoral recommendation to reappoint members to the Planning Commission, the resolution failed; however, to date, the Planning Commission members continue to serve and no subsequent appointments have been presented to Council for approval; and,

WHEREAS, boards and commissions are no exception to the requirement that Council must approve a Mayoral appointment, section 4.109 of the charter states that reappointment of a person to the same board or commission for an additional consecutive term is subject to approval by the Council; and,

WHEREAS, the Mayor's lack of accountability and routine disregarded for resolutions by Council are astounding, as her rationale for discarding Council resolutions, resolutions are merely advisory or requests; and,

WHEREAS, in June 2021 Council passed the 2021-2022 Annual Budget; and,

WHEREAS, Council in its desire for the children of Pontiac to have a state-of-the-art youth recreation facility, did not approve the purchase of 825 Golf Drive and has continued to allocate and restrict \$3.2 million dollars in the annual budget for a youth recreation facility; and,

WHEREAS, the City of Pontiac's lease agreement for 825 Golf Dr. ended on June 30, 2021 and in contemplation of the move, Council in passing a fiscally responsible, balanced budget, cut the millage in half, thereby reducing the amount tax payers would have to pay, due to the fact that there would be no expenses related to a facility, but the programming would continue, as there are sufficient funds generated from the millage to cover these costs; and,

WHEREAS, after the budget was passed and at the end of June 2021, the Mayor presented a resolution to Council requesting authorization to execute a three (3) month extension to the Lease Agreement for 825 Golf Drive in order to allow the City to re-program youth activities and to determine a place and process for vacating the premises, the motion failed; and,

WHEREAS, though Council reduced the millage by 50%, eliminated items in the budget that only related to maintaining the cost of the youth recreational facility and United Wholesale Mortgage revealed through a press conference its desire to provide Pontiac with a **\$10 Million Dollar** youth recreation facility, no attempt was made by the Mayor to locate an alternate site. It is evident that it was never the intention of the Mayor to vacate 825 Golf Dr. even though the Mayor insisted and expressed in her resolution "holding over" would be for "just three (3) months," time needed to vacate the premises or attempt to secure another location, as six (6) months later, the Mayor continues to have PYREC housed at 825 Golf Dr.; and,

WHEREAS, Council made unsuccessful and repeated attempts to discuss with the Mayor rehabbing the Ewalt Center and on June 18, 2020, the Council passed a resolution and allocated **\$25,000.00** in the budget

to have a feasibility study done for the Ewalt Center, the study was finally provided to Council almost a year later on May 11, 2021, but with no collaborative effort from the Mayor to take steps to develop the Center; and,

WHEREAS, on April 16, 2019, Council adopted a resolution to instruct the City Attorney to amend the City of Pontiac's ordinance 2287 to place the Cable Division and appointment of the Cable Director back under the legislative branch of government, returning it back to how it was prior to emergency management. The Mayor vetoed the resolution, but Council passed a resolution to override the Mayor's veto on July 29, 2019 and despite overriding the veto, Cable continues to be under the Mayor.

WHEREAS, on August 27, 2019, the Council adopted an ordinance to amend Chapter 42 "Community Development" to add Article VII entitled "Provisioning Center Community Benefits Agreements in order to allow developers of provisioning centers to enter into Community benefits agreements that would identify potentially negative aspects of such developments and identify proportional community benefits to the City of Pontiac to rectify those negative aspects. On September 6, 2019, the Mayor vetoed the ordinance and on September 10, 2019, Council overrode the Mayor's veto. To date, Pontiac does not have a Community Benefits ordinance in place.

NOW THEREFORE BE IT RESOLVED, that the Pontiac City Council hereby passes this resolution of No Confidence in Mayor Deirdre Waterman with the most sincere confidence and expectation that the next Administration will restore transparency, accountability and respect for the legislative branch of government, ultimately embracing democracy.

THE DETAILS

WHY NOW?

Pontiac Voters Spoke Loud and Clear – In an unprecedented vote, 70 percent of citizens overwhelming went to the polls to pass a youth center millage that authorizes the city to fund up to roughly \$900,000 each year, for 10 years – from 2017 to 2026 – **to provide funding for a youth center and programming.** Under state law (MCL 123,461) levied funds can only be used to **operate a center** open exclusively to youths under 21 years of age and aimed at curbing juvenile delinquency within the community. ***Millage funds CAN NOT be used to acquire, build a building or repair an existing one. Legally, millage funds CAN ONLY be used for programming and operating costs.***

Unfortunately, within the last few months, Pontiac has encountered an uptick in violent crime, gun violence, and a record-number of homicides have occurred within the first few months off the new year. The majority of these crimes have been committed involving our youth – both victims and perpetrators. A youth center is desperately necessary! Action is needed, and we need to invest in our children’s future now!

WHY HERE?

The Best to Offer – Wisner Center is a state-of-the-art, viable site that is available to us now. Having recently undergone a \$4.6 million renovation, the facility and grounds are safe, secure, well-lit, ADA compliant, and conveniently located on 21 beautiful acres within the heart of Pontiac. Wisner Center features a high-tech computer lab, recording studio, high speed fiber-optic system, site projectors, spacious community rooms, and expansive outdoor track and fields. The opportunities at Wisner Center are just like our kid’s potential – limitless!

WHAT ARE THE COSTS?

Our Kids Futures Are Priceless – The cost for leasing the Wisner Center is very reasonable considering all the benefits that are included in the lease price which is currently being negotiated. More details will be released as they develop. At this juncture, the projected cost would annually invest valuable dollars into the School District of Pontiac which is the owner of the Wisner property.

IS IT LEGAL?

A Smart “Win-Win” – The School District of the City of Pontiac benefits from this proposal and it is a “Win-Win” for our children and both, the city and school district. Legally, we may enter into contract with their lessee, Wisner, LLC., as the sublessee of Wisner Center.

WHAT ARE THE FUTURE PLANS?

Our Own State-of-the-Art Youth Center – Plans for a City of Pontiac owned and operated Youth Center are underway. Wisner is proposed to be used as the youth center along with proposed satellite gym sites throughout the city. It is also proposed to offer mini-grants to community partners for youth recreation projects.

We hold our children’s future in our hands. Long-term planning for site development, construction, and recreational sustainability take a unified community effort to achieve our dream of a state-of-the-art community center. Let’s start now!

September 4, 2018

Ayes: Williams, Woodward, Carter, Miller, Taylor-Burks and Waterman

No: None

Motion Carried.

18-334 Resolution to approve Mayoral recommendation to reappoint the following individuals to the Planning Commission. Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Whereas, Article V, Section 2-372 of the Municipal Code, the Planning Commission is comprised of six non-elected officials and the Mayor or his/her designee; and

Whereas, there are currently several appointments with expired terms on the Planning Commission; and

Whereas, according to State Law and City Ordinance, the Mayor shall appoint the commissioners subject to the approval by a majority of the City Council.

Now, Therefore, Be It resolved, that based upon the recommendation of the Mayor, that the City Council reappoint the following individuals to the terms noted below:

- Ashley Fegley – July 1, 2016 to June 30, 2019
- Lucy Payne – July 1, 2017 to June 30, 2020
- Christopher Northcross – July 1, 2018 to June 30, 2021
- Dayne Thomas – July 1, 2016 to June 30, 2019

Ayes: Woodward

No: Carter, Miller, Taylor-Burks, Waterman and Williams

Resolution Failed.

18-335 Resolution for the American Legion Cook-Nelson Post 20's 98th Anniversary. Moved by Councilperson Woodward and second by Councilperson Waterman.

Whereas, It is with warm and sincere gratitude that we graciously recognize the American Legion Cook-Nelson Post #20's, 98 years of illustrious service to veterans, service members and the community; and, Whereas, the American Legion was chartered by Congress in 1919 as a patriotic veterans organization, focusing on service to veterans, service members and communities; and,

Whereas, the American Legion evolved from a group of war-weary veterans of World War I into one of the most influential nonprofit groups in the United States with membership swiftly escalating to over 1 million, and local posts springing up across the country; and,

Whereas, today, membership stands at over 2.4 million in 14,000 posts worldwide as the posts are organized into 55 departments: one for each for the 50 states, along with the District of Columbia, Puerto Rico, France, Mexico and the Philippines; and,

Whereas, the American Legion Cook-Nelson Post #20 is located in Pontiac, is considered a historical site and is one of Michigan's oldest African American Post; and,

Whereas, the American Legion Cook-Nelson Post #20 is named after Captain James C. Cook and Lieutenant Elmer B. Nelson; and,

Whereas, the American Legion Cook-Nelson Post #20 has remained steadfast in its efforts to influence social change, obtain benefits for veterans and create important programs for children and youth; and,

Whereas, the American Legion Cook-Nelson Post #20 hosts many annual community projects under the leadership of Commander Joe Carr and Auxiliary President Sandra Carter, the projects include, in the month of February, the Black History Tea, which showcases leadership and children in Pontiac, in April, Spring in to Reading, encourages children to read, in June, the Michigan Veterans Foundations are provided toiletries, tea and clothing, in October, Breast Cancer Awareness Seminars are hosted and both

July 10, 2018

Whereas, the City of Pontiac wishes to exercise its right of first refusal to purchase the following properties under MCL 211.78 M(1): 1571 Giddings, Parcel No. #1410327022 and 68 Lake Street, Parcel No. #1432153011.

Now, Therefore, Be It Resolved, that the City of Pontiac agrees to reserve the following properties: 1571 Giddings, Parcel No. #1410327022 and 68 Lake Street, Parcel no. #1432153011, per its right of first refusal under PA 123 of 1999 and that all resolutions and parts of resolutions, insofar as they conflict with the provisions of their resolution, are hereby rescinded.

Ayes: Waterman

No: Williams, Carter, Miller, Pietila, Taylor-Burks

Resolution Failed.

Councilperson Woodward was absent during the vote.

18-267 **Resolution regarding salary increase for the Mayor and City Council. (ad-on)**
Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Whereas, on January 11, 2018, the resolution from the Local Officers Compensation Commission to increase salaries for the Mayor and the City Council failed; and,

Whereas, the intention of the Council not to accept the increase in salaries for both the Mayor and the Council was made clear through the statements and action taken by the Council in their efforts by resolution, to adopt by 2/3 of the members elected to and serving on the body, to reject the recommendation of the Local Officers Compensation Commission, as it was also clear, that if the Council had done nothing, the determination/recommendation of the Commission would have gone in effect 30 days following the filing with the Clerk; and,

Whereas, on or around July 3, 2018, Council members discovered and questioned why Council members were going to receive an unanticipated check from the City; and,

Whereas, the Council was informed that they were going to receive an increase in salary of approximately Six Hundred (\$681.58) Eighty-One Dollar and Fifty-Eight Cents; and,

Whereas, the amount of the increase reflects the difference of the salary of \$15,000 per year and the Local Officers Compensation Commission's recommended salary increase of, \$16,500 per year, retroactive to January 2018; and,

Whereas, the Council received a check reflecting the increase on July 5, 2018; and,

Whereas, the distribution of the increase recommended by the Local Officers Compensation Commission is unauthorized and against the January 11, 2018 resolution adopted by the Council which rejected the recommendation to provide Council with a ten (10%) percent increase and the Mayor a thirteen (13%) percent increase; and,

Whereas, retention of the extra compensation payments by the Council and the Mayor would appear to violate Article XI, Section 3 of the Michigan Constitution which prohibits the City from granting or authorizing "extra compensation to any public officer, agent or contractor after the service has been rendered or the contract entered into."

Now, Therefore Be It Resolved, that the Pontiac City Council does not accept the salary increase recommended by the Local Officers Compensation Commission, will return the increase and demands that any future enhanced payments to the Council, reflecting the January 2018 recommendation of the Local Officers Compensation Commission be stopped immediately and strongly encourages the Mayor to do the same.

Ayes: Williams, Carter, Miller, Taylor-Burks and Waterman

No: Pietila

Resolution Passed.

Pontiac City Council Resolution



19-137 Resolution for the City Attorney to Amend Ordinance #2288 to change how City Council adopts the budget from functional basis to line item basis. Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Whereas, the Pontiac Municipal Code and Pontiac Ordinance No. 2288, sec 4, dated June 27, 2013 provides that the budget shall be adopted on a functional basis for expenditures, rather than on a departmental or line item basis; and,

Whereas, it is in the best interest of the City of Pontiac to amend the current ordinance to allow the budget to be adopted on a line item basis for expenditures rather than on a functional basis; and,

Whereas, money shall not be moved within departments without the Pontiac City Council's approval; and,

Whereas, pursuant to the Pontiac City Charter more specifically, section 4.202, the City Attorney is hereby instructed to amend the ordinance pursuant to the resolution passed by the Pontiac City Council by May 1, 2019.

Now, Therefore, Be, It Resolved, that no more than Ten Thousand (\$10,000.00) Dollars shall be allocated and changed to a different function within a department without the Pontiac City Council's approval and the current 2019-2020 budget shall be adopted by line item for expenditures.

Ayes: Pietila, Taylor-Burks, Waterman, Williams, Woodward, Carter and Miller

No: None

Resolution Passed.

Adopted by Council 4-16-19
Forwarded to Mayor 4-22-19
Vetoed by Mayor X
Written Statement Received _____
Forwarded to the Clerk 4-26-19

*written statement attached below
not certain this resolution was passed
before
Carter Waterman*

19-147 **Motion to amend resolution to add language that states “for the last 12 months” after “these matters which are currently before the City Council” to authorize the Law Firm of Clark Hill PLC, to provide advice and or a Legal Opinion to the Pontiac City Council in the Matters regarding the Mayor’s recent Appointments, Hires and Unapproved Salaries that are currently before the City Council. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.**

Ayes: Waterman, Williams, Carter, Miller, and Taylor-Burks

No: None

Motion Carried.

Councilwoman Mary Pietila was absent during the vote.

19-148 **Resolution to Authorize the Law Firm of Clark Hill PLC, to Provide advice and or a Legal Opinion to the Pontiac City Council in the Matters Regarding the Mayor’s Recent Appointments, Hires and Unapproved Salaries that are Currently before the City Council, for the last 12 months. Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.**

Whereas, in lieu of the Mayor’s recent appointments, hires and unapproved salaries, the City Council has determined that pursuant to section 4.204 of the Pontiac City Charter, these matters, which are currently before Council, for the last 12 months, require an opinion and advice of independent counsel.

Now, Therefore, Be It Resolved, that the Pontiac City Council hereby authorizes the Law Firm of Clark Hill PLC, to provide advice and or a legal opinion.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman

No: None

Resolution Passed.

19-149 **Suspend the Rules to vote on Item # 6. Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.**

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

19-150 **Resolution to approve contract increase for Matthew Neale, Esq., Miller, Canfield, Paddock and Stone, P.L.C. to serve as the Professional Expert-Medical Marihuana not to exceed \$25,000.00 and Authorize the Mayor to Sign the Final Agreement. Moved by Councilperson Pietila and second by Councilperson Miller.**

Whereas, the City of Pontiac has contracted with Matthew Neale, Esq., Miller, Canfield, Paddock and Stone, P.L.C. to provide professional expert assistance to the City Clerk under Ordinance 2357 (B) not to exceed \$10,000, and

Whereas, City Council has to approve contracts over \$10,000, and the City of Pontiac wishes to increase Mr. Neale’s contract not to exceed a total amount of \$25,000.

April 9, 2019 Study Session Approved Minutes

Ayes: Woodward, Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Resolution Passed.

19-125 **An Emergency Ordinance to amend Ordinance 2361 an Emergency Ordinance that amended the City of Pontiac's Zoning Ordinance to include Medical Marihuana facility uses in designated overlay districts to include the following amendments: Amend Article 2, Chapter 1, Section 2.101, Table 1 - Zoning Districts, Special Purpose Zoning Districts; Amend Article 2, Chapter 2, Section 2.203, Table 2 - Uses Permitted by District; Article 2, Chapter 5 -Development Standards for Specific Uses is amended to add Sections, 2.544, 2.545, 2.546, 2.547, and 2.548; Article 3 - Special Purpose Zoning Districts is amended to add Chapter 11 - Medical Marihuana Overlay District, and Article 7 - Definitions is amended to add Chapter 2 and Chapter 3, Section 7.202, 7.203 and 7.301. Pursuant to Pontiac City Charter Provision 3.112[e], this is an EMERGERNCY ORDINANCE to regulate the proliferation of medical marihuana facilities within the City of Pontiac and thereby ensure the health and safety of its residents, as such, shall be given immediate effect. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.**

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward
No: None
Ordinance Passed.

The Ordinance is attached as Exhibit A.

Council President Williams requested a legal opinion from the City Attorney on the issue that Council President Pro-Tem Carter raised about the ordinance inconsistency with State law pertaining to Medical Marihuana grow facilities.

19-126 **Suspend the Rules. Moved by Councilperson Woodward and second by Councilperson Miller.**

Ayes: Miller, Taylor-Burks, Waterman, Williams, Woodward and Carter
No: Pietila
Motion Carried.

19-127 **Resolution to approve Mayor's Appointment of Mr. Hughey Newsome, as Finance Director for the City of Pontiac at an annual salary of \$131,040 effective April 15, 2019. Moved by Councilperson Woodward and second by Councilperson Pietila.**

Whereas, Subsequent to the resignation of our Finance Director, Nevrus Nazarko, a vacancy for the appointed Finance Director position was created; and
Whereas, Hughey Newsome has previously served in capacity of Chief Financial Officer, has earned two Master's degrees; and has the skills needed to serve the City of Pontiac in the capacity of Finance Director; and

April 9, 2019 Study Session Approved Minutes

Whereas, Article IV, Chapter 1, Section 4.106, of the Home Rule Charter states that the Mayor shall appointment for each department of the executive branch a director for each department, subject to the approval by Council; and

Whereas, the Mayor has appointed Mr. Hughey Newsome to the position of Finance Director, contingent on Council approval; and

Now, Therefore, Be It Resolved, that the Pontiac City Council does hereby approve Hughey Newsome to serve at the Finance Director performing the required duties and obligations of the Finance Director effective, Monday, April 15, 2019 at the base salary of \$131,040.00.

Ayes: Pietila, Waterman and Woodward
No: Taylor-Burks, Williams, Carter and Miller
Resolution Failed.

Received communication from the Mayor regarding letter to address City Council resolution requesting that Giarmarco, Mullins & Horton, P.C., assign another Attorney to Appear at City Council Meetings.

Councilman Don Woodward left the meeting.

19-128 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila
No: None
Motion Carried.

April 23, 2019 Approved Minutes

19-141 **Approval of the meeting minutes of April 16, 2019.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Waterman, Williams, Carter, Miller, Pietila and Taylor-Burks

No: None

Motion Carried.

Attorney Clark – Update on CPREA (City of Pontiac Retired Employees Association) will bring back on Tuesday.

Nineteen (19) individuals addressed the body during public comment.

19-142 **Suspend the rules to vote on items #2-#5.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman

No: None

Motion Passed.

19-143 **Resolution not to authorize the Establishment of the Position of Interim Finance Director.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the Pontiac City Charter does not provide for the role of “Interim Finance Director”; and, Whereas, the Pontiac City Council has not created a position for “Interim Finance Director.”

Now, Therefore, Be It Resolved, that the Pontiac City Council does not approve the position of Interim Finance Director.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: None

Resolution Passed.

19-144 **Motion to call for the vote on Item #3.** Moved by Councilperson Pietila and second by Councilperson Carter.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

19-145 **Resolution not to authorize a Salary to be paid for the Position of Interim Finance Director.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, section 4.301 of the Pontiac City Charter states, “a Finance Department is created in the executive branch of City government. The Finance Director shall have direct supervision over the finance department and the administration of the financial affairs of the City, including-the keeping of accounts

and financial records, the collection of taxes, special assessments and other revenue, and such other duties as may be prescribed by ordinance,” and,

Whereas, section 3.12 of the Pontiac City Charter provides, “no compensation or salary shall be paid to appointees, members of boards or commissions, or employees of the city except as approved by the Council.”

Now, Therefore, Be It Resolved, that the Pontiac City Council does not authorize a salary to be paid for the position of Interim Finance Director and hereby requires that before the position of Finance Director is filled, the Pontiac City Council must determine the salary.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams, Woodward and Carter

No: None

Resolution Passed.

19-146 Resolution to not approve the appointment of Hughey Newsome as Interim Finance Director. Council President Kermit Williams requested to amend the **Resolution to approve Mr. Hughey Newsome to serve as Interim Finance Director**. Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, on Tuesday, April 9, 2019, the Pontiac City Council was presented with a resolution from the Mayor to approve the Mayor’s recommendation to appoint Hughey Newsome as Finance Director for the City of Pontiac; and,

Whereas, the resolution stated, “the Mayor has appointed Mr. Hughey Newsome to the position of Finance Director, contingent on Council approval, effective April 15, 2019;” and,

Whereas, on April 9, 2019, the City Council voted and the resolution failed, Hughey Newsome was not confirmed to the position of Finance Director; and,

Whereas, the Mayor in an effort to circumvent the City Council, hired Hughey Newsome on April 17, 2019 as Interim Finance Director; and,

Whereas, the previous Finance Director was employed with the City of Pontiac for approximately five years and was paid, \$121,800.00 annually; and,

Whereas, the Mayor’s request, is to pay Hughey Newsome **\$131,040.00** annually, a salary that exceeds the previous Finance Director’s salary by ten thousand (**\$10,000.00**) dollars; and,

Whereas, the salary request exceeds the budgeted amount and has not been approved by the City Council; and,

Whereas, section 4.106 of the Pontiac City Charter allows the Mayor to appoint a director who serves at the pleasure of the Mayor and with each appointment subject to approval of the Council; and,

Whereas, only if a Mayoral appointment is not disapproved by the Council within 30 days is the appointment is effective.

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council approves Hughey Newsome serving as Interim Finance Director.

Ayes: None

No: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila

Resolution Failed.

June 18, 2020 Approved

20-297 **Motion to approve (DPW) Department of Public Works 265.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Department of Public Works (DPW) (Dept. 265)

- rr. Account 101-265-818.037 Note: Contractual Janitorial Services (Floor Waxing, Carpet Cleaning)
- ss. Add \$22,088.16 for Medical Marihuana Application Review For Engineering

Ayes: Waterman, Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks

No: None

Motion Carried.

DPW (Other Issues)

20-298 **Motion to approve DPW Department 265 other issues.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Other DPW Issues

- tt. Please provide a list of the right of way areas that MDOT is responsible for maintaining.
- uu. Increase Park budget by \$150,000 to cover the cost of park camera, bathroom repairs and part-time park rangers)
- vv. Add \$50,000 to Traffic Control for a Light Study

Ayes: Williams, Carter, Miller, Pietila, Shramski, Taylor-Burks and Waterman

No: None

Motion Carried.

Capital Outlay

20-299 **Motion to approve Capital Outlay Fund 202.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Capital Outlay (Fund 202)

- ww. Reduce Account 202-478-779-004 to \$40,000

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

20-300 **Motion to have a study on Ewalt Center Feasibility for \$25,000.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Waterman, Williams and Carter

No: None

Motion Carried.

July 29, 2019 Special

19-382 **Resolution to Override Mayor's Veto of Resolution 19-364, the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from Kajy Enterprise, Inc., parcel #64-14-16-402-030. Moved by Councilperson Carter and second by Councilperson Taylor-Burks.**

WHEREAS, on July 16, 2019, the City Council adopted a Resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 (Resolution 19-364); and,
WHEREAS, section 3.112(f) of the Home Rule Charter of the City of Pontiac, Michigan (Charter) requires the City Clerk to present the resolution to the Mayor; and,
WHEREAS, on July 22, 2019, the Clerk presented Resolution 19-364 to the Mayor; and
WHEREAS, section 3.112 (f) of the Charter allows the Mayor to veto the resolution; and,
WHEREAS, the Mayor issued a veto of Resolution 19-364; and,
WHEREAS, pursuant to Charter section 3.112(f), the City Council wishes to reconsider Resolution 19-364 the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 over the Mayor's veto. Five affirmative votes are required by Charter section 3112(f).
NOW THEREFORE, BE IT RESOLVED, by the Pontiac City Council that the Council hereby adopts Resolution 19-364 the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 over the Mayor's veto.

Ayes: Taylor-Burks, Williams, Woodward, Carter, Miller and Pietila
No: None
Resolution Passed.

19-383 **Resolution to Override Mayor's Veto of Resolution 19-369 to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.**

WHEREAS, on July 16, 2019, the City Council adopted a Resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government (Resolution 19-369); and,
WHEREAS, section 3.112(f) of the Home Rule Charter of the City of Pontiac, Michigan (Charter) requires the City Clerk to present the resolution to the Mayor; and,
WHEREAS, on July 22, 2019, the Clerk presented Resolution 19-369 to the Mayor; and
WHEREAS, section 3.112 (f) of the Charter allows the Mayor to veto the resolution; and,
WHEREAS, the Mayor issued a veto of Resolution 19-369; and,
WHEREAS, pursuant to Charter section 3.112(f), the City Council wishes to reconsider Resolution 19-369 the resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government over the Mayor's veto. Five affirmative votes are required by Charter section 3112(f).

July 29, 2019 Special

NOW THEREFORE, BE IT RESOLVED, by the Pontiac City Council that the Council hereby adopts Resolution 19-369 the resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government over the Mayor's veto.

Ayes: Williams, Woodward, Carter, Miller and Taylor-Burks

No: Pietila

Motion Passed.

19-384 Resolution to authorize the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable division. Moved by Councilperson Taylor-Burks and second by Councilperson Miller. Discussion of the floor to add entire language from the charter under the third "Whereas" of the resolution. After discussion, Councilperson Taylor-Burks withdrew her motion and Councilperson Miller withdrew her second.

19-384(b) Resolution amended to authorize the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable division. Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

WHEREAS, on July 16, 2019, the Pontiac City Council passed resolution 19-369, to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of the City government; and, WHEREAS, on July 24, 2019, Mayor Deirdre Waterman vetoed the resolution and provided a statement which states in part that the resolution is "null and void, non-implementable and unenforceable;" and, WHEREAS, section 4.204 of the Pontiac City Charter expressly states, "notwithstanding the above, the Council may engage independent legal counsel on a temporary basis where the Council is seeking enforcement of a Council subpoena or order, suing or being sued by any City agency or officer, or defending against any action or proceedings involving the Council's official duties. Further, the Council may obtain the opinion or advice of independent legal counsel in any matter pending before it." NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby authorizes the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable Division.

Ayes: Woodward, Carter, Miller, Taylor-Burks and Williams

No: Pietila

Amended Resolution Passed.

No Public Comment

Council President Kermit Williams Adjourned meeting at 10:42 a.m.

Ayes: Waterman, Williams, Miller, Pietila and Taylor-Burks
No: Carter
Resolution Passed.

Communications

Community Benefits Ordinance Timeline

Statement from the Mayor regarding Veto of An Ordinance to Amend Chapter 42, "Community Development", to add Article VII, entitled "Provisioning Center Community Benefits Agreements".

19-470 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman
No: None
Motion Carried.

19-471 **Resolution to Override the Mayor's Veto of Ordinance to Amend Chapter 42, "Community Development", to add Article VII, entitled "Provisioning Center Community Benefits Agreements".** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

RESOLUTION ADOPTING RESOLUTION 19-436 ADOPTION OF AN ORDINANCE TO AMEND CHAPTER 42 "COMMUNITY DEVELOPMENT" TO ADD ARTICLE VII, ENTITLED "PROVISIONING CENTER COMMUNITY BENEFITS AGREEMENTS" OVER MAYOR'S VETO

WHEREAS, on August 27, 2019, the City Council of the City of Pontiac adopted an ordinance to amend Chapter 42 "Community Development" to add Article VII entitled "Provisioning Center Community Benefits Agreements ; and,
WHEREAS, it is in the best interest of the City of Pontiac to adopt an ordinance allow developers of provisioning centers to enter into Community Benefits Agreements that identify potential negative aspects of such developments and identify proportional community benefits to the City of Pontiac to rectify those negative aspects.; and,
WHEREAS, the City of Pontiac recognizes amenities, benefits or commitments for the following purposes as community benefits such as Roads; Infrastructure, Road Repair, Potholes; Road Matching; Parks, Park Safety (cameras), Law Enforcement; High School Pool, Hawthorne Park (Water Park), Neighborhood Revitalization Plan; Job Training and Employment, Transitional Programs (previously incarcerated); Library and Literacy, Health Initiative Education; and Business Development Fund (to assist City of Pontiac residents with funding for businesses and with starting and growing businesses); and,
WHEREAS, the pledges of community benefits would be incorporated into Community Benefits Agreements that will be used in part to assist the City Clerk with scoring and ranking of provisioning center applications pursuant to City Ordinance 2357 (B); and

WHEREAS, on September 6, 2019, the Mayor vetoed the ordinance (resolution 19-436); and,
WHEREAS, pursuant to Pontiac City Charter Provision 3.112 (f), the City Council wishes to reconsider resolution 19-436 over the Mayor's veto. Five (5) affirmative votes are required by Pontiac City Charter Provision 3.112(f),
NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council that the Council hereby adopts the Resolution 19-436 over the Mayor's veto.

Ayes: Carter, Miller, Taylor-Burks, Waterman and Williams
No: Pietila
Resolution Passed.

Discussions

Bring back next week the discussion on the Dangerous Animal Ordinance

Bring back next week the discussion of Filling of the Council Vacancy District 2

19-472 **Suspend the rules to vote on items 11 and 12.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

19-473 **Resolution to authorize the posting of the vacant Legislative Fiscal Analyst position.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, on June 24, 2019, at a Special Meeting on the Budget, the Pontiac City Council passed the Fiscal Year 2019-2020 budget and General Appropriations Act; and,
WHEREAS, the Pontiac City Council included a Legislative Fiscal Analyst position in the budget with an annual salary of \$65,000 and with benefits comparable to other City employees.
NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council hereby authorizes the immediate posting of the Legislative Fiscal Analyst position.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams and Carter
No: None
Resolution Passed.

19-474 **Resolution to authorize the posting of the vacant Assistant City Clerk position.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

WHEREAS, on June 24, 2019, at a Special Meeting on the Budget, the Pontiac City Council passed the Fiscal Year 2019-2020 budget and General Appropriations Act; and,

September 24, 2019 Approved Minutes

Ayes: Waterman, Williams, Carter, Miller, Pietila and Taylor-Burks
No: None
Motion Carried.

19-482 **Approve the agenda as amended.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman
No: None
Motion Carried.

Formal Meeting

19-483 **Approval of meeting minutes for September 17, 2019.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

Received Finance Subcommittee Report – September 10, 2019

Discussions

Communication with the Executive Branch and Resolution to authorize Clark Hill PLC on behalf of the City Council to initiate legal action against Mayor Waterman and all other individuals' necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

19-484 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Ayes: Carter, Miller, Pietila, Taylor-Burks, Waterman and Williams
No: None
Motion Carried.

19-485 **Resolution to authorize Clark Hill PLC to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council's express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the mayor and the Clerk under City Charter. (Agenda Add-On)** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

WHEREAS, on or around July 16, 2019, the Pontiac City Council passed Resolution 19-369 and which instructed the Pontiac City Attorney to draft an amendment to City of Pontiac ordinance 2287 to place the Cable division and appointment of the Cable Director under the legislative branch of City government; thereby, under the direct supervision of the City Council; and,

WHEREAS, the City Attorney advised the Mayor of the City of Pontiac that Resolution 19-369 was “improper” and on or around July 22, 2019 the Mayor issued a veto; and,

WHEREAS, on or around July 29, 2019, the City Council overrode the Mayor’s veto of Resolution 19-369 by a vote of five to one; and,

WHEREAS, since July 29, 2019 the City Attorney has refused to draft an amended ordinance and has not presented a draft amended ordinance to the City Council for consideration; and,

WHEREAS, on September 19, 2019 the Mayor and the City Attorney have stated to a member of the City Council that resolutions presented and passed by the City Council are merely advisory and do not need to be followed by the Mayor or the City Attorney; and,

WHEREAS, the City Council has the authority under the City Charter and state law to revise or modify any order implemented by an Emergency Manager, including EM S-280. Resolution 19-369 was a proper exercise of that authority. The City Attorney’s opinion that it is improper under the City Charter and State law to make the changes to the applicable City ordinances is without merit; and,

WHEREAS, the City Council believes it is in the best interest of the City of Pontiac and the citizens, to amend the City of Pontiac ordinance to modify the organizational structure of the cable division; and,

WHEREAS, City of Pontiac Ordinance No. 2357(B) enacted the “City of Pontiac Medical Marijuana Facilities Ordinance,” and there is currently a moratorium on the application process based largely on the Mayor’s interpretation of the City Clerk’s powers and responsibilities under Ordinance No. 2357(B); and,

WHEREAS, during the last several City Council meetings there has been debate and discussion regarding the powers and responsibilities of City Council, the Mayor, the City Attorney, and the City Clerk under the City Charter regarding the above-referenced issues; and,

WHEREAS, the City Council is regrettably left with no option but litigation in order to enforce Resolution 19-369, to confirm and declare the powers and responsibilities under the City Charter as described above, and to seek a declaration that the Mayor’s and the City Attorney’s recent conduct is unlawful under Michigan law, including a violation of MCL 750.478; and,

NOW, THEREFORE BE IT RESOLVED by the Pontiac City Council that pursuant to Section 4.204 of the City Charter, the City Council’s attorneys, Clark Hill PLC, are authorized and directed to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council’s express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

Ayes: Miller, Taylor-Burks, Waterman, Williams and Carter

No: Pietila

Resolution Passed.

Adoption of an Ordinance to amend Chapter 42, “Community Development”, to add Article VII, entitled “community Benefit Agreements” (This ordinance was drafted by the City Attorney.)

WHEREAS, on or around July 16, 2019, the Pontiac City Council passed Resolution 19-369 and which instructed the Pontiac City Attorney to draft an amendment to City of Pontiac ordinance 2287 to place the Cable division and appointment of the Cable Director under the legislative branch of City government; thereby, under the direct supervision of the City Council; and,
WHEREAS, the City Attorney advised the Mayor of the City of Pontiac that Resolution 19-369 was “improper” and on or around July 22, 2019 the Mayor issued a veto; and,
WHEREAS, on or around July 29, 2019, the City Council overrode the Mayor’s veto of Resolution 19-369 by a vote of five to one; and,
WHEREAS, since July 29, 2019 the City Attorney has refused to draft an amended ordinance and has not presented a draft amended ordinance to the City Council for consideration; and,
WHEREAS, on September 19, 2019 the Mayor and the City Attorney have stated to a member of the City Council that resolutions presented and passed by the City Council are merely advisory and do not need to be followed by the Mayor or the City Attorney; and,
WHEREAS, the City Council has the authority under the City Charter and state law to revise or modify any order implemented by an Emergency Manager, including EM S-280. Resolution 19-369 was a proper exercise of that authority. The City Attorney’s opinion that it is improper under the City Charter and State law to make the changes to the applicable City ordinances is without merit; and,
WHEREAS, the City Council believes it is in the best interest of the City of Pontiac and the citizens, to amend the City of Pontiac ordinance to modify the organizational structure of the cable division; and,
WHEREAS, City of Pontiac Ordinance No. 2357(B) enacted the “City of Pontiac Medical Marihuana Facilities Ordinance,” and there is currently a moratorium on the application process based largely on the Mayor’s interpretation of the City Clerk’s powers and responsibilities under Ordinance No. 2357(B); and,
WHEREAS, during the last several City Council meetings there has been debate and discussion regarding the powers and responsibilities of City Council, the Mayor, the City Attorney, and the City Clerk under the City Charter regarding the above-referenced issues; and,
WHEREAS, the City Council is regrettably left with no option but litigation in order to enforce Resolution 19-369, to confirm and declare the powers and responsibilities under the City Charter as described above, and to seek a declaration that the Mayor’s and the City Attorney’s recent conduct is unlawful under Michigan law, including a violation of MCL 750.478; and,
NOW, THEREFORE BE IT RESOLVED by the Pontiac City Council that pursuant to Section 4.204 of the City Charter, the City Council’s attorneys, Clark Hill PLC, are authorized and directed to initiate legal action on behalf of the City Council against Mayor Waterman and all other individuals necessary to enforce the City Council’s express rights under the City Charter, including the right to adopt resolutions which have the effect of modifying or changing City Ordinances, and to declare the powers and responsibilities of the City Council, the Mayor and the Clerk under City Charter.

Ayes: Miller, Taylor-Burks, Waterman, Williams and Carter
No: Pietila
Resolution Passed.

Adoption of an Ordinance to amend Chapter 42, “Community Development”, to add Article VII, entitled “community Benefit Agreements” (This ordinance was drafted by the City Attorney.)

September 24, 2019 Approved Minutes

19-486 **Suspend the rules.** Moved by Councilperson Waterman and second by Councilperson Carter.

Ayes: Taylor-Burks, Waterman, Williams, Carter and Miller

No: None

Motion Carried.

Councilwoman Pietila was absent during the vote.

19-487 **Adoption of an Ordinance to amend Chapter 42, "Community Development", to add Article VII, entitled "Community Benefit Agreements". (Agenda Add-On)** Council President Williams proposed several amendments to the ordinance that was drafted by the City Attorney. The adoption of the ordinance with amendments Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller and Pietila

No: None

Ordinance Passed.

Please see "Attachment A for Ordinance with amendments" after the minutes.

Special Presentations (Presentation are limited to 5 minutes.)

Phoenix Center Settlement Agreement

Presentation Presenters: Mayor Waterman, City Attorney Anthony Chubb and Vince DeLeonardis, President, AUCH Construction

City of Pontiac Retired Employees Association (CPREA) -- Retiree Health Care Lawsuit Settlement Action Plan

Presentation Presenters: Mayor Waterman, Samantha Kopacz, Miller Canfield and City Attorney Rich Warren

Report Regarding Check Register, New Hires and Credit Card

Presentation Presenter: Mayor Waterman

Report-Jobs' Pipeline/Workforce Development Report – Silverdome Site Development Amazon

Presentation Presenter: Mayor Waterman

Councilwoman Mary Pietila left the meeting.

19-488 **Suspend the rules.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Waterman, Williams, Carter, Miller and Taylor-Burks

Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks
No: None
Motion Carried

Public Comment

Six (6) individuals submitted a public comment read by the City Clerk

Special Presentation

Update: Department of Public Works (DPW) Plan for Increased Park Maintenance and Clean-up to accommodate summer usage.

Presentation Presenter: Dan Ringo, Interim DPW Director

Suspend the Rules

20-359 **Motion to Suspend the Rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Williams, Carter, Miller, Pietila, Shramski and Taylor-Burks
No: None
Motion Carried.

Resolution

City Council

20-360 **Resolution that request the Mayor to provide to the City Council, a list of all outstanding bills and or invoices that are ninety (90) days old or older, with explanations as to why payments have not been made to be included in the Thursday, August 6, 2020 Council Agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

WHEREAS, the City Council has been informed by the Parliamentarian, Eleanor Siewert that she has outstanding invoices that date back to the beginning of the New Year; and,
WHEREAS, Clark Hill PLC despite being told they were going to receive payment by the City Attorney Anthony Chubb, also has outstanding invoices that date back to October of 2019; and,
WHEREAS, the outstanding invoices for both the Parliamentarian and Clark Hill, total close to Sixty Thousand (\$60,000.00) Dollars; and,
WHEREAS, the Council passed a resolution on June 17, 2020 to engage the Bonadio Group, a certified public accounting firm to perform a forensic audit and agreed to submit a retainer of Ten Thousand (\$10,000.00) Dollars; and,
WHEREAS, despite the Council having allocated the necessary funds in last year's budget and in this current fiscal year's budget, the Executive has not paid any of Council's contractors; and,
WHEREAS, this creates some serious concern and raises several questions including, how many other contractors have not been paid? How many other bills are outstanding and is the Executive not paying bills in hopes of reflecting an inaccurate fund balance?
NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council hereby requests that the Executive provide to the City Council, a list of all outstanding bills and or invoices that are ninety

(90) days old and older, with explanations as to why payments have not been made, all to be included in the Thursday, August 6, 2020 Council Agenda.

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks and Williams

No: None

Resolution passed.

Suspend the Rules

20-361 **Motion to Suspend the Rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Shramski.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Williams and Carter

No: None

Motion Carried.

Resolution

City Council

20-362 **Resolution for Charles Harold Moody.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

WHEREAS, It is the sense of this legislative body to pay proper tribute to individuals of remarkable character and whose lives have been dedicated to uplifting, inspiring and empowering the community; and;
WHEREAS, it is feelings of the deepest regret that the Pontiac City Council mourns the passing of Charles Harold Moody, a giving and loyal member of this community; and,
WHEREAS, Charles Harold Moody was born on March 4, 1946 in Mobile, Alabama to the late George Moody and Minnie-Bell Allen Moody; and,
WHEREAS, Charles Harold Moody in his early years was reared in the Mobile, Alabama school system where he attended Josephine Allen Elementary School and Central High School, later attended Bishop State Community College in 1966 and earned a Bachelor's Degree in Education in 1968 from Alabama State University; and,
WHEREAS, Charles Harold Moody, a recipient of the prestigious Kellogg Foundation Scholarship and destined for success, moved to Michigan where he was awarded a Master's in Education Administration from Oakland University in Rochester Hills, Michigan in 1980; and,
WHEREAS, Charles Harold Moody had a unwavering passion for the sciences and mechanics which propelled him to become a Certified Driver Education Instructor at Wayne State University in 1987; and,
WHEREAS, Charles Harold Moody continued to excel in academics and in 1992, graduated from Michigan State University with a unique, honor and designation, a Master's + 30 in School Administration which symbolized the attainment of 30 hours of university credit beyond the first Master's Degree; and,
WHEREAS, Charles Harold Moody embarked on an extraordinary 40 year career as an educator in Pontiac, Michigan which started with his joining the Pontiac School District in 1968 where he taught at Bethune Elementary School and ended with his retirement as a Principal from Whitmer Human Resources Center in 2008; and,
WHEREAS, Charles Harold Moody was a phenomenal educator and trail blazer who had the privilege of serving as a Title 1 Administrator, a District Science Consultant, a Regional Coordinator for the Hands on

20-25 **Approval of Amended Agenda.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Waterman, G. Williams, K. Williams, Carter, Miller, Pietila and Taylor-Burks
No: None
Motion Carried.

Approval of the Minutes

20-26 **Approve meeting minutes for January 14, 2020.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: G. Williams, K. Williams, Carter, Miller, Pietila, Taylor-Burks and Waterman
No: None
Motion Carried.

Resolutions

Mayor's Office

20-27 **Resolution to appoint Mr. Dan Ringo as the Director of Public Works for the City of Pontiac.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, the Mayor, in accordance with Article IV, Chapter 1, Section 4.106 appoints Dan Ringo as DPW Director for the Department of Public Works; and,
Whereas, in accordance with Article IV, Chapter 1, Section 4.106 such appointment is subject to approval by Council; and
Whereas, Dan Ringo has the credentials, experience, and professionalism necessary to be the DPW Director; and
Whereas, Dan Ringo has served as Deputy Director of Public Works since June 3, 2019;
Now, Therefore, Be It Resolved in accordance with appointment procedures provided by law and the City Charter, Dan Ringo is formally appointed, effective immediately, as Director of Public Worker for the City of Pontiac.

Ayes: Pietila and Waterman
No: K. Williams, Carter, Miller, Taylor-Burks and G. Williams
Resolution Failed.

Planning

20-28 **Resolution to approve the Specially Designed Distributor (SDD) Class C 'Bistro' License on behalf of the petitioner Fillmore 13 Brewery and that notice of approval be sent to the Michigan Liquor Control Commission for consideration.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac City Council chooses to engage in PA 58, 1998, MCL 436.1521a(1)(b) for the issuance of New On-Premises Development District License and establishment of Redevelopment

3. Sidewalks - \$125,000: to repair sidewalks throughout the City of Pontiac as outlined in Sidewalk Repair Area Map.

Now Therefore, Be It Resolved, that the Pontiac City Council approve the reprogramming of HOME Consortium funds for CDBG projects for Year 2020 for the proposed recommended projects for the \$250,000 amount previously allocated for Carriage Circle which was paid by Oakland County out of the Oakland County HOME Consortium fund.

Ayes: Taylor-Burks, Waterman, Carter, Miller, Pietila and Shramski
No: None
Abstain: Williams
Amendment Resolution Passed

Resolution

Pontiac Youth Recreation and Enrichment Center (PYREC)
21-204 **Emergency resolution to Mitigate Expected Damages through an Extension of the Lease Agreement for 825 Gold Drive.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Whereas, the City Council has elected to reject the option to purchase the property at 825 Golf Dr. pursuant to the lease agreement and likewise rejected the owners offer to continue the lease on either a month to month or three year basis; and

Whereas, the City must vacate the entire premises by June 30, 2021 or be considered a hold over tenant which will cause the city to be charged additional rent and damages; and

Whereas, the property owner is in agreement to grant a three month extension on the lease agreement to continue programming, manage a schedule to close the center, and mitigate additional damages.

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby Authorize the Mayor to review and execute a three (3) month extension to the Lease Agreement for 825 Golf Drive to allow for the City to timely re-program scheduled youth activity, determine a place and process for vacating the premises, and to avoid any extended damages during the extension.

Ayes: None
No: Waterman, Williams, Carter, Miller, Shramski and Taylor-Burks
Resolution Failed
Councilwoman Pietila was absent during the vote

Mayoral Monthly Report

Personnel Monthly Staff Report (No report was submitted.)

Monthly Check Register (Per the Administration, the check registers are posted on the city's website <http://pontiac.mi.us/departments/finance/finacialreports.php#revizedocumentcenterrz3702>)

City Credit Card Statement (Per the Administration, the credit card statement was given directly to Council Members by the Finance Director.)

Public Comment

Three (3) individuals addressed the body during public comment

Mayor, Clerk and Council Closing Comments

Mayor Waterman, Interim Clerk Doyle, Pro-Tem Randy Carter, Councilwoman Miller, Councilwoman Pietila, Councilwoman Shramski, Councilwoman Taylor-Burks, Councilwoman Waterman and President Williams made closing comments.



CITY OF PONTIAC CITY COUNCIL

**EMERGENCY RESOLUTION TO MITIGATE DAMAGE AND EXTEND LEASE
AGREEMENT FOR 825 GOLF DRIVE**

AT A REGULAR meeting of the Pontiac City Council of the City of Pontiac, Michigan, held at Pontiac City Hall on _____, 2021, the following resolution was offered by _____ and supported by _____.

Whereas, the City Council has elected to reject the option to purchase the property at 825 Golf Dr pursuant to the lease agreement and likewise rejected the owners offer to continue the lease on either a month to month or three year basis; and

Whereas, the City must vacate the entire premises by June 30, 2021 of be considered a hold over tenant which will cause the city to be charged additional rent and damages; and

Whereas, the property owner is in agreement to grant a three month extension on the lease agreement to continue programming, manage a schedule to close the center, and mitigate additional damages.

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby Authorize the Mayor to review and execute a three (3) month extension to the Lease Agreement for 825 Golf Drive to allow for the City to timely re-program scheduled youth activity, determine a place and process for vacating the premises, and to avoid any extended damages during the extension.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this ____ day of _____, 202.

AYES: _____

NAYS: _____

I, Garland Doyle, Interim Clerk of the City of Pontiac, hereby certify that the above Resolution is a true copy and accurate copy of the Resolution passed by the City Council of the City of Pontiac on _____, 2021.

GARLAND DOYLE, City Clerk

Dated: _____, 2021

#9

RESOLUTION

Resolution of the Pontiac City Council



Resolution to Set Special Election for May 3, 2022

Whereas, Proposal A stated the question “Shall the 1982 Charter for the City of Pontiac be revised by a Charter Commission to be selected by the electorate?”; and,

Whereas, Pontiac voters approved Proposal A on August 3, 2021; and,

Whereas, Michigan Public Act 279 of 1909 117.18 Incorporation; revision of charter, procedure, commission, advisory vote; incorporation of provision in original charter granted by legislature states “No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission. The names of all candidates so nominated shall be placed upon a separate ballot at the election designated to be held for the election of a charter commission without their party affiliations designated; the 9 candidates having the greatest number of votes shall be declared elected; and,

Whereas, the Pontiac City Council sets a Special Election on May 3, 2022 for the purposes of electing charter commissioners.

Now, Therefore, Be It Resolved, that the Pontiac City Council, schedules a special election for May 3, 2022 for the election of a charter commission

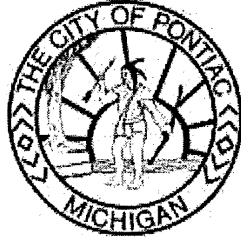
**The City of Pontiac
Charter Commission Information Sheet**

Qualifications to run for office:	<p>Citizen of the United States, a current resident of Pontiac and must remain a resident throughout the tenure in elected office.</p> <p>No city officer or employee, whether elected or appointed, shall be eligible to be on the commission.</p>
Officer to be elected:	<p>Nine (9) Members. The nine candidates having the greatest number of votes shall be declared elected.</p> <p>**Reference MCL 117.18</p>
Method of filing:	<p>Non-Partisan Nominating Petitions.</p>
Signature requirement:	<p>Minimum of 146 and maximum of 292 registered voter signatures (which is equivalent to 2% - 4% of the 7285 voter turnout for November 2, 2021 Mayoral election).</p> <p>**Reference MCL 117.18</p>
Filing deadline:	<p>January 18, 2022 at 4 PM. Must file an Affidavit of Identity.</p> <p>**Reference MCL 168.322</p>
Withdrawal deadline:	<p>January 21, 2022 at 4 PM. Withdrawals must be submitted in writing.</p> <p>**Reference MCL 168.322a</p>
Date of the Election:	<p>May 3, 2022.</p>
Compensation:	<p>There is no compensation for candidates of this elected office.</p>

#10

RESOLUTION

Resolution of the Pontiac City Council



Whereas, the City of Pontiac timely approved the FY 2021-2022 budget on June 24, 2021; and

Whereas, the City Clerk is requesting \$31,200 in funds to be transferred from the general fund balance GL Account 101-000-390.000 to the following accounts 101-191-702.004 overtime wages \$1,200; 101-191-740.000 operating supplies \$10,000; 101-191-809.000 services-elections \$10,000; 101-215-809.002 Charter Commission; and

Whereas, these transfers are necessary to pay for the additional cost that will be incurred for the Special Election on May 3, 2022 and to support the Charter Commission and

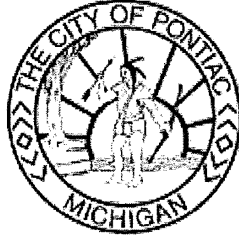
Whereas, section 5.106 of the Charter states "after adoption of the appropriations ordinance, and upon at least one week's notice in a newspaper of general circulation in the City, the Council by a resolution of five members, may amend such ordinance to authorize the transfer of an unused balance appropriated for one purpose to another purpose, or to appropriate available revenues not previously appropriated."; and

Now therefore, be it resolved that the City Council authorizes the City Clerk to post the proposed budget amendment in the Oakland Press.

#11

RESOLUTION

Resolution of the Pontiac City Council



Resolution to Change the Date of the City Council Meeting on December 30, 2021 at 12:00 pm. to December 28, 2021 at 12:00 p.m.

Whereas, the Pontiac City Council scheduled a meeting on Thursday, December 30, 2021 at 12:00 p.m. in the City Council Chambers.

Now, Therefore, Be It Resolved, that the Pontiac City Council reschedules its meeting set for December 30, 2021 at 12:00 p.m. to December 28, 2021 at 12:00 p.m. in the Council Chambers.

#11b

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President and City Council Members

FROM: Linnette Phillips, Director, Economic Development

THROUGH: Mayor Deirdre Waterman

DATE: December 14, 2021

RE: Resolution to Approve CDBG Program Year 2022 Projects

Overview

The City of Pontiac's application deadline for the Community Development Block Grant (CDBG) Program Year 2022 is due for submission to Oakland County on December 17, 2021, no later than 5:00 pm EST. A total allocation of \$798,883 is projected for the CDBG Program Year 2022. The City of Pontiac (COP) is a sub-recipient to Oakland County to administer the program. Contractors submit invoices to the COP who processes for the County to reimburse and directly pay the contractor. Program Year 2022 funds are allocated for calendar year 2023 spending.

Prior to the City Council voting to approve the application, a public hearing will need to be held at the meeting on December 14, 2021. The notice for the public hearing should be posed by Dec. 3, 2021. We are required to inform the public at least 10 days prior to the public hearing.

After the Public Hearing, we are requesting approval of the submission of CDBG Application for Program Year 2022 projects approved by City Council.

Proposed Projects Considered for Recommendation for CDBG PY2022

The Honorable City Council proposed all CDBG funds to repair Sidewalks throughout the City of Pontiac:

Sidewalks for \$798,883: Funds to repair sidewalks throughout the City of Pontiac. Priority for sidewalk repair is based on complaint areas in neighborhoods, and the amount of repairs needed. DPW have a generated complaint referred to for repairs. See map attached



CITY OF PONTIAC CITY COUNCIL

**RESOLUTION TO APPROVE SUBMISSION OF COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) FOR
PROGRAM YEAR 2022 RECOMMENDED PROJECTS**

Whereas, the City of Pontiac is submitting an application for the Community Development Block Grant; and

Whereas, the grant application will be submitted on December 17, 2021 to Oakland County for Program Year 2022 projects; and

Whereas, a Public Hearing is required with a minimum 10 notice, published by December 3, 2021 to the public; and

Whereas, we are requesting to hold the Public Hearing on December 14, 2021 at 6:00; and

Whereas, the following project is proposed for consideration:

Sidewalks for \$798,883. Funds to repair sidewalks throughout the City of Pontiac.

Now Therefore be it Resolved, that the Pontiac City Council approve submission of the Community Development Block Grant Application for Program Year 2022 for proposed projects approved by the honorable City Council on December 14, 2021.

CITY OF PONTIAC



CITY OF PONTIAC CITY COUNCIL

NOTICE OF PUBLIC HEARING

RECOMMENDING PROGRAM YEAR 2022 COMMUNITY DEVELOPMENT BLOCK GRANS (CDBG)

NOTICE IS HEARBY GIVEN that the City of Pontiac will hold a public hearing to recommend Community Development Block Grant (CDBG) projects for Program Year 2022. The recommendation is the entire allocated amount of \$798,883 be appropriated for Sidewalks.

Public Comment For individuals who desire to make a public comment, please submit your name and comment in writing to publiccomments@pontiac.mi.us by 5:00 PM, December 13, 2021. Additionally, you may submit your public comment in writing directly to the Office of the Interim City Clerk gdoyle@pontiac.mi.us

The hearing will be held on **Tuesday, December 14, 2021 at 6:00 pm at the City of Pontiac City Council Chambers at Pontiac City Hall, 47450 Woodward Avenue, 2nd Floor in Pontiac, Michigan.**

#12

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

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

FROM: Abdul H Siddiqui, PE, City Engineer

DATE: December 14, 2021

RE: MDOT Annual Permit Performance Resolution

Every year, the Department of Public Works (DPW) applies for an annual permit from the Michigan Department of Transportation (MDOT) to perform routine and emergency maintenance on City owned utilities such as street lighting in MDOT right of way in the City.

The attached Performance Resolution is required by MDOT as a condition for issuing this permit as well as any other permit to any municipality. This year, the Performance Resolution text has been revised by MDOT and therefore they are requiring a new approval from the City Council.

DPW has reviewed the attached Performance Resolution and recommends that City Council vote to approve it.

AHS

attachments

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____ City of Pontiac
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

Director of the Department of Public Works

Deputy Director of the Department of Public Works

City Engineer

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____ City Council
(Name of Board, etc.)

of the _____ City of Pontiac _____ of _____ Oakland County
(Name of MUNICIPALITY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

Signed

Title

Print Signed Name

#13

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Kermit Williams and City Council

FROM: Darin Carrington, Finance Director

DATE: December 10, 2021

RE: **Resolution to approve extend the agreement on a month-to-month basis beginning January 1, 2022.**

WHEREAS, the City and Contractor entered into an Agreement on the 16th day of February, 2011; and,

WHEREAS, the City and Contractor have amended the Agreement via Amendments A through J, most recently in December 2020; and,

WHEREAS, the Contractor has demonstrated its ability to faithfully execute the terms of the Agreement; and,

WHEREAS, the City recognizes the importance of maintaining uninterrupted Building Safety services for residents and businesses; and,

WHEREAS, the City currently does not have staff to perform these services without significant interruption and disruption for the citizens of Pontiac; and,

WHEREAS, it is in the best interest of the City and the Contractor to extend the current agreement to insure uninterrupted services to the Citizens of Pontiac; and,

NOW, THEREFORE, the City and Contractor agree to extend the Agreement, for the following professional services and conditions:

1. Extend the contract on a month-to-month basis until December 31, 2022
2. Amend Section 3.2.1 to read as follows as follows:
3. Compensation. Contractor shall receive from January 1, 2022 through December 31, 2022, a monthly payment from the City in the amount of \$146,670.



**DR. DEIRDRE WATERMAN
MAYOR
CITY OF PONTIAC**

October 8, 2021

Chip Smith
Wade Trim Associates
500 Griswold
Detroit, MI 48226

Re: City of Pontiac/Wade Trim Associates

Dear Chip:

As you know, our records indicate that the contract between the City of Pontiac and Wade Trim Associates is set to expire on December 31, 2021. We are appreciative of the service that Wade Trim Associates has provided to the citizens of Pontiac during this time.

With the upcoming expiration date, we would like to have discussions regarding the renewal of this agreement. Such discussions would include a review of the services that have been provided and projected costs.

Felicia Rutledge will reach out to you shortly to arrange some mutually agreeable dates. At that time, please indicate who your contact and representative will be for said discussions.

Sincerely,

Deirdre Waterman, Mayor
City of Pontiac

47450 Woodward Avenue • Pontiac, Michigan 48342
Direct: (248) 758-3181 • Appointments: (248) 758-3326 • Fax: (248) 758-3292
E-mail: DWaterman@pontiac.mi.us • www.pontiac.mi.us
<https://www.facebook.com/pontiacmayor/>

11/3/21

Wade Trim Contract – Executive Summary (November 2021)

Background:

This Agreement is for the Contractor to operate and maintain the City's Building and Safety Department. This Agreement was initially entered into in February 2011. It has been extended several times through various amendments since that time. The most recent Amendment J went into effect on January 1, 2021.

Scope of Work:

Contractor provides all services and employees for the City's Building and Safety Department

Term:

Current term of this Agreement runs from January 1, 2021 – December 31, 2021. This term may be extended on a month-to-month basis through December 31, 2022. Additionally, the Agreement can be terminated after the initial term with 90 day notice by either party.

Compensation:

Under this Agreement, the City pays the Contractor at a monthly rate of \$143,795. This rate is in effect until December 31, 2021. Beginning January 1, 2022, this rate increases 2% to a monthly rate of \$146,670.

Contact:

Wade Trim: Chip Smith
City of Pontiac: Mayor's Office, Finance Department

analisis burgen repore

Contract Distribution Sheet



Contract Name:	Wade Trim - Addendum J	
COUNCIL RESOLUTION #	DATE	
Brief Overview:	building safety services	
Approved by Council:	12/22/2020	
Signed by:	Signature:	Date:
Deirdre Waterman - Mayor	<i>D. Waterman</i>	1/25/21
Charles Smith - Wade Trim		
Fully Executed Copy of Document Sent to:	Signature	Date:
Mike Wilson - Building Dept.		
Adrienne Zeigler - Purchasing Agent		
SIGNED ORIGINAL Document Sent to:	Signature	Date:
Garland Doyle - City Clerk		
Date entered Into LaserFiche		

**City of Pontiac
Professional Services Agreement
Addendum J
Amendments to a Professional Services Agreement between
the City of Pontiac and Wade Trim Associates, Inc.**

December 22, 2020

The following recitals and representations are entered into this ____ day of December, 2020, by and between the City of Pontiac, a municipal corporation, whose address is 47450 Woodward Avenue, Pontiac, Michigan 48342, (City), and Wade Trim Associates, Inc., a Michigan corporation, licensed to do business in the State of Michigan, whose address is 500 Griswold Avenue, Suite 2500, Detroit, Michigan 48226, (Contractor), and are intended to amend an Agreement for Professional Services (Agreement) originally executed by the City and Contractor on February 16, 2011.

Recitals and Representations

WHEREAS, the City and Contractor entered into an Agreement on the 16th day of February, 2011; and,

WHEREAS, the City and Contractor have amended the Agreement via Amendments A through I, most recently in December 2018; and,

WHEREAS, the Contractor has demonstrated its ability to faithfully execute the terms of the Agreement; and,

WHEREAS, the City recognizes the importance of maintaining uninterrupted Building Safety services for residents and businesses; and,

WHEREAS, the City currently does not have staff to perform these services without significant interruption and disruption for the citizens of Pontiac; and,

WHEREAS, it is in the best interest of the City and the Contractor to extend the current agreement to insure uninterrupted services to the Citizens of Pontiac; and,

NOW, THEREFORE, the City and Contractor agree to amend the original Agreement, for the following professional services and conditions:

1. Amend Section 2.3 to read as follows:

Duration: As budgeted, starting January 1, 2021 extend Building and Safety Services through December 31, 2021 with an option to extend further on a month-to-month basis until December 31, 2022 by mutual agreement and with 90-day advanced notice of termination by either party.

2. Amend Section 3.2.1 to read as follows as follows:

3.2 Compensation. Contractor shall receive compensation in the following manner:

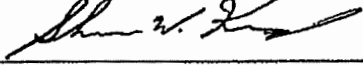
3.2.1 For the period commencing January 1, 2021 and ending December 31, 2021, a monthly payment from the City in the amount of \$143,795.

If the mutual option is exercised, then for the period commencing January 1, 2022 and continuing on a month-to-month basis up until December 31, 2022, a monthly payment from the City in the amount of \$146,670.

ADDENDUM J is executed and made effective as provided above.

Contractor:

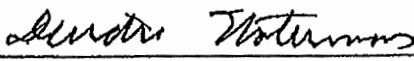
Wade Trim Associates, Inc.

By: 

Printed Name: Shawn W. Keough

Title/Position: Senior Vice President

City of Pontiac:

By: 

Printed Name: DEYMORE WATERMAN

Title/Position: MAYOR

#14

RESOLUTION



MEMORANDUM

City of Pontiac
Finance Department
47450 Woodward Avenue
Pontiac, Michigan 48342
Telephone: (248) 758-3118

DATE: December 8, 2021

TO: Honorable Mayor and City Council

FROM: Darin Carrington – Finance Director

SUBJECT: Law Enforcement Service Agreement with Oakland County Sheriff's Office

The City of Pontiac has been contracting with the Oakland County Sheriff for providing law enforcement services for the City. The City's current Law Enforcement Service Agreement with the Oakland County Sheriff's office will expire on December 31, 2021. The Sheriff's office has proposed a new Three (3) year contract for the period from January 1, 2022 thru December 31, 2024. This proposed agreement and the rates for the agreement are scheduled to be presented before the Oakland County Board of Commissioners on December 9, 2021.

Most of the provisions in the contract remains the same except the number of officers and compensation amount. As you will recall, beginning in this fiscal year, the City added several new deputies for road patrol and additional community policing resources. The rates charged under the proposed agreement would increase in average by 1.82% for 2022 and 2.70% for 2023 and 2.78% for 2024. There are no major changes in the contract terms and condition except the number of contracted officers and the compensation amount as given below:

Contracted Officers	Year 2018 to 2021	Year 2022 to 2024
Captain	1	1
Lieutenant	2	3
Patrol Sergeant	7	8
Detective Sergeant	1	1
Deputy II	50	61
Patrol Investigator	18	18
Front Desk Security Deputies	12	12
Office Support Clerk	4	2
Office Specialist		1
Total	95	107

Contract Amount

<u>Existing Contract</u>			<u>Proposed Contract</u>		
<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
\$11,314,497	\$11,641,970	\$11,979,684	\$14,971,426	\$15,370,279	\$15,791,666

If Council agrees that the Law Enforcement Service Agreement with the Oakland County Sheriff office renewed for three (3) more years, then the following resolution would be in order:

WHEREAS, the O.C.S.O has demonstrated its ability to faithfully execute the terms of the Agreement for the last three years; and,

WHEREAS, the City recognizes the importance of maintaining uninterrupted Law Enforcement Services at the City of Pontiac; and,

WHEREAS, the City currently does not have its own Police Department; and,

WHEREAS, it is in the best interest of the City and the O.C.S.O to enter into an agreement for three more years; and,

NOW, THEREFORE, the City and O.C.S.O to enter in to an Agreement, for the Law Enforcement Services at the City of Pontiac:

Now, therefore, be it resolved, that the City Council for the City of Pontiac approve the attached Law Enforcement Service Agreement with the Oakland County Sheriff's Office for a period of three years from January 1, 2022 to December 31, 2024.



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

Good morning,

Here are the total stats since the transition from July 31, 2011, from Pontiac Police Department to the Oakland County Sheriff's Office. Also, I have broken it down by each year.

Totals

Call for service: 675,457

Incident Report written: 78,283

Case assigned to the Detective Section: 42,461

Arrests made: 51,819

Warrants obtained by the Detective Section: 10,688

Traffic Citations issued: 89,193

Guns seized: 763

Narcansaves: 176 (Since 2018)

2011 (July-December 2011)

Call for service: 30,244

Incident Report written: 1,748

Case assigned to the Detective Section: 915

Arrests made: 1,077

Warrants obtained by the Detective Section: 368

Traffic Citations issued: 6,685

Guns seized: 10

2012

Call for service: 63,599

Incident Report written: 8,949

Case assigned to the Detective Section: 4,411

Arrests made: 4,490

Warrants obtained by the Detective Section: 706

Traffic Citations issued: 8,871

Guns seized: 12



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

2013

Call for service: 64,276
Incident Report written: 8,025
Case assigned to the Detective Section: 4,217
Arrests made: 4,925
Warrants obtained by the Detective Section: 545
Traffic Citations issued: 11,454
Guns seized: 16

2014

Call for service: 64,602
Incident Report written: 6,941
Case assigned to the Detective Section: 3,693
Arrests made: 4,900
Warrants obtained by the Detective Section: 484
Traffic Citations issued: 9,835
Guns seized: 42

2015

Call for service: 62,502
Incident Report written: 7,475
Case assigned to the Detective Section: 4,041
Arrests made: 5,171
Warrants obtained by the Detective Section: 596
Traffic Citations issued: 7,769
Guns seized: 45

2016

Call for service: 68,902
Incident Report written: 7,225
Case assigned to the Detective Section: 3,800
Arrests made: 5,905
Warrants obtained by the Detective Section: 1,289
Traffic Citations issued: 10,309



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

Guns seized: 81

2017

Call for service: 68,939

Incident Report written: 7,216

Case assigned to the Detective Section: 3,861

Arrests made: 5,900

Warrants obtained by the Detective Section: 1,254

Traffic Citations issued: 10,309

Guns seized: 57

2018

Call for service: 65,919

Incident Report written: 7,497

Case assigned to the Detective Section: 4,242

Arrests made: 5,243

Warrants obtained by the Detective Section: 1,194

Traffic Citations issued: 8,407

Guns seized: 72

Narcans saved: 17

2019

Call for service: 65,242

Incident Report written: 7,464

Case assigned to the Detective Section: 4,536

Arrests made: 4,416

Warrants obtained by the Detective Section: 1,365

Traffic Citations issued: 4,462

Guns seized: 132

Narcans saved: 38



**COUNTY OF OAKLAND
OFFICE OF THE SHERIFF
MICHAEL J. BOUCHARD
Pontiac Substation**

2020

Call for service: 65,803

Incident Report written: 8,519

Case assigned to the Detective Section: 4,626

Arrests made: 5,243

Warrants obtained by the Detective Section: 1,627

Traffic Citations issued: 7,464

Guns seized: 120

Narcan saves: 24

2021 (January-November)

Call for service: 55,429

Incident Report written: 7,224

Case assigned to the Detective Section: 4,119

Arrests made: 3,549

Warrants obtained by the Detective Section: 1,260

Traffic Citations issued: 3,628

Guns seized: 176

Narcan saves: 97

-650 vehicles have been tagged for abandon throughout the city during this year

-56 community events have been attended by community deputies along with the school events this year.

-162 cases were assigned to the School Resources Officer this year

#15

RESOLUTION



CITY OF PONTIAC
Department of Building Safety & Planning
PLANNING DIVISION

47450 Woodward Ave | PONTIAC, MICHIGAN 48342
TELEPHONE: 248.758.2800

Mayor Deirdre Waterman

TO: HONORABLE MAYOR WATERMAN, COUNCIL PRESIDENT WILLIAMS & PONTIAC CITY COUNCIL

FROM: VERN GUSTAFSSON, PLANNING MANAGER

**SUBJECT: 770 ORCHARD LAKE ROAD
AMORPHOUS SOLID LLC DBA EPIPHANY GLASS
PROPOSED CONVEYANCE BY QUIT CLAIM DEED
NORTHWEST 20 FEET OF LOTS 8 & 9**

DATE: DECEMBER 6, 2021

The owner of property located at 770 Orchard Lake Road PIN 64-14-31-403-007 is Amorphous Solid LLC, dba Epiphany Glass. The property consists of lots 8 and 9 of the Elkins addition to the City of Pontiac Subdivision, other than the northwest 20 feet of the lots. The northwest 20 feet of the lots PIN 64-14-31-403-006 were conveyed to City via a Warranty Deed in 1956. From the City Attorney review of legal records, the conveyance was made for an alley; there is no evidence that an alley was constructed.

Despite the northwest 20 feet of Lots 8 and 9 being titled to the City, the property is on the tax rolls and Amorphous Solid LLC has paid property taxes on the City parcel since 2001, see Exhibit "G" of the attachment. The City Attorney's office suggests Pontiac City Council approve the City's quit claiming of the northwest 20 feet of lots 8 and 9 to Amorphous Solid LLC. A resolution to approve the conveyance of the property to Amorphous Solid LLC is included in the attachment, as Exhibit "I" and the Quit Claim Deed to Amorphous Solid LLC [for no monetary consideration] is attached as Exhibit "J".

ATTORNEY-CLIENT PRIVILEGED MEMORANDUM

TO: Mayor Deirdre Waterman
City Council

FROM: George A. Contis, Esq.

CC: John Clark, Esq. and Anthony Chubb, Esq.

DATE: October 13, 2021

RE: 770 Orchard Lake Road – Proposed Conveyance by Quit Claim Deed of Northwest 20 feet of Lots 8 and 9, Elkins Addition City of Pontiac According the Plat Recorded in Liber 8, Page 6, Oakland County Records

The current owner of the real property located at 770 Orchard Lake Road (Tax Parcel Number 64-14-31-403-007) is Amorphous Solid LLC, a Michigan limited liability company (“Amorphous”). The property consists of Lots 8 and 9 of the Elkins addition to City of Pontiac Subdivision other than the northwest 20 feet of the referenced Lots. The northwest 20 feet of the lots (Tax Parcel Number 64-14-31-403-006) were conveyed to the City via a Warranty Deed dated May 18, 1956 and recorded June 21, 1956 in Liber 3545, Page 145, Oakland County Records (See Exhibit “A”). From all accounts, it appears that the conveyance was made so that an alley could be constructed. There is no indication that an actual alley was constructed on the parcel; so it existed as a paper alley. A depiction of the property in question is provided on the attached Exhibit “B.”

Conveyances of 770 Orchard Lake Road Since 1995

- Hod’s Radio & Television Service, Inc., a Michigan corporation, received the property via warranty deed dated June 15, 1995 and recorded October 11, 1995 in Liber 15734, Page 594, Oakland County Records. The recorded copy of the warranty deed (attached as Exhibit “C”) conveyed “parts of Lots 8 and 9.”
- Jason Ruff and April Wagner, as joint tenant with rights of survivorship received the property via Warranty Deed dated June 11, 1997 and recorded June 24, 1997 in Liber 17324, Page 580, Oakland County Records. The recorded copy of the warranty deed (attached as Exhibit “D”) conveyed lots 8 and 9 except for the northwesterly 20 feet thereof.
- Amorphous received the property via quit claim deed (from Mr. Ruff and Ms. Wagner) dated October 26, 2011 and recorded October 31, 2011 in Liber 42520, Page 95, Oakland County

Records (attached as Exhibit "E"). Mr. Ruff and Ms. Wagner conveyed more than what they originally received from Hod's Radio & Television Service, Inc. In other words, they also conveyed the northwest 20' of the Lots 8 and 9 even though that property was owned by the City.

A title insurance commitment (attached as Exhibit "F") provided by the proposed lender for Amorphous (it is attempting to refinance its mortgage debt) confirms the status of ownership as to the two parcels.

Tax Payment History

Despite record title being of the northwest 20 feet of Lots 8 and 9 being held by the City, the property in question is on the tax rolls and Amorphous has paid property taxes on the City parcel since at least 1999 (attached Exhibit "G"). Evidence of Amorphous' payment of property taxes on its own parcel is set forth on Exhibit "H."

Conclusion

Despite the northwest 20 feet of Lots 8 and 9 being titled to the City, it appears on the tax rolls which taxes have been paid by Amorphous since at least 1999 (BS&A online records only go back to 1999). In light of this, the City Attorney's office recommends that Council approve the City's quit claiming of the northwest 20 feet of Lots 8 and 9 to Amorphous. The question of whether the conveyance should be done for no consideration (*gratis*) is for Council to determine. A proposed resolution approving the conveyance of the property to Amorphous is attached as Exhibit "I." The proposed quit claim deed to Amorphous (for no monetary consideration) is attached as Exhibit "J."

I would be pleased to answer any questions or comments you may have when this matter comes before you for consideration

EXHIBIT "A"

WARRANTY DEED - Standard Form
 100 REP. P.A. 1947 - 100-1071

1343345 REG 140 Abstract and Title Guaranty Company
 Detroit, Michigan, Ala. Clerks, Wash. D.C.

4/10/56

KNOW ALL MEN BY THESE PRESENTS: That Bernard C. Seiber and Marion B. Seiber, also with
 and Howard L. Cooley and Marie Cooley, his wife,

of the City of Pontiac, a Municipal Corporation,

whose Street Address and Post Office Address is 35 S. Parke Street, Pontiac, Michigan.

do hereby sell and convey unto the City of Pontiac,
 Oakland and State of Michigan, to-wit:

The northwesterly 24 feet of Lots 8 and 9, Elkins Addition, City of Pontiac,
 Oakland County, Michigan, according to the recorded plat in Liber
 page _____ Oakland County Register of Deeds Office.

TO HAVE AND TO HOLD the premises, heretofore and hereinafter described, unto the City of Pontiac,
 for the sum of _____ Dollars (\$ _____) and other valuable considerations,
 subject to _____

Dated this 18th day of May, A. D. 1956 Signed and Sealed:

Richard S. Jorgensen (L.S.)
 Bernard C. Seiber (L.S.)
 Richard A. Cardona (L.S.)
 Marion B. Seiber (L.S.)
 Howard L. Cooley (L.S.)
 Marie Cooley (L.S.)

In the STATE OF MICHIGAN, COUNTY OF Oakland
 On this 18th day of May, A. D. 1956 before me personally
 appeared Bernard C. Seiber and Marion B. Seiber, his wife and Howard L. Cooley and
 Marie Cooley, his wife,
 to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they
 executed the same as their free act and deed.

My commission expires _____ A. D. 19 _____
 Notary Public, Oakland County, Mich.
 Thelma Setter
 Thelma Setter,
 Notary Public, Oakland County, Michigan

By Commission Expires August 1, 1958
 County Treasurer's Certificate

30

30

Recording Fee _____
 U. S. Revenue Stamps _____

When recorded refers to _____

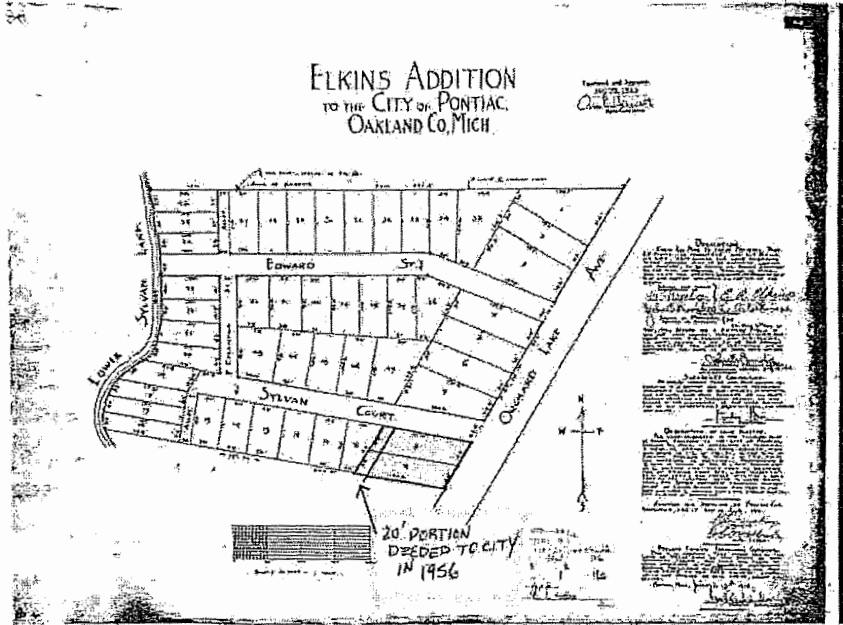
TITLE INSURANCE - ABSTRACTS - ESCROWS

TITLE INSURANCE - ABSTRACT

EXHIBIT "B"

OAKLAND, MI Departmental Map 86
Printed on 6/15/2011 1:21 PM

Page 1 of 1



Branch 1022 User: JNCAV

Order: 1000788

EXHIBIT "C"

15734-594

NOTICED - Sheriff's Post
DEC 11 1975 81

KNOW ALL MEN BY THESE PRESENTS: That BERNARD SEIBER and MARION SEIBER, his wife; MAX E. TESTER and JOYCE TESTER, his wife; RICHARD JORGENSEN, a/k/a RICHARD JORGENSEN and ELMORA JORGENSEN, a/k/a NORA JORGENSEN, his wife.

whose address is 3486 Norner Drive, Waterford, Michigan 48329

Convey(s) and Warranty to HOO's RADIO & TELEVISION SERVICE, INC.

whose address is 778 Orchard Lake Road, Pontiac, MI 48341

the following described premises situated in the City of Pontiac, County of Oakland, and State of Michigan, to wit:

Lots 8 and 9 of Erika's Addition, being part of S 1/2 of Section 31, City of Pontiac, as recorded in Liber 3536, Page 147 of records, Oakland County, Michigan.

14-31-403-204 Pt. of LOTS 8 & 9
-007 Pt. of LOTS 8 & 9
8006

\$ 9.00 REEF
\$ 2.00 RECOMMENDATION
11 OCT 95 7:52 A.M. RECEIVED 78
PAID RECORDED - DEALING CLERK
LANN D. ALLEN, CLERK/REGISTER OF DEEDS

subject to: easements and restrictions of record

for the full consideration of One (\$1.00) Dollar. This transfer is exempt from tax pursuant to MSA 7.456(5)(a) and MSA 7.456(6)(b).

Dated this 15th day of June, 1995.

Christine L. Myers
Christine L. Myers

Signed and Sealed:
Bernard C. Seiber
BERNARD SEIBER

John Kurtti
John Kurtti

Marion Seiber
MARION SEIBER

STATE OF MICHIGAN)
COUNTY OF Oakland)

This foregoing instrument was acknowledged before me this 15th day of June, 1995 by BERNARD SEIBER and MARION SEIBER, his wife.

My Commission Expires: CHRISTINE L. MYERS
JULY 31, 1995
MICHIGAN COMMISSION EXPIRES 05/31/99

Christine L. Myers
Christine L. Myers
Notary Public

Christine L. Myers
Christine L. Myers

Max E. Tester
MAX E. TESTER

John Kurtti
John Kurtti

026153 *Joyce Tester*
JOYCE TESTER

CLERK OF THE COUNTY TREASURER
CLERK OF THE COUNTY TREASURER
CLERK OF THE COUNTY TREASURER
CLERK OF THE COUNTY TREASURER
CLERK OF THE COUNTY TREASURER

90
1/10-10 95
P. High
MICHIGAN COUNTY TREASURER
CLERK OF THE COUNTY TREASURER

O.K. - S.H.

OCT 9 1995

Pub
200
100
left

STATE OF MICHIGAN)
COUNTY OF Oakland

15734-595

The foregoing instrument was acknowledged before me this 15th day of June, 1995 by MAX Z. TESTER and JOYCE TESTER, his wife.

My Commission Expires: CHRISTINE L. MYERS
NOTARY PUBLIC - OAKLAND COUNTY, MI
MY COMMISSION EXPIRES 05/1999

Christine L. Myers
Notary Public

Max Z. Tester
MAX Z. TESTER

Richard Jorgensen
RICHARD JORGENSEN a/k/a Richard Jorgenson

Elmora Jorgensen
Elmora Jorgensen

Elmora Jorgensen
ELMORA JORGENSEN a/k/a Elmora Jorgenson

STATE OF MICHIGAN)
COUNTY OF)

The foregoing instrument was acknowledged before me this 15th day of June, 1995 by RICHARD JORGENSEN and ELMORA JORGENSEN, his wife.

My Commission Expires: 8/20/99

CHRISTINE L. MYERS
NOTARY PUBLIC - OAKLAND COUNTY, MI
MY COMMISSION EXPIRES 05/1999

Christine L. Myers
Notary Public

Instrument is drafted by:
THOMAS J. MOKLAN

201 W. Big Beaver Road, Suite 500
Troy, Michigan 48064

Recording Fee \$ _____
State Transfer Tax: Konzept
Tax Parcel # _____

When recorded return to: Credit:
Hod's Radio & Television Service Inc
770 Orchard Lake Road
Pontiac, MI 48341
Send subsequent tax bills to: Credit

EXHIBIT "D"

JN 24 91137973

LABR 173240580

\$ 1.00 FEE
 \$ 2.00 REDEMPTION TAX
 \$ 989.00 TRANSFER TAX (CONSIDER)
 28 JUN 97 2:22 P.M. RECEIPT # 23
 PAID (RECORDED - OAKLAND COUNTY)
 LYNN G. ALLEY, CLERK/REGISTER OF DEEDS

WARRANTY DEED - CORPORATION - Statutory Form

KNOW ALL MEN BY THESE PRESENTS: That **Boda Radio & Television Service, Inc., a Michigan Corporation**

whose address is **4620 Dixie Hwy., Waterford, MI 48325**

Convey(s) and Warrant(s) to **Jason G. Huff and April M. Wagner, as Joint Tenants with Full Rights of Survivorship.**

whose address is **2905 Pricham Street, Keego Harbor, MI 48320-1402**

the following described premises situated in the City of **Pontiac** County of **Oakland** and State of Michigan, to-wit:

Lot **(s) 8 and 9** "Elkins Addition" Subdivision, as recorded in Liber **8**, Page(s) **6** of Plats, Oakland County Records.

Tax Item No. **14-31-403-007** and **14-31-403-006**
 More commonly known as: **770 Orchard Lake**

for the full consideration of **ONE HUNDRED FIFTY-FIVE THOUSAND & NO/100 DOLLARS (\$15,000.00)**

subject to **permitted exceptions and phases of records,**

Dated this **11th** day of **June**, 1997

Witnesses:
Mary A. Hranach
MARY A. HRANACH
John Poponea
JOHN POPONEA

Signatures:
Michael W. Corder (L.S.)
Michael W. Corder
 Its **President**
 By _____
 Its _____

STATE OF MICHIGAN
 COUNTY OF **OAKLAND** ss.

The foregoing instrument was acknowledged before me this **11th** day of **June**, 1997

- (1) by **Michael W. Corder**
 - (2) **President**
 - (3) of **Boda Radio & Television Service, Inc., a Michigan Corporation**
 - (4) a **Michigan** Corporation on behalf of the said corporation.
- Note: Insert at (1) name(s) of officer(s) (2) title(s) of officer(s) (3) name of corporation (4) name of incorporation

Drafted By: **Philip R. Seaver**
 2700 N. Woodward
 Bloomfield Hills, MI 48304

Notary Public - **Mary A. Hranach**
 Oakland County, Michigan

My commission expires: **August 1, 2000**

COUNTY TREASURER'S CERTIFICATE
 I have examined the foregoing instrument and find it to be a true and correct copy of the original as recorded in my office.

CITY TREASURER'S CERTIFICATE
 STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
 \$ 135.00
 \$ 522.00
 \$ 17000.00

Recording Fee: **10.00** Return to: **Jason G. Huff**
 State Transfer Tax: **989.00** **2905 Pricham Street**
 Send subsequent tax bills to: **Keego Harbor, MI 48320-1402**

JUN 19 1997

18429157 **PHILIP R. SEAVER TITLE COMPANY, INC.**
 2700 N. Woodward, Bloomfield Hills, Michigan 48304 (248) 336-7135 **O.K. - MJ**

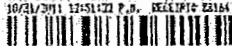
EXHIBIT "E"

Branch:DE2 User:KRAU

Order: 10009788

REC-4 3520 *095

198573
 LIBER 43520 PAGE 95
 \$10.00 DED : COMPIED
 \$1.00 REPRESENTATION
 \$1.00 TRANSFER IT LUNDED
 10/21/2011 12:51:22 P.M. RECEIPT# 23164



PAID RECEIVED - OAKLAND COUNTY
 BILL KULLAND JR. CLERK/REGISTER OF DEEDS

QUIT CLAIM DEED

JASON G. RUFF, a single man and APRIL M. WAGNER, a single woman, as Joint Tenants with Full Rights of Survivorship,

whose addresses are: 610 Ann St., Birmingham, Michigan 48009 and 319 Oak Ridge Dr., Pontiac, MI 48341

Quit Claims to: AMORPHOUS SOLID, L.L.C., a Michigan Limited Liability Company

whose address is: 770 Orchard Lake Road, Pontiac, Michigan 48341

the following described premises situated in the City of Pontiac, County of Oakland, and State of Michigan, to-wit:

LOTS 8 & 9, "ELKINS ADDITIONAL SUBDIVISION," AS RECORDED IN
 LIBER 8, PAGE(S) 6 OF PLATS, OAKLAND COUNTY RECORDS, MICHIGAN
 8006

for the full consideration of One (\$1.00) Dollar. Tax exempt pursuant to MCL 207.526(1) and MCL 207.505(1).

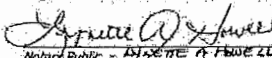
Dated this 26th day of October, 2011.


 JASON G. RUFF


 APRIL M. WAGNER

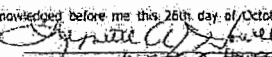
STATE OF MICHIGAN }
) SS:
 COUNTY OF OAKLAND }

The foregoing instrument was subscribed and acknowledged before me this 26th day of October, 2011, by JASON G. RUFF, a single man.


 Notary Public - Lynette A. Howell
 M192718 County, Michigan
 Acting in the County of Oakland
 My Commission Expires: 12-16-2011

STATE OF MICHIGAN }
) SS:
 COUNTY OF OAKLAND }

The foregoing instrument was subscribed and acknowledged before me this 26th day of October, 2011, by APRIL M. WAGNER, a single woman.


 Notary Public - Lynette A. Howell
 M192718 County, Michigan
 Acting in the County of Oakland
 My Commission Expires: 12-16-2011

INSTRUMENT DRAFTED BY:	For Register Use Only	WHEN RECORDED, RETURN TO:
Victor A. Veprauskas IV, Esq. BEIER HOWLETT, P.C. 200 E. Long Lake Road, Suite 110 Bloomfield Hills, MI 48304-2291		Victor A. Veprauskas IV, Esq. BEIER HOWLETT, P.C. 200 E. Long Lake Road, Suite 110 Bloomfield Hills, MI 48304-2291
Recording Fee: \$140 County/State Transfer Tax: \$0		SEND SUBSEQUENT TAX BILLS TO: Amorphous Solid, L.L.C. 770 Orchard Lake Rd. Pontiac, Michigan 48341
Tax Nos.: 64-14-31-403-005 / 64-14-31-403-007 - 10/8/11		
	For Register Use Only	

2011 OCT 28 AM 5:10
 RECEIVED
 OAKLAND COUNTY
 REGISTER OF DEEDS

O.K. - LG

EXHIBIT "F"



DEVON TITLE AGENCY
1660 Crooks Road
Troy, MI 48064
Phone: 248-273-4300
Fax: 248-273-4301
www.devontitle.com

Issuing Office's ALTA Registry® ID: 1033891

Agent for Old Republic National Title Insurance Company

Transaction Identification Data for reference only:

Commitment No.: 10009788

Revision: Rev #2 - 8-27-21 - Update, Taxes, Add NOC

Property Address: 770 Orchard Lake Road, Pontiac, MI 48341 and V/L Orchard Lake Road, Pontiac, MI 48341

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

1. Commitment Date: August 23, 2021, at 8:00 am

2. Policy to be issued:

LOAN POLICY

AMOUNT

(a) ALTA Loan Policy of Title Insurance (6-17-06)

\$400,000.00

Proposed Insured:

MI Bank, its successors and/or assigns, as their interest may appear

3. The estate or interest in the Land described or referred to in this Commitment is: Fee Simple

4. The Title is, at the Commitment Date vested in:

Parcel 1: Amorphous Solid, L.L.C., a Michigan Limited Liability Company

Parcel 2: City of Pontiac

5. The Land is described as follows:

Land situated in the City of Pontiac, County of Oakland, State of Michigan described as follows:

Parcel 1:

Lots 8 and 9, except the Northwesterly 20 feet thereof, ELKINS ADDITION, as recorded in Liber 8, Page 6, Oakland County Records.

Parcel 2:

The Northwesterly 20 feet of Lots 8 and 9, ELKINS ADDITION, as recorded in Liber 8, Page 6, Oakland County Records.

DEVON TITLE AGENCY

By:

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions, Schedule A, Schedule B, Part I - Requirements, Schedule B, Part II - Exceptions, and a counter-signature by the Company or its issuing agent that may be in electronic form. Generated 8/27/2021 11:16 AM

Katharina Rausch-Pannauer
Katharina Rausch, Authorized Signatory

**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Pay unpaid taxes and assessments unless shown paid.
6. The insurer must be notified of any construction improvements, renovations or remodeling and reserves the right to add any additional requirements.
7. We must be furnished from Amorphous Solid, L.L.C. a copy of (1) the Articles of Organization (2) written operating agreement and all amendments thereto, (3) current membership roster and (4) evidence of good standing (or current registration) of said limited liability company. Unless the mortgage is executed by all members, we must also be furnished with evidence satisfactory to the Company that all necessary consents, authorizations, resolutions, notices and actions relating to the mortgage and the execution and delivery of the mortgage as required under applicable law and the governing documents have been conducted, given or properly waived.
8. Record Discharge of the Mortgage in the amount of \$125,000.00 given by Amorphous Solid, LLC to Paul Huxley, dated October 26, 2011, recorded October 31, 2011, in Liber 43520, Page 96, Oakland County Records.
9. INTENTIONALLY OMITTED.
10. Record Warranty Deed from City of Pontiac to Amorphous Solid, L.L.C. (Parcel 2).
11. The policy to be issued will contain the ALTA 33 Disbursement Endorsement and the ALTA 32 Construction Loan Loss of Priority or 32.1 Construction Loan Loss of Priority - Direct Payment or 32.2 Construction Loan Priority - Loss of Priority - Insured's Direct Payment Endorsement, in the forms attached.
12. Record Notice of Commencement relative to construction on the subject property.
13. Submit executed original Indemnity Agreements from borrower and builder.
14. Furnish to the Company a fully executed sworn statement from general contractor, with full or partial unconditional or conditional waivers from all subcontractors and/or suppliers that have been paid or is currently due payment.
15. Record mortgage to be insured and submit evidence satisfactory to Company that each signer is an authorized signatory and is at least 18 years of age.
16. NOTE: The address(s) recited herein is/are for informational purposes only. The Company neither guarantees nor insures its accuracy.
17. NOTE: No liability is assumed by the company for ascertaining the status of utility charges and the insured is cautioned to obtain the current status of these payments.
18. NOTE: The following information is provided for informational purposes only, the accuracy of which is neither guaranteed nor insured, including but not limited to Principal Residence Exemption status. No liability is assumed by the Company for increase occasioned by retroactive revaluation or change in land usage or loss of any Principal.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice, the Commitment Issuance Policy, the Commitment Conditions, Schedule A, Schedule B, Part I - Requirements, Schedule B, Part II - Exceptions and a counter-signature by the Company or its issuing agent that may be in electronic form. Generated 8/27/2021 11:16 AM

Residence Exemption status for insured premises.

Tax Information as found:

Commonly known as: 770 Orchard Lake Road, Pontiac, MI

Tax I.D. Number: 14-31-403-007 (Parcel 1)

2021 SEV: \$62,540.00

2021 Taxable Value: \$58,120.00

2021 Summer Tax Amount: \$3,130.65 PAID

2020 Winter Tax Amount: \$106.12 PAID

Special Assessments: No special assessments included in the above amounts

Principal Residence Exemption: 0% for tax year 2020

Commonly known as: VL Orchard Lake Road, Pontiac, MI

Tax I.D. Number: 14-31-403-006 (Parcel 2)

2021 SEV: \$1,650.00

2021 Taxable Value: \$1,650.00

2021 Summer Tax Amount: \$88.80 PAID

2020 Winter Tax Amount: \$3.01 PAID

Special Assessments: No special assessments included in the above amounts

Principal Residence Exemption: 0% for tax year 2020

NOTE: It has been requested by the Proposed Insured that the Company issue its ALTA Loan Policy of Title Insurance, without standard exceptions.

SCHEDULE B, PART II
Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests, or claims which are not shown by the Public Records but that could be ascertained by an inspection of the Land or by making inquiry of persons in possession of the Land.
3. Easements, liens, or encumbrances, or claims thereof not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the Public Records.
5. Any liens or right to lien for services, labor or material imposed by law and not shown by the Public Records.
6. Rights and claims of parties in possession, and anyone claiming by, through or under them.
7. Homestead rights, if any, of the spouse of any individual insured or of any individual shown herein to be a party in interest.
8. Building and use restrictions not appearing in the record chain of title, but omitting restrictions, if any, based on race, color, religion or national origin.
9. Taxes and assessments not discoverable due to limited availability or closures of municipalities, and, further, those not yet due and payable at Commitment date.
10. The lien, if any, of real estate taxes, assessments, and/or water and sewer charges, not discoverable due to limited availability or closures of municipalities, and, further those that are not yet due and payable or that are not shown as existing liens in the records of any taxing authority that levies taxes or assessments on real property or in the Public Records; including the lien for taxes, assessments, and/or water and sewer charges, which may be added to the tax rolls or tax bill after the Date of Closing. The Company assumes no liability for the tax increases occasioned by the retroactive revaluation or changes in the Land usage or loss of any homestead exemption status for the insured premises.
11. The address(es) recited herein is/are for informational purposes only. The Company neither guarantees nor insures its accuracy.
12. No liability is assumed by the company for ascertaining the status of utility charges and the insured is cautioned to obtain the current status of these payments.
13. Oil, gas and mineral reservations of every kind and nature and all rights, privileges pertinent or incidental thereto, recorded or unrecorded.
14. Any and all easements and restrictions as shown on the recorded plat.
15. Rights and claims of parties in possession, and anyone claiming by, through or under them.

This page is only a part of a 2016 ALTA[®] Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice, the Commitment to Issue Policy, the Commitment Conditions, Schedule A, Schedule B, Part I - Requirements, Schedule B, Part II - Exceptions and a counter-signature by the Company or its issuing agent that may be in electronic form. Generated 8/27/2021 11:16 AM

16. Terms, conditions and provisions contained in Warranty Deed into City of Pontiac recorded in Liber 3545, Page 145 of Oakland County Records.
17. Terms, conditions and provisions contained in Resolution recorded in Liber 3586, Page 481 of Oakland County Records.
18. Terms, conditions and provisions contained in Notice of Commencement recorded July 28, 2021 in Liber 56617, Page 45, Oakland County Records.

EXHIBIT "G"

10/13/2021

Parcel Number - 64-14-31-403-006 | City of Pontiac | BS&A Online

SYLVAN Pontiac, MI 48341 (Property Address)	
Parcel Number: 64-14-31-403-006	
Property Owner: AMORPHOUS SOLID LLC	
<i>Summary Information</i>	
Property Tax Information found	Building Department Information found

Owner and Taxpayer Information

Owner:	AMORPHOUS SOLID LLC 770 ORCHARD LAKE RD PONTIAC, MI 48341-2041	Taxpayer:	SEE OWNER INFORMATION
---------------	--	------------------	-----------------------

Legal Description

T3N; R10E; SEC 31 ELKINS ADDITION NWLY 20 FT OF LOTS 8 & 9

Recalculate amounts using a different Payment Date

You can change your anticipated payment date in order to recalculate amounts due as of the specified date for this property.

Enter a Payment Date:

Tax History

Year	Season	Total Amount	Total Paid	Last Paid	Total Due
2021	Summer	\$88.80	\$88.80	07/02/2021	\$0.00
2020	Winter	\$3.01	\$3.01	12/14/2020	\$0.00
2020	Summer	\$90.54	\$90.54	07/09/2020	\$0.00
2019	Winter	\$3.04	\$3.04	12/16/2019	\$0.00
2019	Summer	\$90.63	\$90.63	07/09/2019	\$0.00
2018	Winter	\$3.09	\$3.09	12/07/2018	\$0.00
2018	Summer	\$90.98	\$90.98	07/05/2018	\$0.00
2017	Winter	\$2.86	\$2.86	12/08/2017	\$0.00
2017	Summer	\$88.57	\$88.57	08/03/2017	\$0.00
2016	Winter	\$2.88	\$2.88	12/12/2016	\$0.00
2016	Summer	\$88.65	\$88.65	08/05/2016	\$0.00
2015	Winter	\$2.88	\$2.88	12/07/2015	\$0.00
2015	Summer	\$83.91	\$83.91	07/14/2015	\$0.00
2014	Winter	\$2.90	\$2.90	12/03/2014	\$0.00
2014	Summer	\$90.54	\$90.54	07/30/2014	\$0.00
2013	Winter	\$2.79	\$2.79	12/16/2013	\$0.00
2013	Summer	\$114.06	\$114.06	07/10/2013	\$0.00
2012	Winter	\$3.31	\$3.31	12/31/2012	\$0.00
2012	Summer	\$131.73	\$131.73	08/01/2012	\$0.00
2011	Winter	\$2.33	\$2.33	03/07/2012	\$0.00
2011	Summer	\$111.54	\$0.00		\$111.54 ** Read Note(s) Above
2010	Winter	\$2.63	\$2.63	12/13/2010	\$0.00
2010	Summer	\$102.47	\$102.47	07/28/2010	\$0.00
2009	Winter	\$2.24	\$2.24	12/09/2009	\$0.00
2009	Summer	\$102.35	\$102.35	07/30/2009	\$0.00
2008	Winter	\$2.15	\$2.15	01/05/2009	\$0.00
2008	Summer	\$95.37	\$95.37	07/11/2008	\$0.00
2007	Winter	\$1.91	\$1.91	12/26/2007	\$0.00

10/13/2021

Parcel Number - 64-14-31-403-006 | City of Pontiac | BS&A Online

2007	Summer	\$97.54	\$97.54	07/23/2007	\$0.00
2006	Winter	\$4.46	\$0.00		\$4.46 Read Note(s) Above
2006	Summer	\$92.21	\$91.25	08/21/2006	\$0.96 Read Note(s) Above
2005	Winter	\$8.88	\$0.00		\$8.88 Read Note(s) Above
2005	Summer	\$90.05	\$90.05	08/01/2005	\$0.00
2004	Winter	\$8.92	\$8.92	12/14/2004	\$0.00
2004	Summer	\$81.81	\$81.81	07/23/2004	\$0.00
2003	Winter	\$8.76	\$8.76	12/16/2003	\$0.00
2003	Summer	\$77.86	\$77.86	07/15/2003	\$0.00
2002	Winter	\$8.67	\$8.67	12/19/2002	\$0.00
2002	Summer	\$84.69	\$84.69	07/19/2002	\$0.00
2001	Winter	\$10.19	\$10.19	12/31/2001	\$0.00
2001	Summer	\$88.21	\$88.21	07/30/2001	\$0.00

[Load More Years](#)

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EXHIBIT "H"

10/13/2021

Parcel Number - 64-14-31-403-007 | City of Pontiac | BS&A Online

770 ORCHARD LAKE RD PONTIAC, MI 48341-2041 (Property Address)	
Parcel Number: 64-14-31-403-007	
Property Owner: AMORPHOUS SOLID LLC	
Summary Information	
> Property Tax Information found	> 7 Building Department records found

Owner and Taxpayer Information

Owner	AMORPHOUS SOLID LLC 770 ORCHARD LAKE RD PONTIAC, MI 48341-2041	Taxpayer	SEE OWNER INFORMATION
--------------	--	-----------------	-----------------------

Legal Description

T3N, R10E, SEC 31 ELKINS ADDITION LOTS 8 & 9 EXC NW1/4 20 FT

Recalculate amounts using a different Payment Date

You can change your anticipated payment date in order to recalculate amounts due as of the specified date for this property.

Enter a Payment Date:

Tax History

Year	Season	Total Amount	Total Paid	Last Paid	Total Due
2021	Summer	\$3,130.65	\$3,130.65	07/02/2021	\$0.00
2020	Winter	\$106.12	\$106.12	12/14/2020	\$0.00
2020	Summer	\$3,147.41	\$3,147.41	07/09/2020	\$0.00
2019	Winter	\$103.37	\$103.37	12/16/2019	\$0.00
2019	Summer	\$3,092.51	\$3,092.51	07/09/2019	\$0.00
2018	Winter	\$101.88	\$101.88	12/07/2018	\$0.00
2018	Summer	\$3,031.75	\$3,031.75	07/05/2018	\$0.00
2017	Winter	\$94.08	\$94.08	12/08/2017	\$0.00
2017	Summer	\$2,890.43	\$2,890.43	06/03/2017	\$0.00
2016	Winter	\$93.98	\$93.98	12/12/2016	\$0.00
2016	Summer	\$2,867.17	\$2,867.17	06/05/2016	\$0.00
2015	Winter	\$94.23	\$94.23	12/07/2015	\$0.00
2015	Summer	\$2,706.40	\$2,706.40	07/14/2015	\$0.00
2014	Winter	\$94.25	\$94.25	12/03/2014	\$0.00
2014	Summer	\$2,917.91	\$2,917.91	07/30/2014	\$0.00
2013	Winter	\$75.44	\$75.44	12/16/2013	\$0.00
2013	Summer	\$3,044.95	\$3,044.95	07/10/2013	\$0.00
2012	Winter	\$80.26	\$80.26	12/31/2012	\$0.00
2012	Summer	\$3,175.73	\$3,175.73	06/01/2012	\$0.00
2011	Winter	\$42.48	\$42.48	03/07/2012	\$0.00
2011	Summer	\$2,013.07	\$0.00		\$2,013.07 ** Read Note(s) Above
2010	Winter	\$48.20	\$48.20	12/13/2010	\$0.00
2010	Summer	\$1,846.98	\$1,846.98	07/28/2010	\$0.00
2009	Winter	\$40.56	\$40.56	12/09/2009	\$0.00
2009	Summer	\$1,841.11	\$1,841.11	07/30/2009	\$0.00
2008	Winter	\$38.85	\$38.85	01/09/2009	\$0.00
2008	Summer	\$1,713.79	\$1,713.79	07/24/2008	\$0.00
2007	Winter	\$34.68	\$34.68	12/26/2007	\$0.00

10/13/2021

Parcel Number - 84-14-31-403-007 | City of Pontiac | BS&A Online

2007	Summer	\$1,751.63	\$1,751.63	07/23/2007	\$0.00
2006	Winter	\$80.21	\$0.00		\$80.21 Read Note(s) Above
2006	Summer	\$1,700.22	\$1,633.65	11/29/2006	\$66.57 Read Note(s) Above
2005	Winter	\$122.77	\$0.00		\$122.77 Read Note(s) Above
2005	Summer	\$1,606.02	\$1,606.02	05/01/2005	\$0.00
2004	Winter	\$158.75	\$158.75	12/14/2004	\$0.00
2004	Summer	\$1,452.29	\$1,452.29	07/23/2004	\$0.00
2003	Winter	\$155.29	\$155.29	12/16/2003	\$0.00
2003	Summer	\$1,375.60	\$1,375.60	07/15/2003	\$0.00
2002	Winter	\$153.18	\$153.18	12/19/2002	\$0.00
2002	Summer	\$1,492.29	\$1,492.29	07/19/2002	\$0.00
2001	Winter	\$179.83	\$179.83	12/31/2001	\$0.00
2001	Summer	\$1,553.72	\$1,553.72	07/30/2001	\$0.00
2000	Winter	\$136.20	\$136.20	12/27/2000	\$0.00
2000	Summer	\$1,550.26	\$1,550.26	07/26/2000	\$0.00
1999	Winter	\$209.19	\$209.19	12/31/1999	\$0.00
1999	Summer	\$1,457.80	\$1,457.80	07/21/1999	\$0.00

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EXHIBIT "I"



CITY OF PONTIAC CITY COUNCIL

RESOLUTION APPROVING CONVEYANCE OF NORTHWEST 20 FEET OF LOTS 8 AND 9 ELKINS ADDITION CITY OF PONTIAC (TAX PARCEL 64-14-31-403-006) VIA QUIT CLAIM DEED TO AMORPHOUS SOLID LLC

AT A REGULAR meeting of the Pontiac City Council of the City of Pontiac, Michigan, held at _____ on _____, 2021, the following resolution was offered by _____ and supported by _____.

WHEREAS, a certain parcel of property, being the northwest 20 feet of Lots 8 and 9 in the Elkins Addition Subdivision in the City of Pontiac (Tax Parcel 64-14-31-403-006) was conveyed to the City in 1956 for the construction or creation of an alley to be located off Sylvan Court west of Orchard Lake Road, however, the alley was not constructed; and

WHEREAS, despite the above-referenced parcel being owned by the City it has appeared on the City's tax rolls since at least 1999 and current online records identify the current taxpayer of to be Amorphous Solid LLC, a Michigan limited liability company which operates a glass blowing and decorative art business in the immediately adjacent property located at 770 Orchard Lake Road (Tax Parcel 64-14-31-403-007; and)

WHEREAS, the Office of the City Attorney reviewed the circumstances surrounding Tax Parcel 64-14-31-403-006, provided Council with a memorandum containing detailed information regarding the property and included copies of a current title insurance commitment and other related documents for Council's review and approval to consider whether Council should approve the City's conveyance of Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via quit claim deed; and

WHEREAS, it is for the mutual benefit of the City, Amorphous Solid, LLC and the future owners of 770 Orchard Lake Road to convey Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via quit claim deed.

NOW THEREFORE, BE IT RESOLVED as follows:

1. City Council approves the conveyance of Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via the form of quit claim deed attached to this Resolution and directs the Mayor or her designee to execute the quit claim deed on the City's behalf.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this ____ day of _____, 2021.

AYES: _____

NAYS: _____

I, Garland Doyle, Clerk of the City of Pontiac, hereby certify that the above Resolution is a true copy and accurate copy of the Resolution passed by the City Council of the City of Pontiac on _____, 2021.

GARLAND DOYLE, Interim City Clerk

Dated: _____, 2021

EXHIBIT "J"

QUIT CLAIM DEED

The City of Pontiac, a Michigan municipal corporation, whose address is 47450 Woodward Avenue, Pontiac, Michigan 48342 ("Grantor") QUIT CLAIMS to Amorphous Solid LLC, a Michigan limited liability company, whose address is 770 Orchard Lake Road, Pontiac, Michigan 48341 ("Grantee"), the following described premises situated in the City of Pontiac, County of Oakland, and State of Michigan, to wit:

The Northwesterly 20 feet of Lots 8 and 9, ELKINS ADDITION, as recorded in Liber 8, Page 6, Oakland County Records.

Commonly known as: No address. Vacant land on Sylvan Court
Tax Parcel Number: 64-14-31-403-006

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. This transaction is exempt from County and State Transfer Taxes pursuant to MCLA 207.505(h) and MCLA 207.526(i).

Dated this ____ day of _____, 2021.

Grantor:
City of Pontiac, a Michigan municipal corporation

By: _____
Deirdre Waterman
Its: Mayor

STATE OF MICHIGAN)
)§
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by Deirdre Waterman, Mayor of the City of Pontiac who executed this instrument on behalf of the City.

_____, Notary Public
_____ County
Acting in Oakland County
My Commission expires: _____

When Recorded Return To: Grantee
Send Subsequent Tax Bills To: Grantee
Drafted By:
George A. Contis, Esq.
Giarmarco, Mullins & Horton, P.C.
101 W. Big Beaver Rd., Suite 1000
Troy, Michigan 48084

#16

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

To: Honorable Council President and City Council Members

From: City Attorney through Executive Office

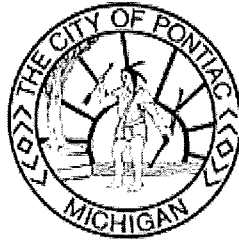
Re: Amended Medical Marihuana Commission Rules

Date: December 9, 2021

Council President and Members of the City Council:

Consistent with Ordinance 2357(B), Section 6(a), the Medical Marihuana Commission shall adopt rules and regulations to govern its proceedings and deliberations. Further, pursuant to Section 6(b), the City Council must approve those adopted rules.

The Medical Marihuana Commission previously adopted Rules and Regulations, for which this Council denied approval on November 23, 2021. The Medical Marihuana Commission subsequently met on November 30, 2021, and approved amended Rules and Regulations. Consistent with the Council duty established in Ordinance 2357(B), the amended Rules and Regulations are attached for your review and consideration.



Pontiac Medical Marihuana Commission Rules and Regulations

All meetings of the Medical Marihuana Commission ("Commission") will be held in compliance with all applicable statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules and regulations.

Commission Membership Requirements

Members of the Commission shall be residents of the City of Pontiac and shall serve without pay.

Commission Powers and Duties

The Commission shall review and decide all appeals that are forwarded to it by the City Clerk pursuant to Ordinance 2357(B). The Commission shall review all appeals de novo. The Commission may overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Meeting Schedule

The Committee shall post a meeting notice in a manner consistent with applicable law subsequent to receiving an appeal forwarded to it by the City Clerk pursuant to City Ordinance 2357(B). Due to the timing irregularity of the receipt of appeals, the Commission may not schedule Regular Meetings as set forth in the Michigan Open Meetings Act, Michigan Public Act 267 of 1976, at MCL 15.265. If the Commission does adopt a regular meeting schedule, it shall be posted in a manner consistent with MCL 15.265.

Minutes of meetings

Minutes of all meetings of the Commission shall be kept in a manner consistent with applicable law. A copy of the minutes of meetings shall be available for public inspection at the City Clerk's Office during regular business hours.

Conduct of meetings

All meetings of the Commission shall be open to the public except as permitted by applicable law. All open meetings shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

Commission meeting agenda

Meeting agendas will be as follows

1. Call to order
2. Pledge of Allegiance
3. Roll Call
4. Amendments to and approve of the agenda
5. Approval of the Minutes (As needed)
6. Agenda Items
7. Public Comment (3 Minute Limit)
8. Adjournment

Quorum

A majority of the Commission shall constitute a quorum for the review of appeals.

Chairperson, Vice Chairperson, and Secretary

The Commission shall select, by majority vote, a Chairperson, Vice Chairperson and Secretary.

Presiding Officer

The Presiding Officer shall be responsible for enforcing these Rules and Regulations and for enforcing orderly conduct at meetings. The Chairperson shall be the Presiding Officer. If the Chairperson is absent, the Vice Chairperson shall act as the Presiding Officer. In the event of a resignation or other permanent absence of the Chairperson or Vice Chairperson position, it shall be filled by nomination and majority vote of the Commission members serving.

Disorderly conduct

The Presiding Officer may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the Presiding Officer determines the person is in order.

Closed sessions

Closed sessions may be held only for the reasons consistent with applicable law, as determined by the City Attorney.

Calling closed sessions

The Commission by a two-thirds roll call vote may call a closed session subject to the conditions herein. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

Minutes of closed meetings

A separate set of minutes shall be taken at the closed session. These minutes will be retained by the City Clerk and shall not be available to the public.

Discussion and voting

Rules of parliamentary procedure

The rules of parliamentary practice, as contained in the 11th edition of Robert's Rules of Order, shall govern the Commission in all cases to which they are applicable, provided they are not in conflict with these rules, city ordinances or applicable state statutes. The Presiding Officer shall preserve order and decorum and may speak to points of order in preference to other members. If a point of order is given it should not exceed two (2) minutes.

Conduct of discussion

During the Commission discussion and debate, no member shall speak until recognized for that purpose by the Presiding Officer. After such recognition, the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. Speakers should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

Public comment

Each meeting agenda shall provide reserved time for public comment participation. During public comment, each individual shall be limited to three (3) minutes, and shall not engage in conduct or language that disrupts, makes fun of, or otherwise impedes the orderly conduct of the meeting. In addition, members of the audience shall not engage in disorderly or boisterous activity including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language, cheering, whistling, or any other acts that disturb, disrupt, or impede, or otherwise interfere with the orderly conduct of the meeting.

Suspension of rules

The rules of the Commission may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that Commission actions shall conform to applicable law.



Executive Branch

CITY OF PONTIAC

OFFICIAL MEMORANDUM

To: Honorable Council President and City Council Members

From: City Attorney through Executive Office

Re: Resolution to Approve Amended Medical Marihuana Commission Rules

Date: December 9, 2021

RESOLUTION

Whereas, Ordinance 2357(B), Section 6(a), requires the Medical Marihuana Commission to adopt Rules and Regulations that govern its proceedings and deliberations; and

Whereas, Ordinance 2357(B) Section 6(b), requires the adopted rules to be approved by City Council; and

Whereas, the Medical Marihuana Commission adopted the attached Rules and Regulations at a duly noticed public meeting held on November 30, 2021;

Now, Therefore, the Pontiac City Council hereby approves the Rules and Regulations adopted by the Medical Marihuana Commission to govern its proceedings and deliberations.

**#17 Legal
Update
Memorandum**

M E M O R A N D U M

TO: Pontiac City Council

CC: Mayor Deirdre Waterman

DATE: November 24, 2021

RE: Legal Update Memorandum

The following shall serve as an update on certain pending Law Department matters:

CPREA

- The bargaining parties are waiting for the results of the termination valuation as of 3-31-21 for the old GERS. This is currently in the hands of the GERS Board's actuary. Once that termination valuation is finalized, the old GERS can distribute assets to the City account to pay the opt-out payments and to the new VEBA to pay for health benefits. Opt-out payments are scheduled to be made in mid-December. But, the City will not have the funds ready to make those opt-out payments without the final valuation and transfer of assets. The GERS Board is proposing to alter the pension liabilities of the old terminated GERS to include the proposed \$400 permanent increase. Treatment of the proposed \$400 permanent increase as a pension liability of the old GERS is problematic under Section 6 of the Settlement Agreement, unless the bargaining parties agree to such treatment.
- The VEBA Board is overseeing open enrollment for the health benefits. Benefits are intended to commence on February 1, 2022. The ability to commence benefits is contingent upon the termination valuation be completed so that assets can be transferred out of the old GERS to the new VEBA.
- The VEBA merger agreement is being presented to Council at the 11/30/21 meeting. The VEBA Board and P&F VEBA Boards have already approved the document. There have been some initial discussions with the IRS related to its approval of the merger agreement. It is unclear at this time whether the IRS considers this issue to fall within a "no rule" area. The IRS has recommended that a pre-submission phone conference be requested.

CITY COUNCIL OPEN MEETINGS ACT VIOLATION ALLEGATIONS

- Many City employees were denied the ability to speak during City Council meeting Public Comment. This triggered complaints that were relayed to the Attorney General and Oakland County Sheriff. The Attorney General continues to review the complaints and findings of the Oakland County Sheriff

MEDICAL MARIHUANA REVIEW PROCESS

- The Medical Marihuana Commission has approved their Rules and Procedures, but the City Council rejected those rules. As such, the appeal process has been suspended pending further Council action.
- Administration made several recommendations to the Interim Clerk regarding determined conflicts of interest related to the application review process. The Interim Clerk has not advised as to whether he has complied with these recommendations.

#18

**COMMUNICATION
FROM THE CITY
CLERK**



OFFICE OF THE CITY CLERK
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue
Pontiac, Michigan 48342
Phone: (248) 758-3200
Fax: (248) 758-3160

MEMORANDUM

TO: Honorable City Council
FR: Garland Doyle, M.P.A.
Interim City Clerk
DA: December 9, 2021
RE: Medical Marihuana Commission Update

November 9, 2021

On November 9, 2021, Mayor Waterman appointed three of the four commissioners. They are Cristi Coles Terrell, Gladys Smith, a city employee and herself (Mayor Deirdre Waterman). Section 4(b) of Ordinance 2357 (B) City of Pontiac Medical Marihuana Facilities Ordinance states that members of the Medical Marihuana Commission shall be appointed by the Mayor to serve at the pleasure of the Mayor for a term of three (3) years.

There was a Commission meeting scheduled for November 9, 2021 at 1:00p.m. The Office of the City Clerk posted the meeting notice in accordance with the Open Meetings Act. The Commission failed to hold the meeting because Mayor Waterman's I.T. Division did not post the meeting notice on the City of Pontiac's website.

November 16, 2021

The Medical Marihuana Commission held a meeting at 4:30p.m. At this meeting, the Commission approved its rules as required by Ordinance 2357(B) City of Pontiac Medical Marihuana Facilities Ordinance Section 6(a).

Despite the City Clerk informing both the City Attorney and the Commission that the rules were flawed, the Commission approved the flawed measures anyway. The rules would have allowed the Commission to have unwarranted closed session meetings that would have not been open to the public.

The City Council met following the commission meeting. Ordinance 2357(B) Section 6(b) requires the City Council to approve the rules adopted by the Commission. The City Council rejected the flawed rules and voted not to approve them.

Additionally, the City Council Legislative Counsel a licensed attorney informed the City Council that Section 6.107 of the Pontiac Charter prohibits the Mayor from being able to serve on the Commission.

Section 6.107(c) of the Pontiac City Charter states *No elective officer shall hold any appointive position, which was created or the compensation for which was fixed or increased during his or her incumbency, until one year after such person's leaving office.* **Since the Medical Marihuana Commission was established by Ordinance 2357(B) in 2018 while Mayor Waterman was in office, Mayor Waterman is ineligible to currently serve on the Commission.**

Until the Commission has at least three legal members and the City Council approves its rules, it will not be able to hear appeals.

November 24, 2021

City Attorney Chubb issued a Legal Update Memorandum to the City Council informing the Council "The Medical Marihuana Commission has approved their Rules and Procedures, but the City Council rejected those rules. As such, the appeal process has been suspended pending further Council action."

November 30, 2021

The Medical Marihuana Commission held an illegal meeting at 4:30p.m. The Open Meetings Act requires that a special meeting notice must be posted at least 18 hours prior to meeting. The City Clerk refused to post the meeting notice because the commission is acting illegally. The Commission does not have at least three legal members. Despite the meeting notice not being posted in accordance with the Open Meetings Act and the City Attorney stating that the Commission appeal process had been suspended, the Commission holds an illegal meeting anyway.

In addition to the meeting not being properly posted, the Commission votes to elect Mayor Waterman as the Chairperson of this illegal body.

- There were two different meeting agendas for the November 30, 2021 meeting.
- The Commission adopts some revisions to its rules but keeps the provision that would allow them to have unnecessary closed sessions.
- The Commission fails to be transparent. The Commission did not record and televise the meeting.
- **In effort to shine the light on the illegal activities of the Commission, the City Clerk had the meeting recorded and a certified shorthand reporter to take notes at the meeting.** The Commissioners were refusing to speak into the microphones to make it hard for anyone who was watching the meeting to follow the proceedings.

Commission fails to be transparent and follow best practices

The Commission is not following best practices. Although, Ordinance 2357(B) does not state a city employee cannot serve on the Commission, it is a best practice that commissioners not be city employees. The City of Lansing did not allow its employees to be commission members. In

addition, commission members could not have a direct financial interest “in a medical marijuana facility in Lansing.”

Pontiac Medical Marihuana Commission consist of a city employee Gladys Smith and the commission has not developed a conflict of interest policy. Unlike the Clerk, who required all application reviewers to sign and adhere to a conflict of interest policy.

Mayor Waterman continues to delay the approval of medical marihuana permits

This is evident by the fact that the Clerk began issuing conditional approvals to growers and processors subject to approval from the Building and Fire Departments starting in May 2021. It has been over six months and not one grower or processor has received the Ordinance 2357 (B) required sign off by the Building and Fire Departments so the Clerk can issue them permits.

This is another reason why it is inappropriate and a conflict for the Mayor to serve on the Commission. Despite the Charter not allowing it, the Mayor should not be over an appeals board, if city departments under her control are a part of the approval process.

The Clerk is urging the City Council to reject any rules adopted by the Commission until some safeguards to protect the City are added to their rules.

City Clerk issues Conditional Approvals to Growers and Processors over six months ago. Mayor delays approval of permits by preventing City Departments from giving the required sign off needed in order for the Clerk to award permits. The Clerk wants to set deadlines for conditional approvals so businesses can open.

Conditional Approved Growers in the Pre-Permit Process

Applicant Name	Proposed Location	District	License Class	Conditional Approval Issued	Consent to Release Form Received	Building	Fire (Waterford Regional)	Planning Site Plan/Special Exemption (if necessary)	Liability & Casualty Insurance Verified	State Pre-Approval
Pharmaco Inc	13 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	Class C (up to 1500 plants)	6/3/2021				Yes		Yes
Applicant Name	Proposed Location	District	License Class	Conditional Approval Issued	Consent to Release Form Received	Building	Fire (Waterford Regional)	Planning Site Plan/Special Exemption (if necessary)	Liability & Casualty Insurance Verified	State Pre-Approval
PGSH Holdings LLC	1054 Durant	Cesar Chavez	Class C (up to 1500 plants)	5/21/2021	7/9/2021					
Family Rootz	1-97 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	Class A (up to 500 plants) C (up to 1500 plants)	5/27/2021	6/19/2021			Yes		Yes
Botanical Greens	1651 E Highwood	Walton	Class C (up to 1500 plants)	7/19/2021	6/22/2021					Yes

Conditional Approved Processors in the Pre-Permit Process

Applicant Name	Proposed Location	District	Conditional Approval Issued	Consent to Release Form Received	Building	Fire (Waterford Regional)	Planning Site Plan/Special Exemption (if necessary)	Liability & Casualty Insurance Verified	State Pre-Approval
Pharmaco Inc	13 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	6/3/2021						Yes
Family Rootz	1-97 S Glenwood	Old Glenwood Plaza (Conditional Rezoning)	5/27/2021	6/19/2021					Yes

#19

**COMMUNICATION
FROM THE CITY
CLERK**

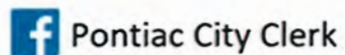


**CITY CLERK RESPONDS AGAIN TO
MEDICAL MARIHUANA REVIEW LEGAL REPORT**

**First Response September 2021
Second Response November 2021**

Garland Doyle, M.P.A., CNP
Interim City Clerk

Website: <http://pontiaccityclerk.com/medical-marihuana>



Pontiac City Clerk



PontiacClerk



Pontiac City Clerk



Pontiac City Clerk

A Fair and Transparent Process

Did Atty. Huth violate the City's Reviewer Conflict Policy?

NO.

Robert Huth, Esq., of Kirk, Huth, Lange and Badalamenti who serves as the Legal Compliance Reviewer for the application process followed the established City policy and did not review any application that would have violated the policy. Atty. Huth disclosed to the City Clerk that he could not review the following non-overlay provisioning center applications Joyology, Jars and MK Group LLC due to the fact that his firm had provided legal work to these entities for matters unrelated to the City of Pontiac in conformance with the City's reviewer conflict of interest policy and conflicts of interest and disclosure clause in his contract with the city. **Therefore, Atty. Huth did not violate the policy.**

A Fair and Transparent Process

Did Atty. Fraser violate the City's Reviewer Conflict Policy while serving as the Appeals Hearing Officer?

NO.

Atty. John Fraser served as the Appeals Hearing Officer while he was with Grewal Law, PLLC. While at Grewal Law, PLLC, Atty. Fraser did not have any conflicts. Since he has joined Dykema Gossett PLLC, he has not served as the Hearing Officer. Grewal Law, PLLC attorneys continue to serve as the Appeals Hearing Officer.

A Fair and Transparent Process

Does the City Clerk accept the City Attorney recommendations?

NO.

No, because there has been no violation of the City's Reviewer Conflict Policy.

Additionally, many of the recommendations may cause further delays in the review process and possibly give the top 5 ranked provisioning center applicants that have been selected based on a fair scoring and appeals hearing process grounds to sue the city.

A Fair and Transparent Process

City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy

At the request of the City Clerk, the City Council adopted the City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy on February 26, 2019

The policy calls for any reviewer to disclose any potential conflict that may provide an economic or other personal benefit to an employee, agent or contractor, or to any person or entity with whom they are related or have a financial interest. The policy further prevents any reviewer who may have a conflict from reviewing that application. This policy was put in place to ensure that decisions are based entirely on merit. Additionally, the policy states how violations are to be handled if a reviewer fails to disclose a potential conflict of interest.

In addition to establishing the policy, the City Clerk worked to ensure that conflict of interest and disclosure clauses were placed in each of the professional experts' contracts.



OFFICE OF THE CITY CLERK
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue
Pontiac, Michigan 48342
Phone: (248) 758-3200
Fax: (248) 758-3160

TO: Honorable City Council

FR: Garland Doyle, M.P.A.
Interim City Clerk

CC: Mayor Waterman
Anthony Chubb, Esq.

DATE: September 16, 2021

RE: Clerk's Response to City Attorney Memorandum about Potential Conflicts of Interest in the Marihuana Application Review Process

First of all, there have no violation of the conflicts of interest policy in the medical marihuana review process. As you know, I have worked hard to ensure that the medical marihuana review process follows the ordinance as approved by the voters and is a process that is fair, transparent and has integrity.

This is why, I asked this honorable body to approve the City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy in February 2019 before the application review process began. The policy that the City Council approved on February 26, 2019 calls for any reviewer to disclose any potential conflict that may provide an economic or other personal benefit to an employee, agent or contractor, or to any person or entity with whom they are related or have a financial interest. The policy further prevents any reviewer who may have a conflict from reviewing that application. This policy was put in place to ensure that decisions are based entirely on merit. Additionally, the policy states how violations are to be handled if a reviewer fails to disclose a potential conflict of interest. I have enclosed a copy of the City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy.

In addition to establishing the policy, the City Clerk worked to ensure that conflict of interest and disclosure clauses were placed in each of the professional experts' contracts.

As it relates Robert Huth, Esq., of Kirk, Huth, Lange and Badalamenti who serves as the Legal Compliance Reviewer for the application process having a conflict, Atty. Huth followed the established City policy and did not review any application that would have violated the policy. Atty. Huth disclosed to the City Clerk that he could not review the following non-overlay provisioning center applications Joyology, Jars and MK Group LLC due to the fact that his firm had provided legal work to these entities for matters unrelated to the City of Pontiac in

conformance with the City's reviewer conflict of interest policy and the conflicts of interest and disclosure clause in his contract with the city. Therefore, Atty. Huth did not violate the policy.

As it relates to the City Attorney analysis of John Fraser having a conflict while he served as the Hearing Officer is untrue. Grewal Law, PLLC was selected by the City Clerk to serve as the Hearing Officer. Atty. John Fraser, Atty. Cheyenne Benyi and Atty. Chelsea Lenard all of Grewal Law PLLC have served as hearing officers to hear medical marihuana applicant appeals. Atty. Fraser informed the City Clerk that he would be leaving Grewal Law, PLLC to join Dykema Gossett PLLC on August 9, 2021. The City Clerk initially seeked to retain Atty. Fraser because he had served as the lead attorney for appeals. After realizing that Dykema Gossett PLLC had assisted some Pontiac applicants with preparing their applications, the City Clerk asked the City Council to remove the Dykema Gossett contract to serve as the new hearing officer from its agenda. It would have been a violation of the City's conflict policy for Dykema Gossett to serve as Hearing Officer. Therefore the Clerk determined that it was in the best interest for the City to retain Grewal Law, PLLC to continue serving as the hearing officer. Again Atty. Fraser did not have any conflicts while he served as the hearing officer. He served as the Hearing Officer while he was with Grewal Law PLLC. He has not served as the hearing officer since he has been with Dykema Gossett. Therefore, Atty. Fraser did not violate the policy.

As it relates, to the City Attorney recommendations, the City Clerk has determined that they are not necessary since the established City of Pontiac Medical Marihuana Permit Reviewer Conflict of Interest Policy was followed by the reviewers. There has been no violation of the policy. Additionally many of the recommendations could expose the City to unnecessary lawsuits. The following are the City Attorney recommendations and the Clerk's response to the recommendations.

City Attorney Recommendation

1. As a result of the admitted conflict by Kirk, Huth, Lange & Badalamenti, PLC, the Interim Clerk, through Council action, should cancel the contract for compliance review services and immediately seek independent compliance review form a vetted replacement entity, to perform compliance review service for all 108 applications.

Clerk's Response

Another review of 108 applications is not necessary and could serve to cause liability for the City. The Mayor agreed to the manner in which potential conflicts would be handled by Atty. Huth. His agreement states:

"Kirk Huth further agrees that it will not review, analyze, or grade any application for any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual, submitting an application for a marihuana facility license with the City of Pontiac that it has previously represented in any capacity."

Atty. Huth did not review any applications from entities that had a prior relationship with his firm. He followed the process as required by the City. His agreement is attached. **Starting over now is unfair to the winners and would only serve to cause further delay. Those that were told that they prevailed only to have if ripped away for not legitimate reason would likely have a cause action against the city.**

City Attorney Recommendation

2. As a result of admitted conflict by Dykema Gossett, PLLC the Interim Clerk, through Council action, should cancel the contract for Hearing Officer services with Attorney John Fraser and immediately seek independent counsel to act as the Hearing Officer for all 108 applicants.

Clerk's Response

Atty. Fraser served as the hearing officer while at Grewal Law PLLC. Mr. Fraser's work on behalf of the city ahead of joining Dykema presented no conflict. It would be senseless to toss out the work he did while he had no conflict. He has not served as the hearing office since joining Dykema.

City Attorney Recommendation

3. Each professional consultant retained by the Interim Clerk should be immediately asked to submit a detailed conflict of interest statement, re-confirming that neither they nor their firm have any conflict with any of the 108 applicants, including their ownership structure.

Clerk's Response

The current policy regarding disclosures of conflicts works very well. Nothing else is required.

City Attorney Recommendation

4. The matter must be submitted to the City's liability carrier for review and recommendation.

Clerk's Response

The City Clerk contacted the City's liability carrier Michigan Municipal Risk Management Authority (MMRMA) and was informed they they do not provide this service. Furthermore, attorneys must follow the City's Conflict Policy and the Rules of Professional Conduct.

City Attorney Recommendation

5. Pending the recommendation of the City's liability carrier, the oversight of the application process must be temporarily seceded to the City Attorney and city council must recognize and allow the delegated city attorney, as appointed by the mayor pursuant to the authority of the city charter, to effectively perform his duties to the city by

informing council of opinions and memos at city council meetings, subcommittee and other such events at which city business is conducted.

Clerk's Response

As stated above MMRMA will not issue a recommendation because they do not provide this service. Also, there is no basis for the City Attorney to oversee the application process. It would be a violation of Ordinance 2357(B) to turn oversight over to the City Attorney. The only reason the City would make such a request is to appease the Mayor.



CITY OF PONTIAC

MEDICAL MARIHUANA PERMIT REVIEWER CONFLICT OF INTEREST POLICY

Purpose

The City of Pontiac (the “City”) has approved an ordinance to allow medical marihuana facilities to operate in the City. After receipt of a completed application, the Pontiac City Clerk is responsible for forwarding the application to the Fire, Building and Safety, and Planning Departments/Divisions, and the Pontiac City Clerk may forward the application or certain parts thereof to any other relevant department/division of the City (including contractors of the City) to confirm compliance with certain requirements of the City of Pontiac Medical Marihuana Facilities Ordinance (“Ordinance”).

The City provides this Conflict of Interest Policy to ensure that there is full disclosure in connection with approval/review of any medical marihuana facility permit application (“Medical Marihuana Application”) or inspection of any proposed medical marihuana facility that may provide an economic or other personal benefit to an employee, agent or contractor, or to any person or entity with whom they are related or have a financial interest. This will help to ensure that decisions are based entirely on merit. This policy is intended to supplement but not replace any applicable City, state or federal laws relating to conflicts of interest.

Definitions

1. Interested Person. An “Interested Person” is an individual who is in a position to review, inspect and/or approve components of an applicant’s Medical Marihuana Application or proposed medical marihuana facility on behalf of the Fire, Building and Safety, or Planning Departments/Divisions or any other relevant department/division of the City (including contractors of the City) tasked with reviewing, inspecting and/or approving any components of Medical Marihuana Applications or proposed medical marihuana facilities.
2. Family Member. A “Family Member” includes: the spouse of, or a brother, sister, in-law, ancestor (including parents and grandparents), child, grandchild or great grandchild of an Interested Person, or the spouse of any child, grandchild, or great grandchild of an Interested Person.
3. Financial Interest. An Interested Person has a “Financial Interest” if:
 - (a) such Interested Person, or any Family Member or Related Entity of such Interested Person, is directly or indirectly involved in any transaction or exchange with an entity or individual that has submitted or plans to submit a Medical Marihuana Application to operate a medical marihuana facility in the City (other than retail purchases of medical marihuana at a provisioning center in compliance with applicable laws); or
 - (b) such Interested Person, or any Family Member or Related Entity of such Interested Person, has a compensation arrangement or a potential compensation arrangement of any form, direct or indirect, with any entity or individual that has submitted or plans to submit a Medical Marihuana Application to operate a medical marihuana facility in the City.

4. Related Entity. A “Related Entity” means: any corporation, partnership, limited liability company, estate, trust or other entity or organization in which any Interested Person or any Family Member of such Interested Person, directly or indirectly, owns or controls or is negotiating to own or control (including through other entities or organizations) 1% or more of the voting power, 1% or more of the profits or economic interest or 1% or more of the ownership interest of such entity or organization.

Acceptance of Benefit

Employees, agents and contractors reviewing, inspecting and/or approving components of an applicant’s Medical Marihuana Application or proposed medical marihuana facility (and their Family Members and Related Entities) shall not solicit, accept or retain any direct or indirect gift, gratuity, compensation, payment or other benefit (collectively, “Benefit”) from any individual or entity operating or seeking to operate a medical marihuana facility in the City.

Procedures for Conflicts of Interest

1. Duty to Disclose. Each year, promptly after the release of the Medical Marihuana Application by the City Clerk and on each anniversary thereafter (and in any case prior to any review by such Interested Person of any Medical Marihuana Application), each Interested Person shall complete and submit to the City Clerk the Conflict of Interest Disclosure Statement/Affidavit For Medical Marihuana Facility Permit Applications attached hereto (“Conflict of Interest Disclosure Statement”). Even if an Interested Person has completed a Conflict of Interest Disclosure Statement, if the Interested Person receives a Medical Marihuana Application in which such Interested Person has a Financial Interest or other actual or potential conflict of interest, before such Interested Person may review the Medical Marihuana Application, such Interested Person shall disclose to the City Clerk the existence of such Financial Interest or conflict together with a statement of facts that describe and explain such Financial Interest or conflict.

2. Reappointment. Upon receipt of the Interested Persons’ disclosure of Financial Interest or other actual or potential conflict (or any other discovery of the same), the City Clerk shall report such Financial Interest or conflict to the respective head of the department or division and another employee, agent or contractor shall be assigned to the particular Medical Marihuana Application.

3. Violations.

(a) If the City Clerk or head of the respective department or division has reasonable cause to believe that an Interested Person has failed to disclose any actual or potential conflict of interest (including without limitation any Financial Interest) or has directly or indirectly solicited, accepted or retained a Benefit from any individual or entity operating or seeking to operate a medical marihuana facility in the City, the City Clerk or such department/division head shall inform the Interested Person of the basis for such belief and afford him/her an opportunity to explain the alleged failure to disclose or explain the improper Benefit.

(b) If, after hearing the response of the Interested Person and making such further investigation as may be warranted under the circumstances, the City Clerk or respective department/division head determines that the Interested Person has in fact failed to disclose an actual or potential conflict of interest or directly or indirectly solicited, accepted or retained a Benefit, the City Clerk or respective department/division head shall take appropriate disciplinary and corrective action, and may forward the matter to the appropriate law enforcement agency to investigate.

Approved by City of Pontiac:

February 26, 2019
Date

**CITY OF PONTIAC (“CITY”)
 CONFLICT OF INTEREST DISCLOSURE STATEMENT/AFFIDAVIT
 FOR MEDICAL MARIHUANA FACILITY PERMIT APPLICATIONS**

Name: _____ (Interested Person)

1. As an Interested Person, please list any Related Entity (as defined in the City’s Conflict of Interest Policy) that has or plans to submit an application to the City to operate a medical marihuana facility.

Entity	Percentage Interest	<u>Date</u> From	<u>(Yrs)</u> To	Person Involved (relationship)

2. As an Interested Person, please list any organization or entity (profit or nonprofit) that you or a Family Member (as defined in the City’s Conflict of Interest Policy) or Related Entity currently (or plan to) serve as an employee, contractor, agent, manager, director, officer or similar position or receive or are entitled to any form of compensation, that has or plans to submit an application to the City to operate a medical marihuana facility.

Organization/Business	Position/Involvement	Person Involved (Relationship)

3. As an Interested Person, please list any other organization, entity, involvement, relationship, conditions or circumstances that place or may place you in a conflict or potential conflict regarding the review, inspection or approval of any medical marihuana facility permit application for the City, including without limitation any Financial Interest (as defined in the City's Conflict of Interest Policy).

Organization or Circumstance	Conflict or Potential Conflict

4. Neither myself nor any of my Family Members or Related Entities have solicited, accepted or retained any direct or indirect gift, gratuity, compensation, payment or other benefit from any individual or entity operating or seeking to operate a medical marihuana facility in the City.

Under penalties of perjury, I declare that: (i) I have completed this Disclosure Statement/Affidavit and that to the best of my knowledge and belief it is true, correct and complete; and (ii) I will update this Disclosure Statement/Affidavit within one (1) business day after any relevant circumstances change by notifying the City Clerk of such change.

Signature: _____

Date: _____

STATE OF _____)
)SS
 COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 201____, by _____.

_____, Notary Public
 _____ County, Michigan
 My commission expires: _____

KH KIRK | HUTH | LANGE
& BADALAMENTI P.L.C.
ATTORNEYS AT LAW

ROBERT W. KIRK *
ROBERT S. HUTH, JR.
CRAIG W. LANGE
RAEHEL M. BADALAMENTI
MARYANNE J. DENEWETH
MICHAEL C. TAYLOR
ROSEMARY V. DAVIS
PATRICK S. MCKAY
ELIZABETH P. ROBERTS
ROBERT T. CAROLLO, JR.
RYAN J. L. FANTUZZI **

ATTORNEYS AT LAW

19500 HALL ROAD
SUITE 100
CLINTON TOWNSHIP, MICHIGAN 48038
(588) 412-4900

www.KirkHuthLaw.com

WRITER'S E-MAIL: rhuth@kirkhuthlaw.com
FACSIMILE: (588) 412-4940

* Also Member of Florida Bar
** Also Member of Virginia Bar

April 30, 2020

RECEIVED
JUN 02 2020

BY:

Dear Interim City Clerk Doyle:

Thank you for the opportunity to serve as "Professional Expert – Legal Advisor to the City Clerk" under the City of Pontiac Medical Marijuana Ordinance 2357(B) (the "Representation"). The engagement terms of this letter are listed below:

Client. The client in this matter will be the City of Pontiac/ City Clerk (the "Client"). This engagement does not create an attorney-client relationship with any other person or entity. The point of contact will be the City Clerk.

Scope of Engagement. In the course of the Representation, we will provide legal advice to the City Clerk, in his official capacity, in connection with his duties under the City of Pontiac Medical Marijuana Facilities Ordinance 2357(B) and matters related thereto. This includes legal advice with regard to applications for marijuana permits in the City of Pontiac, including but not limited to (1) advising on the legal consequences and effects of applicant criminal background information and staff/employee training and education materials; (2) complete a compliance review of scored provisioning center applications to ensure criteria has been consistently applied by members of the scoring team; and (3) attendance of at least four in-person meetings with the Scoring Team, as directed by the City Clerk. The City Clerk shall, in all cases, be the decision maker with respect to any scoring decision. We will NOT provide any service or advice other than legal advice.

Conflicts of Interest and Disclosure. Kirk, Huth, Lange & Badalamenti, P.L.C., including its owner(s), employee(s), and consultants (collectively "Kirk Huth") agrees that it will not represent any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual, submitting an application for a marijuana facility license with the City of Pontiac. KirkHuth further agrees that it will not review, analyze, or grade any application for any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual, submitting an application for a marijuana facility license with the City of Pontiac, that it has previously represented in any capacity. To the extent permissible pursuant to the Michigan Rules of Professional Conduct, Kirk Huth further agrees that it will provide disclosure

of any such previous representation including (1) the client previously represented, (2) the nature of the representation, and (3) the time period of the previous representation. Such disclosure shall be updated on an ongoing basis as necessary.

Kirk Huth has been retained by clients in the marijuana industry. It has not offered any legal advice to any client pertaining to any issue in the City of Pontiac. It is not aware of any of those clients applying for a license in Pontiac. Kirk Huth is not terminating its relationship with any clients should it turn out that the client has applied in Pontiac. It will disclose the relationship to Pontiac and advise Pontiac to use another law firm to serve as "Professional Advisor to City Clerk" to review any matter relating to that client.

During the course of this engagement, Kirk, Huth, Lange & Badalamenti, PLC and Robert S. Huth, Jr., Esq. are prohibited from providing any legal representation for the City of Pontiac in any capacity, other than as identified herein.

Rates and Charges. In order to manage costs, Mr. Robert S. Huth, Jr. will be principally responsible for the Representation. Other attorneys and professional staff may be utilized as appropriate. A short bio of Mr. Huth is attached. Hourly rates will be as follows:

\$200 per hour for Robert S. Huth, Jr. and firm Associates
\$90 per hour for staff

The cost for this Representation will not exceed \$85,000 unless otherwise agreed upon. Invoices will be addressed to the City of Pontiac, c/o Interim City Clerk Garland Doyle, 47450 Woodward Ave, Pontiac, MI 48342. Annual increases in attorney rates are the norm. Out of pocket expenses, if any, will be sent directly to the Client for payment, or we will pay those expenses and invoice, the Client for the expense. A detailed invoice will be provided on a monthly basis and due net 30 days. Interest at 1% per month is charged to late payments. If necessary, costs of collection, including attorney fees, are chargeable to the Client.

Federal Law. As you are aware, marihuana is currently still illegal under federal law. The laws of the State of Michigan and the City of Pontiac that allow for medical marihuana are not recognized by the federal government or by federal law enforcement authorities. State and local law has no effect on applicable federal laws, which may impose criminal and civil penalties for the possession, transportation, sale, or distribution of marihuana or for any activity related to marihuana products, services, businesses, or other activities. We are not providing any advice with respect to any federal law, including federal marihuana laws, implicated by the City of Pontiac's decision to regulate and license medical marihuana facilities.

Other Legal Matters. We are Special Counsel to the Client, and we only represent the Client to the extent provided herein. We will not provide advice, including legal advice, on any matter outside the scope of this letter. Client should contact its General Counsel on any matters falling outside the scope of this Representation.

Interlm City Clerk Doyle
April 30, 2020
Page 3

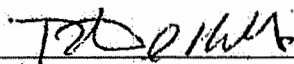
Dispute Resolution. If any dispute arises regarding the services provided to the Client by us or the charges for those services and related expenses, then we and the Client will first try in good faith to settle the dispute directly. If the dispute is not resolved, it shall be submitted to a third-party neutral facilitator in accordance with the mediation rules of the American Arbitration Association. If the dispute is not resolved in mediation, the dispute shall be settled through binding arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association except as modified here. Judgment upon the award may be entered in any court of competent jurisdiction. The mediation and arbitration proceedings, including any hearings, shall be held in the Detroit metropolitan area. Client and we agree that neither is entitled to or shall request punitive or exemplary damages and that the arbitrators shall not have the authority to award such damages or any damages in excess of actual pecuniary damages.

Termination. The City of Pontiac, by resolution of the City Council, or Rob Huth, by written notice to the City Clerk, may terminate this engagement at any time, with or without cause, upon 30 days' notice to the other party, whereupon a final invoice will be provided and all accounts settled.

Document Retention. Generally, a client must be given advanced written notice of an attorney's intent to destroy retired files. It is our policy to destroy a file after a period of three (3) years from the date of last service. By agreeing to this Representation, Client consents to the destruction of the closed file after three (3) years, without advanced written notice to the Client of our intention to destroy the file. Should you wish a copy of that file before that deadline, the obligation of contact resides with the Client.

Please sign below and return this letter to me electronically or by mail. By signing this letter, you acknowledge that you have read, understood, consent to, and have had the opportunity to consult with independent counsel regarding the terms of this letter, and that you have the actual authority to enter into this Representation.

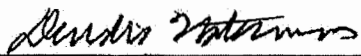
Sincerely,
Kirk, Huth, Lange & Badalamenti, P.L.C.


Robert S. Huth, Jr. - Partner

Terms and Conditions Approved By:

The City of Pontiac

Dated: 5/26/20


By: Deirdre Waterman - Mayor of Pontiac
5/27/20

MEMORANDUM

TO: Pontiac City Council
Interim Clerk Garland Doyle

CC: Mayor Deirdre Waterman

FROM: Anthony Chubb, Esq.

DATE: September 15, 2021

RE: Potential Conflicts of Interest in Marihuana Application Review Process

This Memorandum is to provide the City Council with an update regarding potential conflicts within the marihuana application review process.

ANALYSIS REGARDING COMPLIANCE ATTORNEY POTENTIAL CONFLICT

On July 10, 2021, the administration was informed that the firm, Kirk, Huth, Lange & Badalamenti, PLC may have a conflict of interest in the Medical Marijuana Review process where they are under contract to provide compliance review, by Attorney Rob Huth, over all applications through the Clerk's office. Upon receipt of this information, the Administration took several steps to determine the truth of the claim so as to protect the interests of the City in this process.

On July 12, 2021 Attorney Rob Huth was contacted to establish a discussion as to whether his firm had completed a thorough review of all potential conflicts of interest.

On July 13, 2021, in the absence of an initial response, a letter was forward to Mr. Huth's principal partner, Bob Kirk, stating the concern, information and seeking a proper response.

On July 19, 2021, again in the absence of any response, a second communication was sent to the firm principals, including Attorney Huth, seeking clarification and affirmation that they did not have a conflict in performing the necessary reviews for the marijuana process.

On July 22, 2021 the administration received a letter from Attorney Huth indicating that he looks for a potential conflict on a case by case basis as he picks up fractional amounts of the applications. The administration responded, seeking clarification, as the method of first checking for a conflict as to any applicant as the applications are picked up on a going basis, will result in the entire process being spoiled if one is found after many have been reviewed.

On August 18, 2021 the administration, following up on further review and the fact that the Clerk has prohibited the administration from all and any access to records, sent another communication asking for final clarification.

On August 23, 2021 the administration was informed by Attorney Huth that he in fact is conflicted

with at least three applicants in the review of medical marijuana applications. This conflict was first publicly disclosed by the Interim Clerk on August 20, 2021.

ANALYSIS REGARDING HEARING OFFICER POTENTIAL CONFLICT

The Interim Clerk has requested that the City approve a new contract for the hearing Officer, Attorney John Fraser, as he has moved his practice to Dykema. The materials provided by the Interim Clerk include an admission that Dykema represents clients who are seeking licensure in the City of Pontiac and that they are not dismissing those clients prior to the bringing on of Attorney Fraser to their firm. Those facts have been accepted as true pursuant to their letter:

“Conflict of Interest, Disclosure, and Waiver. The Firm agrees that it will not review, analyze, grade, or hear the appeal on any application for any (1) organization, (2) individual with an ownership interest in an organization, or (3) individual submitting an application for a marijuana facility license with the City of Pontiac that it has previously represented in any capacity. To the extent permissible pursuant to the Michigan Rules of Professional Conduct, the Firm further agrees that it will provide disclosure of any such previous representation including (1) the client previously represented, (2) the nature of the representation, and (3) the time period of the previous representation. Such disclosure shall be updated on an ongoing basis as necessary.

The Firm has been retained by clients in the marijuana industry, including some of which have sought licensure in the City of Pontiac. The Firm is not terminating its relationship with any clients should it turn out that the client has applied in Pontiac. It will disclose the relationship to the City of Pontiac and advise the City of Pontiac to use another law firm to serve as "Hearing Officer" to review any matter relating to that client.

The Firm has been or may be retained by other clients from time to time who may be adverse to the City of Pontiac in matters unrelated to the Representation covered by this limited Engagement. The City of Pontiac hereby waives any conflict that may arise in the Firm's representation of other clients in such matters and agrees not to disqualify the Firm from such representation, provided that such matters are not substantially related to any matter in which the Firm represents the City of Pontiac or on a matter in which the City of Pontiac has provided us with confidential information material to the matter.”

In both instances outlined above, the issue of whether a professional consultant retained at the direction of the Interim Clerk for the review and appellate review of applications was conflicted due to a conflict of interest, was promptly investigated and confirming written materials are now retained by the City Attorney.

FINDINGS

Dykema and Kirk Huth as consultants retained by the Interim Clerk have now acknowledged conflicts in the review process.

As a result of the foregoing, City Attorneys have recommended several supplemental reparative actions to ensure the integrity of the application process to the Interim Clerk, but have not received confirmation that those recommendations will be adopted.