

NOTICE OF PONTIAC CITY COUNCIL MEETING
September 22, 2020
at 6:00 p.m.

THE MEETING WILL BE HELD ELECTRONICALLY

The City Council of the City of Pontiac will hold a Study Session on September 22, 2020 at 6:00 p.m. This meeting will be held electronically pursuant to the Open Meetings Act and Governor Whitmer's Executive Order 2020-154. The agenda of the Study Session is attached. Pursuant to Executive Order 2020-129, the Pontiac City Council gives notice of the following:

1. **Reason for Electronic Meeting.** The Pontiac City Council is meeting electronically because of Executive Order 2020-154.
2. **Procedures.** The public may view the meeting electronically through the following method.
http://pontiac.mi.us/council/pontiac_tv/index.php
3. **Public Comment.** For individuals who desire to make a public comment, please submit your name and comment in writing to publiccomments@pontiac.mi.us. Additionally, you may submit your public comment in writing directly to the Office of the City Clerk during regular business hours. All public comments must be received no later than 5:30 p.m. on September 22, 2020. Public comments are limited to three (3) minutes. The City Clerk will read your comments during the public comment section of the meeting.
4. **Persons with Disabilities.** Persons with disabilities may participate in the meeting through the methods set forth in paragraph 2. Individuals with disabilities requiring auxiliary aids or services in order to attend electronically should notify the Interim City Clerk, Garland Doyle at (248) 758-3200 or clerk@pontiac.mi.us at least 24 hours in advance of the meeting.

Dated 9-18-2020, 5:00 p.m.

Garland S. Doyle, Interim City Clerk

City of Pontiac

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

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."

Website: http://pontiac.mi.us/council/meeting_agendas_and_minutes/index.php

STUDY SESSION

September 22, 2020

6:00 P.M.

190th Session of the 10th Council

Call to order

Roll Call

Authorization to Excuse Councilmembers

Amendments to and Approval of the Agenda

Approval of the Minutes

1. September 15, 2020

Public Comment

Closed Session

2. City Attorney request a closed session pursuant to MCL 15.268(h) to discuss information exempt from disclosure pursuant to MCL 15.243(1)(g), specifically an updated attorney-client privileged memorandum regarding the status of the Phoenix Center.

Agenda Items

Ordinance

3. An Ordinance to Amend the City of Pontiac General Employees' Retirement System and Establish a Date of Termination (First Reading)

Resolutions

City Clerk

4. Resolution to authorize the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase account 101-000-532.000 in the amount of \$405,564.00. The City has received a \$405,564.00 grant from the Center for Tech and Civic Life to support the Pontiac Safe Voting Plan.

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

Office of the City Clerk 47450 Woodward Pontiac, Michigan 48342 Phone (248) 758-3200

Website: <http://pontiaccityclerk.com>

Economic Development

5. Resolution to authorize the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase account 101-000-532.000 in the amount of \$100,000.00. The City has received a \$100,000.00 grant the Community Foundation of Southeast Michigan to support the development of an internal grants management process and system.

Department of Public Works

6. Resolution to approve the Local Road Improvement Cost Participation Agreement with Oakland County Board of Commissioners – Mill and Resurface Pike Street from NB Woodward to SB Woodward

Finance

7. Resolution to ratify Mayoral appointment of Darrin Carrington as Finance Director.

Planning

8. Resolution to approve Zoning Map Amendment request [ZMA 19-11] for parcel 64-14-18-351-012 to amend the current zoning C-4 Suburban Commercial to M-1 Light Manufacturing zoning district.
9. Resolution to approve Zoning Map Amendment request [ZMA 20-05] for parcel 64-14-16-451-012] to amend the current zoning R-1 One Family Dwelling to R-3 Multiple Family Dwelling zoning district

Communications from the Mayor

10. Additional Diligence on Phoenix Center Opportunities Report
11. Report from the Real Estate Subcommittee Meeting on September 9, 2020

Adjournment**Upcoming Special Presentations****September 29, 2020**

1. Office of the City Clerk Election 2020 Initiatives
2. Office of the City Clerk Medical Marihuana Application Review Process Monthly Update
3. Update: The Village at Bloomfield

#1

MINUTES

September 15, 2020 Formal

**Official Proceedings
Pontiac City Council
189th Session of the Tenth Council**

Call to order

A Formal Meeting of the City Council of Pontiac, Michigan was called to order electronically on Tuesday, September 15, 2020 at 6:03 p.m. by Council President Kermit Williams.

Invocation- Linnette Phillips, Director, Economic Development

Pledge of Allegiance

Roll Call

Members Present: Carter, Pietila, Shramski, Taylor-Burks, Waterman and Williams.

Members Absent: Miller.

Mayor Waterman was present.

Clerk announced a quorum.

Excuse Council Members

20-423 **Excuse Councilmember Gloria Miller Carter for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Waterman.

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

No: None

Motion Carried

Amendments to and Approval of the Agenda

20-424 **Motion to defer item #3 and #6 until Council receives additional information from Administration.** Moved by Councilperson Waterman and second by Councilperson Shramski.

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

No: None

Motion Carried

20-425 **Motion to allow Retiree System to speak after presentation #4 (City of Pontiac Retired Employees Association (CPREA) Status Update).** Move by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

Motion Carried

20-426 **Approve agenda as amended.** Move by Councilperson Waterman and second by Councilperson Shramski.

September 15, 2020 Formal

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

No: None

Motion Carried

Approval of the Minutes

20-427 **Approval of minutes for September 8, 2020.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Subcommittee Reports

Received Public Safety – August 2020

Received Real Estate – September 9, 2020

Special Presentations

City of Pontiac Retired Employees Association (CPREA) Status Update

Presentation Presenters: Mayor Waterman, City Attorney John Clark and Attorney Samantha Kopaz, Miller Canfield

Introduction of Candidate for Finance Director-Darin Carrington

Presentation Presenters: Mayor Deirdre Waterman and Darin Carrington

Councilwoman Gloria Miller arrived at 6:30 p.m.

Resolutions

City Clerk

20-428 **Resolution to approve the grant agreement between the City of Pontiac and Center for Tech and Civic Life (CTCL). The Office of the City Clerk has received a \$405,564.00 grant from CTCL to support the City of Pontiac Safe Voting Plan. The grant period is June 15-December 31, 2020. The grant award was presented by the Interim City Clerk during the City Council Meeting on September 8, 2020.** Moved by Councilperson Waterman and second by Councilperson Pietila.

WHEREAS, The Center for Tech and Civic Life (CTCL) has award a \$405,564.00 to support the Pontiac Safe Voting Plan 2020; and

WHEREAS, the grant period is from June 15 – December 31, 2020; and

WHEREAS, the Interim City Clerk will serve as the grant administrator

NOW THEREFORE BE IT RESOLVED, the Pontiac City Council approves the acceptance of the grant and authorizes the Mayor to sign the grant agreement on behalf of the City of Pontiac.

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

No: None

Resolution Passed

Community Development

20-429 **Resolution to approve the 2020 Oakland County Brownfield Consortium Agreement between Oakland County and the City of Pontiac.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, the 2020 Oakland County Brownfield Consortium Agreement is entered into between the County of Oakland and the city of Pontiac.

Whereas, the County formed a coalition to apply for an Environmental Protect Agency (EPA) 2009 Brownfield Coalition Assessment Grant on behalf of the City of Pontiac along with other cities in Oakland County (Farmington Hills, Ferndale, Hazel Park, Madison Heights and Southfield).

Whereas, the Consortium which is not a legal entity and because only one member of the consortium could submit the grant application and be the grant recipient, the County entered into a Cooperative Agreement, Number BF-00E02004.

Whereas, the County was awarded a \$600,000 Brownfield Coalition Assessment Grant to be used by the Consortium.

Whereas, the 2020 Guidelines for the Brownfield Assessment Grant requires that the Consortium members execute an agreement documenting the site selection process, distribution of funds and the mechanisms for implementing the work to be performed with grant funds.

Now, Therefore, Be It Resolved, that the City Council approves the 2020 Oakland County Brownfield Consortium Agreement between Oakland County and the City of Pontiac.

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

No: None

Resolution Passed.

Department of Public Works (DPW)

20-430 **Resolution to extend contract with Great Lakes Power and Lighting until January 1, 2021.** Moved by Councilperson Pietila and second by Councilperson Shramski.

Whereas, the City of Pontiac has mutually agreed with Great Lakes P&L to extend the contract for 6 months at current rates,

Whereas, Great Lakes P&L has done exemplary work over the 3 years of their contract;

Whereas, The Department of Public Works is still in need of assistance for "Street Light Maintenance";

Now, Therefore, Be It Resolved, the Pontiac City Council authorizes the Mayor to extend the contract with Great Lakes P&L until January 1, 2021.

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

No: Carter

Resolution Passed

Finance

20-431 **Resolution to authorize the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase account 101-000-532.000 in the amount of \$90,000.00. The City has received two grants for the U.S. Census from the Michigan Municipal League (\$25,000.00) and the Community Foundation of Southeast Michigan (\$65,000.00).** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac timely approved the 2020-2021 budget on June 30, 2020 and;
Whereas, the City has received two grants from the Michigan Municipal League and Community Foundation of Southeast Michigan, and;
Whereas, the Mayor is proposing to the City Council to increase the budgeted revenue for the current fiscal year 2020-2021 in the amount of \$90,000 for grant income, and increase the appropriations in the amount of \$90,000, representing reimbursed grant expenditures.
Whereas, the increased appropriations will not cause the fund balance in the General Fund to go below the policy mandated thresholds, and;
Now, Therefore, Be It Resolved that the City Council hereby authorizes the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase budget revenues in the amount of \$90,000.00 to the General Fund in account 101-000-532-000 – Grant Income, and appropriations in the amount of \$90,000 to the following General Fund account:
101-690-818-013 Census Expenditures \$90,000. .

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

No: None

Resolution Passed

Public Comment

None

Mayor, Clerk and Council Closing Comments

Mayor Deirdre Waterman, Interim Clerk Garland Doyle, Councilwoman Megan Shramski, Councilwoman Mary Pietila, Councilwoman Gloria Miller, Councilwoman Doris Taylor-Burks and Council President Pro-Tem Carter made closing comments. President Kermit Williams had no comments.

Adjournment

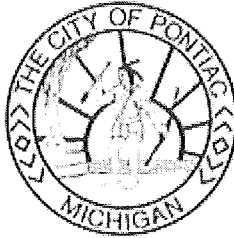
Council President Kermit Williams adjourned the meeting at 7:13 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK

#2

**CLOSED
SESSION**

Pontiac City Council Resolution



Whereas, Michigan Open Meetings Act Section 8(h), MCL 15.268(h), allows a public body to go into closed session to consider material exempt from discussion or disclosure by state or federal statute; and

Whereas, Michigan Freedom of information Act Section 13(g) exempts from disclosure records subject to the attorney-client privilege;

Whereas, The Mayor and City Attorney request a closed session pursuant to MCL 15.268(h) to discuss information exempt from disclosure pursuant to MCL 15.243(1)(g), specifically an updated attorney-client privileged memorandum regarding the status of the Phoenix Center.

Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss information exempt from disclosure pursuant to MCL 15.243(1)(g), specifically an updated attorney-client privileged memorandum regarding the status of the Phoenix Center.

#3

ORDINANCE

Founded in 1852
by Sidney Davy Miller



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September 16, 2020

Pontiac City Council
City Hall
47450 Woodward Avenue
Pontiac, Michigan 48342

Re: Proposed Ordinance to Amend the City of Pontiac General Employees' Retirement System and Establish a Date of Termination

Dear Honorable Council:

As you are aware, the City of Pontiac (the "City") entered into an innovative settlement agreement with a class of retirees ("CPREA") related to City funding of retiree health benefits in the United States District Court for the Eastern District of Michigan Case No. 2:12-cv-12830 (the "Settlement Agreement"). The terms of the Settlement Agreement generally dictate that, subject to approval by the Internal Revenue Service (the "IRS"), the City will terminate the General Employees' Retirement System (the "GERS"), establish a new defined benefit plan under Internal Revenue Code ("Code") §401(a) (which will assume all of the pension liabilities of the GERS plus have an initial "substantial cushion") (the "Reestablished GERS"), and establish a voluntary employees' beneficiary association under Code §501(c)(9) (the "VEBA"). In order to effectuate the Settlement Agreement, Miller Canfield made four submissions to the IRS on behalf of the City (collectively, the "IRS Submissions") on May 22, 2020. Copies of the IRS Submissions were previously made available to the Honorable Council.

Of relevance to the Honorable Council today is the IRS Submission related to the City of Pontiac General Employees' Retirement System Application for Determination for Terminating Plan (IRS Form 5310) ("GERS Termination Application"). The IRS has conducted an initial review of the GERS Termination Application and has indicated that it now needs the Honorable Council to formally establish a termination date for the GERS and adopt the proposed amendment. In this regard, the enclosed proposed ordinance ("Proposed Ordinance") establishes a termination date of January 31, 2021. In summary, the Proposed Ordinance:

- 92-11. Clarifies that employees hired pursuant to the MAPE collective bargaining agreement with the City are eligible to participate in the GERS.
- 92-46. Establishes the City's right to terminate the GERS.
- 92-46A. Establishes a January 31, 2021 termination date for the GERS and addresses how assets will be transferred.
- 92-48, 92-49, 92-50. Deletes provisions of the GERS that were adopted in 2014 but never implemented.

Pontiac City Council

-2-

September 16, 2020

We understand that Deborah Munson, on behalf of the GERS Board, provided the Honorable Council with a draft GERS termination amendment on May 22, 2020. We believe that Proposed Ordinance and the version provided by the GERS Board are substantively identical, except (1) the Proposed Ordinance includes a January 31, 2021 termination date to account for the IRS's request; and (2) the Proposed Ordinance includes reference to "collective bargaining agreement with the City" when addressing MAPE employee eligibility in Section 92-11.

In order to permit the IRS to rule on the GERS Termination Application and effectuate the Settlement Agreement, we recommend and respectfully request that the Honorable Council adopt the Proposed Ordinance. The IRS has requested City Council action in this regard as soon as possible.

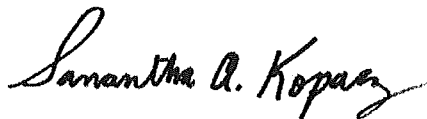
Please note that if the IRS does not approve the GERS Termination Application prior January 31, 2021, the Honorable Council can take action prior to that date to reverse the proposed termination. The IRS is already aware of the proposed termination date and will hopefully issue its ruling in advance of such date.

As a final note, the City of Pontiac Reestablished General Employees' Retirement System Application for Determination for Employee Benefit Plan (IRS Form 5300) ("Reestablished GERS Application") is also currently under review by the IRS. Once the IRS approves the Reestablished GERS Application, the Honorable Council will need to take action to adopt that plan effective February 1, 2021.

Please contact me with any questions.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.



By: _____
Samantha A. Kopacz

SAK/reu

Enclosures

cc: Dr. Deirdre Waterman, Mayor of City of Pontiac
John Clark, Esq.

Ordinance No. XXXX

AN ORDINANCE TO AMEND THE CITY OF PONTIAC GENERAL EMPLOYEES' RETIREMENT SYSTEM AND PROVIDE A DATE OF TERMINATION.

The City of Pontiac ordains:

Section 1. Amendments.

That the City of Pontiac General Employees' Retirement System ("GERS") is hereby amended as follows:

a. Section 10(g) [92-11(g)] of the GERS is amended in its entirety to read as follows:

(g) No person hired after April 1, 2013, shall be eligible to participate in the General Employees' Retirement System, except for employees hired pursuant to, and whose employment is covered by, the Michigan Association of Public Employees (MAPE) collective bargaining agreement with the City.

b. Section 36 [92-46] of the GERS is amended in its entirety to read as follows:

Any and all provisions of this General Employees' Retirement System may, from time to time, be modified, changed, or terminated by Ordinance duly adopted by the City Council of the City of Pontiac. The Council shall consult with the Board and seek its technical review of the proposed changes prior to amendment or termination of the Ordinance. The accrued financial benefits of this General Employees' Retirement System shall not be diminished or impaired by such modifications or changes and subject to the conditions of Public Act 728 of 2002, as amended. All provisions of City law inconsistent with the provisions of this General Employees' Retirement System are hereby repealed to the extent of such inconsistency.

c. Section 36A [92-46A] of the GERS is added in its entirety to read as follows:

The General Employees' Retirement System is hereby terminated effective January 31, 2021 ("Termination Date"). Effective with this termination, all assets of the General Employees' Retirement System shall be allocated in accordance with the provisions of this Section, and the accrued benefit of each affected Member shall become fully vested to the extent funded. The termination of the General Employees' Retirement System shall not result in the reduction of benefits under the Michigan Constitution. Upon termination of the General Employees' Retirement System, no further benefits shall accrue and no further

contributions shall be made to the General Employees' Retirement System.

Upon termination of the General Employees' Retirement System and favorable determination by the Internal Revenue Service that the General Employees' Retirement System maintained its tax-favored status at the Termination Date, the Board is hereby directed to transfer the General Employees' Retirement System's assets and liabilities as follows:

- (a) As soon as administratively feasible after the Termination Date and the effective date of the Reestablished General Employees' Retirement System, the Board shall transfer the GERS Assets to the Reestablished General Employees' Retirement System in order to provide Retirement Allowances to Members, Retirants, and Beneficiaries. Such benefits will be based upon accrued benefits as of the Termination Date.
- (b) The Excess Assets resulting from erroneous actuarial computation shall be transferred to a voluntary employees' beneficiary association under Code §501(c)(9) (that has received a favorable determination letter as to the tax-exempt status of such trust under Code section 501(c)(9)) established or to be established by the City to fund retiree health benefits for certain City retirees that are subject to the Settlement Agreement.
- (c) All obligations and liabilities of the General Employees' Retirement System existing on the Termination Date, including continuation of payment of Retirement Allowances, are transferred to, assumed by, and made obligations and liabilities of the Reestablished General Employees' Retirement System upon transfer of the GERS Assets to the Reestablished General Employees' Retirement System.
- (d) For purposes of this Section, the followings terms shall have the following meaning:
 - (i) "*Excess Assets*" means the assets held within the General Employees' Retirement System on the Termination Date which exceed 130% of the General Employees' Retirement System's liabilities / obligations on that date.
 - (ii) "*GERS Assets*" means assets held within the General Employees' Retirement System on the Termination Date equal to 130% of the General Employees' Retirement System's liabilities / obligations on that date.

(iii) “*Settlement Agreement*” means the settlement agreement entered into 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.

- d. Section 38 [92-48] of the GERS is deleted in its entirety.
- e. Section 39 [92-49] of the GERS is deleted in its entirety.
- f. Section 40 [92-50] of the GERS is deleted in its entirety.

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 3. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Effective Date.

This Ordinance shall be effective 10 days after adoption by the City Council.

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Pontiac at a regular Council Meeting held in the City Council Chambers in said City on the ____ day of September, 2020.

Garland S. Doyle, Interim City Clerk

The City of Pontiac Retired Employees Association, et. al.
vs.
Louis Schimmel, et. al.

U.S. District Case No. 12-cv-12830

CHRONOLOGY OF SETTLEMENT	
July 13, 2017	Pontiac City Council approval of proposed settlement between the City and Pontiac Retirees ("CPREA")
September 2017	Hospital Retirees file Motion to Intervene in the Lawsuit and seek an Order from the Court ruling the proposed settlement unlawful
October 2017	CPREA and the City file Response to Motion to Intervene
November 2017	Hearing on Motion to Intervene. Court defers a ruling on the Motion to Intervene
January to March 2018	Initial preparation of motion for tentative approval of settlement agreement. This is a highly complicated and detailed court pleading that must meet several specific court rules and mandates.
April 2018	Hospital Retirees file response to motion for approval of settlement asking for a ruling that the Settlement is unlawful
June 13, 2018	Order Granting Joint Motion for Class Certification, Preliminary Approval of Class Action Settlement, Approval of Proposed Class Notice, and Set Fairness Hearing
August 13, 2018	City and CPREA file Joint Motion for Final Approval of Class Action Settlement
August 29, 2018	Hospital Retirees' file Objections to Proposed Settlement
August - September 2018	City analysis of methods of termination of the GERS plan, with a reversion to the City, that will meet IRS requirement
September 12, 2018	Fairness Hearing – USDC – Judge Avern Cohn
November 19, 2018	Order Granting Motion for Final Approval of Class Action Settlement
November 2018 – March 2019	Analysis of history of GERS retirement plan, actuarial valuations and prior ordinances entered by former boards, to determine that plan termination and reversion is consistent with those prior documents

	and decisions, and to confirm the required process for plan termination
January – March 2019	Draft VEBA trust documents and associated documents
April 19, 2019	Initial draft of new VEBA trust agreement presented to CPREA Board attorney
July 25, 2019	Receipt of CPREA Board attorney's initial comments on draft VEBA trust agreement
August to October 2019	Several drafts of the VEBA trust agreement are exchanged between the City attorneys and attorney for the CPREA Board
November 8, 2019	Finalize VEBA trust agreement and related documents
November 19, 2019	City provides drafts to GERS Board of (1) proposed termination amendment to GERS; and (2) proposed Reestablished GERS
November 26, 2019	Pontiac City Council approved resolution authorizing adoption of the VEBA trust agreement
December 18, 2019	GERS Board meeting to discuss drafts provided by City; GERS Board directs its attorney to review
January 30, 2020	GERS Board special meeting to discuss drafts provided by City. GERS Board directs its attorney to meet with City attorney to finalize proposed termination amendment to GERS and proposed Reestablished GERS documents
February 4, 2020	City provides updated drafts to GERS Board attorney and GERS Executive director accounting for GERS Board comments discussed at January 30, 2020 special meeting
February 11, 2020	City attorney and GERS Board attorney meet to finalize terms of documents.
February 12, 2020	City provides updated final drafts to GERS Board's attorney reflecting terms agreed to during February 11, 2020 meeting
March 23, 2020	VEBA documents fully executed
March 24, 2020	GERS Board introduces a new reestablished GERS document
April 29, 2020	GERS Board meeting includes further discussion of its newly introduced document
May 22, 2020	Applications filed with IRS (4 separate applications filed)
August 10, 2020	IRS approves application for tax-exempt status of VEBA (application 1 of 4)

#4

RESOLUTION

Resolution of the Pontiac City Council



Whereas, the City of Pontiac timely approved the 2020-2021 budget on June 30, 2020 and;

Whereas, the City has received a grant from the Center for Tech and Civic Life, and;

Whereas, the Interim City Clerk is proposing to the City Council to increase the budgeted revenue for the current fiscal year 2020-2021 in the amount of \$405,564.00 for grant income, and increase the appropriations in the amount of \$405,564.00, representing reimbursed grant expenditures and;

Whereas, the increased appropriations will not cause the fund balance in the General Fund to go below the policy mandated thresholds and;

Whereas, the Interim City Clerk is proposing to the City Council to establish account 101-191-818.013 Election Grant Expenditures and allocate \$405,564.00 to account 101-191-818.013.

NOW THEREFORE be resolved that the City Council hereby authorizes the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase budgeted revenues in the amount of \$405,564.00 to the General Fund in account 101-000-532.000 –Grant Income, and appropriations in the amount of \$405,564.00 to the following General Fund account:

101-191-818.013 Election Grant Expenditures \$405,564.00

#5

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Williams and City Council

FROM: Linnette Phillips, Director Economic Development

THROUGH: Honorable Mayor Deirdre Waterman

DATE: September 22, 2020

RE: RESOLUTION TO ADOPT AND ACCEPT A \$100,000 GRANT FROM COMMUNITY FOUNDATION FOR SOUTHEAST MICHIGAN FOR THE CITY OF PONTIAC FOR SUPPORT FOR DEVELOPING AN INTERNAL GRANTS MANAGEMENT PROCESS AND SYSTEM

The City of Pontiac has received a \$100,000 grant from the Community Foundation of SE Michigan. The grant was awarded to the City for support in the development of an internal grants management process and system. A condition of the grant award is that the City must undergo an RFP process to select a consultant and provide evidence of intent to secure the consultant's services.

As you are aware, the COP has a Sub-Recipient Agreement with Oakland County where fees are paid to the County to apply for and manage federal grants. By going through the assessment process, the outcome is to identify and recommend resources required and necessary to apply for federal grants. A determination and recommendation detailing processes and best practice for the City to follow and to compare the fees and services paid to the County versus bringing the process and management of federal grants in-house.

The term of the process is 12 months with a written report is required for submission to the Community Foundation of SE Michigan within 30 after the closing period.

Resolution on Following Page



CITY OF PONTIAC CITY COUNCIL

**RESOLUTION TO ADOPT AND ACCEPT A \$100,000 GRANT FROM THE
COMMUNITY FOUNDATION OF SOUTHEAST MICHIGAN FOR THE CITY OF
PONTIAC FOR SUPPORT FOR DEVELOPING AN INTERNAL GRANTS
MANAGEMENT PROCESS AND SYSTEM**

As such, the following resolution is recommended for your consideration:

Whereas, the City of Pontiac was awarded a \$100,000 grant from the Community Foundation of SE Michigan; and;

Whereas, the grant is for the purpose of developing an internal grants management process and system; and;

Whereas, a requirement of the grant is to undergo an RFP process for developing an internal grants management process and system; and;

Whereas, the grant is for 12 months with an additional month to provide a written report to the awardee; and;

Whereas, the funds from the grant will increase the budgeted revenue for the current fiscal year 2020-2021 in the amount of \$100,000 for grant income, and increase the appropriations in the amount of \$100,000, representing reimbursed grant expenditures.

Whereas, the increased appropriations will not cause the fund balance in the General Fund to go below the policy mandated thresholds and;

NOW THEREFORE, BE IT resolved that the City Council hereby authorizes the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase budgeted revenues in the amount of \$100,000 to the General Fund in account 101-000-532.000 –Grant Income, and appropriations in the amount of \$100,000 in a General Fund account.

Attachment: Community Foundation of SE Michigan Grant Award Letter

**Community
Foundation**
FOR SOUTHEAST MICHIGAN

August 28, 2020

Deirdre Waterman
Mayor
City of Pontiac
47450 Woodward Ave
Pontiac, Michigan 48342-5009

Re: #IG-202010095

~~Dear The Hon. Dr. Waterman:~~

We are pleased to announce that the Board of Trustees of the Community Foundation for Southeast Michigan has adopted the following resolution:

RESOLVED; that a grant of \$100,000 to City of Pontiac for support for developing an internal grants management process and system be approved.

Included are the Terms of Grant Agreement related to this grant. Please make special note of all the provisions and procedures indicated. Please sign and submit the Terms of Grant Agreement to the Community Foundation for Southeast Michigan as soon as possible indicating your acceptance of the grant award and its terms. Also, please visit our website at cfsem.org/grantee-press/ for guidelines about publicizing your award, and any unique reporting requirements.

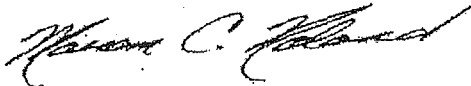
While you are welcome to share news of this award internally and encouraged to begin your programming, we are asking that your organization does not publicly announce your grant at this time. The Community Foundation will be issuing a collective press release about all of the grants from this effort in the coming weeks. We will share it with you once it is completed, along with any details of how your organization can publicize the grant moving forward from that point.

After a signed copy of the Terms of Grant Agreement has been received, it is anticipated that payment will be made as follows:

Date:	Amount:
September 2020	\$100,000.00

We wish you every success and look forward to receiving reports on your progress.

Sincerely,



Mariam C. Noland

President

TERMS OF GRANT AGREEMENT

PLEASE READ CAREFULLY!

I. Acceptance of Grant

The grant to your organization from the Community Foundation for Southeast Michigan is for the explicit purposes described in the Grant Resolution and is subject to your acceptance of the terms described therein.

To accept the grant and receive the funds, return a signed copy of this "Terms of Grant Agreement" to the Community Foundation for Southeast Michigan. Please refer to the grant number and title in all communication concerning the grant.

Grantee:

City of Pontiac

Date Authorized:

August 14, 2020

Grant Number:

IG-202010095

Amount Granted:

\$100,000

Grant Resolution:

RESOLVED, that a grant of \$100,000 to City of Pontiac for support for developing an internal grants management process and system be approved.

Prerequisite Conditions:

A condition of the grant payment is that the city undergoes an RFP process to select a consultant and provide evidence of intent to secure the consultant's services.

Grant Period:

Begins –

September 8, 2020

Terminates –

September 7, 2021

II. Review of Grant Activity

The grantee will furnish the Community Foundation for Southeast Michigan with written reports according to the following schedule:

Report:

Final Report

Due Date:

October 8, 2021

TERMS OF GRANT AGREEMENT

City of Pontiac
IG-202010095

III. Publicity

We strongly encourage the grantee to publicize the receipt of this grant. Please share a copy of any press releases and announcements for approval prior to distributing, as well as copies and links of news coverage that results from press outreach.

Please visit our website at cfsem.org/grantee-press/ for guidelines about publicizing your award.

IV. Special Provisions

In accepting this grant, the grantee agrees to the following conditions:

1. To use the funds granted solely for the purpose stated.
2. To repay any portion of the amounts granted which is not used for the purpose of the grant.
3. To return any unexpended funds if the grantee loses its exemption from Federal income taxation as provided under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), or (b) as a governmental entity or political subdivision within Section 170 (c) of the Code.
4. To maintain books and records adequate to verify actions related to this grant should this prove necessary.
5. Pre-approval is needed for any modifications in the approved project budget.

For the Grantee:


Signature of Authorized Representative

8/28/20
Date

Deirdre Waterman, Mayor, City of Pontiac
Name and Title of Authorized Representative

#6

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President and City Council Members

FROM: Dan Ringo, Interim Director of Public Works

DATE: September 16, 2020

RE: **Local Road Improvement Cost Participation Agreement with Oakland County Board of Commissioners – Mill and Resurface Pike Street from NB Woodward to SB Woodward**

The Oakland County Board of Commissioners has one again this year offered the Local Road Improvement Funding to assist with a road improvement project in an area that has economic development. The funding available through this grant is \$199,372.00 and must be matched by an equal amount, for a minimum project of \$398,744.

The Department of Public Works, Engineering Division, in concurrence with the Executive Office, has selected Pike Street from Northbound Woodward to Southbound Woodward. This project has been submitted to the Oakland County Board of Commissioners for their review and approval, and has recently been approved. The total project is estimated to be around \$750,000 and is budgeted in FY 20-21 and FY 21-22.

This project will be designed over the winter months and is planned to be under construction in the summer of 2021.

It is the recommendation of the Department of Public Works, Engineering Division that the City sign the attached Cost Participation Agreement with the Oakland County Board of Commissioners for the Pike Street Resurfacing Project:

WHEREAS, The City of Pontiac has received the Cost Participation agreement from the Oakland County Board of Commissioners, and;

WHEREAS, The Department of Public Works, Engineering Division has reviewed the subject agreement, and;

WHEREAS, The project will be budgeted in the 2021/22 Major Street budget,

NOW, THEREFORE,
BE IT RESOLVED, The Pontiac City Council authorized the Mayor to sign the Cost Participation agreement for the Pike Street Resurfacing Project

JVB

attachments

LOCAL ROAD IMPROVEMENT MATCHING FUND PROGRAM

COST PARTICIPATION AGREEMENT

Mill and Resurface of Pike Street

City of Pontiac

Board Project No. 2020-26

This Agreement, made and entered into this 23rd day of July, 2020, by and between the Board of Commissioners of the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Pontiac, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD has established the Local Road Improvement Matching Fund Program, hereinafter the PROGRAM, for the purposes of improving economic development in Oakland County cities and villages. The terms and policies of the PROGRAM are contained in Attachment A. The BOARD intends the PROGRAM to assist its municipalities by offering limited funds, from state statutory revenue sharing funds, for specific, targeted road maintenance and/or improvement projects on roadways under the jurisdiction of cities and villages; and

WHEREAS, the BOARD shall participate in a city or village road project in an amount not exceeding 50% of the cost of the road improvement, hereinafter referred to as the PROJECT, and also not exceeding the Preliminary Distribution Formula as it relates to the COMMUNITY, (Attachment B); and

WHEREAS, the COMMUNITY has identified the PROJECT as the mill and resurface of Pike Street, as more fully described in Attachment C, attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of and within the COMMUNITY and are not under the jurisdiction of the Road Commission for Oakland County or state trunk lines; and

WHEREAS, the COMMUNITY has acknowledged and agreed to the BOARD's policies regarding the PROGRAM, Attachment A, and further acknowledge and agree that the PROJECT's purpose is to encourage and assist businesses to locate and expand within Oakland County and shall submit a report to the BOARD identifying the effect of the PROJECT on businesses in the COMMUNITY at the completion of the PROJECT. In addition, the COMMUNITY acknowledges that the program is meant to supplement and not replace funding for existing road programs or projects; and

WHEREAS, the COMMUNITY has acknowledged and agreed that the PROGRAM is expressly established as an annual program and there is no guarantee that the PROGRAM will be continued from year to year. The BOARD anticipates that most PROJECTS funded under the PROGRAM will be completed by the end of calendar year 2021. There is no obligation on behalf of the BOARD to fund either the PROJECT or the PROGRAM in the future; and

WHEREAS the COMMUNITY has acknowledged and agreed that the COMMUNITY shall assume any and all responsibilities and liabilities arising out of the administration of the PROJECT and that Oakland County shares no such responsibilities in administering the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$753,044; and

WHEREAS, said PROJECT involves certain designated and approved Local Road Improvement Matching Funds in an amount not to exceed \$199,372, which amount shall be paid to the COMMUNITY by the BOARD; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law and BOARD resolution(s), it is hereby agreed between the COMMUNITY and the BOARD that:

1. The BOARD approves of the PROJECT, and in reliance upon the acknowledgements of the COMMUNITY, finds that the PROJECT meets the purpose of the PROGRAM.

2. The BOARD approves of a total funding amount under the PROGRAM for the PROJECT in an amount not to exceed \$199,372. The COMMUNITY shall submit an invoice to the COUNTY in an amount not to exceed \$199,372.

a. The Invoice shall be sent to:

Lynn Sonkiss, Manager of Fiscal Services
Executive Office Building
2100 Pontiac Lake Road, Building 41 West
Waterford, MI 48328

3. Upon receipt of said invoice and upon execution of this Agreement, the BOARD shall pay the COMMUNITY in an amount not to exceed \$199,372 from funds available in the PROGRAM.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

OAKLAND COUNTY BOARD OF COMMISSIONERS

By: _____
David T. Woodward

Its: Chairman _____

COMMUNITY

By: _____

Its: _____

LOCAL ROAD IMPROVEMENT MATCHING FUND PROGRAM

STATEMENT OF PURPOSE

Oakland County Government recognizes that Michigan law places the primary responsibility for road funding on the State and non-county local units of government. However, the County also recognizes that the law does permit a limited, discretionary role for the County in assisting a road commission and local units within a county by supporting some road maintenance and improvement efforts.

Accordingly, for many years Oakland County has voluntarily provided limited assistance to its cities, villages and townships (CVT's) and to the Road Commission of Oakland County (RCOC) by investing in a discretionary Tri-Party Road Program. Authorized under Michigan law, the County's tri-party funding contributions primarily facilitate safety improvement projects on CVT roads under the jurisdiction of the RCOC. By law, tri-party funds cannot be used to fund projects on roads solely under the jurisdiction of CVT's.

Recognizing a continuing need to better maintain local CVT streets and roads, yet being ever mindful of the County's limited responsibility for and jurisdiction over non-County roads and streets, Oakland County Government is continuing the success of the pilot program launched in 2016 that was more flexible than the current Tri-Party Road Program; one that allowed Oakland County to assist its cities and villages with maintenance and safety projects on non-County roads.

Not being the funding responsibility of County government, local CVT roads generally cannot be maintained or improved using County funds because doing so would be considered to be the "gifting" of County resources. However laudable the purpose, Michigan law generally forbids the gifting of government resources. To avoid application of the constitutionally-based gifting restriction, the state legislature must, and in this arena has, determined that a public benefit results from a taxpayer investment, one that provides a *quid pro quo* sufficient to avoid application of the gifting prohibition. Here, the legislature has determined that the economic development benefit presumed to accrue to a county as a result of local street and road investments can provide a sufficient *quid pro quo* to county taxpayers justifying a discretionary county investment in a non-county road, a benefit that constitutes a fair exchange for value and not a gift.

This legislative determination is set forth in 1985 P.A. 9, which amended 1913 P.A. 380, by adding a new section 2, which in pertinent part provides:

"(1) ...A county may grant or loan funds to a township, village or city located within that county for the purpose of encouraging and assisting businesses to locate and expand within the county...

(2) A loan or grant made under subsection (1) may be used for local public improvements or to encourage and assist businesses in locating or expanding in this state, to preserve jobs in this state, to encourage investment in the communities in this state, or for other public purposes."

Communities that wish to attract, retain and grow business, retain jobs and encourage community investment, needs a safely maintained road infrastructure. This road infrastructure must include both residential and commercial roads as workers and consumers need to get to and from work,

shopping, schools and recreation. In a fiscally prudent and limited manner, the County wishes to help its cities and villages accomplish this through its Local Road Improvement Matching Fund Program, commonly known as the Local Road Improvement Program (LRIP).

Any such program must be mindful of the limits imposed under Public Act 9. One important restriction Public Act 9 imposed on grants or loans made pursuant to Subsection 2 of the Act is the mandate that, "A grant or loan under this Subsection shall not be derived from ad valorem taxes except for ad valorem taxes approved by a vote of the people for economic development." This means that funding for an expanded local road assistance program cannot utilize proceeds from any of Oakland County's ad valorem tax levies since no levy has been approved by voters specifically for economic development.

Given this limitation, it appears that the state statutory revenue sharing appropriated to the County can provide a non-ad valorem source of funds that legally can be used to support the program. Competition for those funds, which are limited in amount, is fierce and their yearly availability is subject to the state legislative process. In the recent past, the State stripped all of those funds away from Michigan counties. Understanding that reality, it shall be the policy of the Oakland County Board of Commissioners that the Board shall not appropriate any County funds for a local road improvement matching fund program for non-County roads in any year where the State of Michigan fails to appropriate statutory revenue sharing funds to Oakland County in an amount sufficient to allow the County to first prudently address its core functions.

Act 9 imposes additional conditions on grants and loans. These include requirements that the loan or grant shall be administered within an established application process for proposals; that any grant or loan shall be made at a public hearing of the county board of commissioners and that the Board shall require a report to the county board of commissioners regarding the activities of the recipient and a report as to the degree to which the recipient has met the stated public purpose of the funding.

Understanding all of the above, the Oakland County Board of Commissioners hereby establishes the following Local Road Improvement Matching Fund Program:

PROGRAM SUMMARY

The Board of Commissioners established a Pilot Local Road Improvement Matching Fund Program through Miscellaneous Resolution #16103 for the purposes of improving economic development in Oakland County cities and villages. The County intends to continue this Program to assist its municipalities by offering limited matching funds for specific, targeted road maintenance and/or improvement projects on roadways under the jurisdiction of cities and villages.

A city or village participating in the Local Road Improvement Matching Fund Program shall match any fund authorized by the Board of Commissioners in an amount equal to a minimum of 50% of the cost of the total project award. County participation shall be limited to a maximum of 50% of the cost of the total project budget. Funding shall be utilized to supplement and enhance local road maintenance and improvement programs. Funding is not intended to replace existing budgeted local road programs or to replace funding already committed to road improvements.

PROJECT GUIDELINES

Program funding shall be utilized solely for the purposes of road improvements to roads under the jurisdiction of local cities and villages. Road improvements may include, but not be limited to, paving, resurfacing, lane additions or lengthening, bridges, or drainage as such improvements relate to road safety, structure or relieving congestion.

Program funding:

- **May** be utilized to supplement a local government's matched funding for the purposes of receiving additional federal transportation funding;
- **May not** be utilized to fulfill a local government's responsibility to fund improvements to state trunklines;
- **Shall be limited to** real capital improvements to roadways and shall not be utilized for other purposes, such as administrative expenses, personnel, consultants or other similar purposes;
- **Shall not be** utilized for non-motorized improvements, unless these improvements are included in a project plan for major improvements to a motorized roadway;
- **Shall be** utilized for projects that will result in a measurable improvement in the development of the local economy and contribute to business growth. Recipients shall be responsible for providing an outline of the economic benefits of the project prior to approval and for reporting to the Board of Commissioners after the completion of the project on the benefits achieved as a result of the projects.

ADMINISTRATION

Local Road Improvement Matching Fund Program projects may be appropriated by the Board of Commissioners in compliance with the County budget process. The amount of funds to be dedicated for the Program shall be determined by the Board of Commissioners on an annual basis. Program funding may be reduced or eliminated based upon the ability of the County government to meet primary constitutional and statutory duties. The Board of Commissioners expressly reserves the right to adjust the County matching funds share at any time based upon County budget needs.

In accordance with MCL 123.872, funds dedicated to the Local Road Improvement Matching Fund Program shall not be derived from ad valorem tax revenues. Program funding shall be limited to funds derived from the County's distribution from the Michigan General Revenue Sharing Act. Reduction or elimination of the County's distribution of revenue sharing funds may result in the elimination or suspension of the program.

Funding availability shall be distributed based upon a formula updated annually. The formula will consist of:

1. A percentage derived from the number of certified local major street miles in each city and village divided by aggregate total of certified local major street miles of all cities and villages in the County.
2. A percentage derived from the population of each city and village as determined by the last decennial census conducted by the U.S. Census Bureau divided by the aggregate total population of cities and villages in the County.
3. A percentage derived from the three-year rolling total of the number of crashes on city and village major local streets divided by the aggregate three-year rolling crash numbers for all

city and village major local streets, using the most recent data available. The crash data will be supplied by the South East Michigan Council of Governments (SEMCOG).

Each city and village's percentage allocation shall be determined by adding each factor percentage and dividing that total by three. The amount of funds available for match shall be determined by the total amount of funds allocated by the Board of Commissioners added to an equal amount representing the match provided by local cities and villages.

The Chairman of the Board of Commissioners shall establish a Special Committee on the Local Road Improvement Program. This Special Committee shall consist of three members, with two members representing the majority caucus and one member representing the minority caucus. It shall be the responsibility of the Special Committee to direct the administration of this program, receive applications for program funding, and make recommendations of acceptance to the Board of Commissioners. The Special Committee may consult with County departments, staff, the South East Michigan Council of Governments (SEMCOG), and the Road Commission for Oakland County in the conduct of its business.

DISBURSEMENT

The Special Committee shall forward recommendations for approval of Local Road Improvement Matching Fund Program projects to the Chairman of the Board of Commissioners. This recommendation shall include a cost participation agreement between the County and participating municipality. Minimally, cost participation agreements shall include: responsibility for administering the project, the project location, purpose, scope, estimated costs including supporting detail, provisions ensuring compliance with project guidelines, as well as disbursement eligibility requirements. The cost participation agreement shall also require the maintenance of supporting documentation to ensure compliance with the following provisions:

1. Any and all supporting documentation for project expenditures reimbursed with appropriated funding shall be maintained a minimum of seven years from the date of final reimbursement for actual expenditures incurred.
2. The Oakland County Auditing Division reserves the right to audit any and all project expenditures reimbursed through the program.

Upon receipt of recommendation of project approval from the Special Committee, the County Commissioner or Commissioners, representing the area included in the proposed project, may introduce a resolution authorizing approval of the project and the release of funds. Resolutions shall be forwarded to the Economic Growth and Infrastructure Committee of the Board of Commissioners, who shall review and issue a recommendation to the Board on the adoption of the resolution. The Chairperson of the Economic Growth and Infrastructure Committee shall schedule a public hearing before the Board of Commissioners prior to consideration of final approval of the resolution.

The deadline for projects to be submitted for consideration shall be established by the Special Committee. The Special Committee may work with participating municipalities to develop a plan for projects that exceed that municipality's annual allocation amount. This may include a limited plan to rollover that municipality's allocation for a period of years until enough funding availability has accrued to complete the project, subject to funding availability.

Upon completion of project plans and execution of the cost participation agreement by the County and governing authority of the local municipality, the participating municipality shall submit an invoice in accordance with the terms and conditions included in the agreement. The Oakland County Department of Management and Budget Fiscal Services Division shall process payments in accordance with policies and procedures as set forth by the Department of Management and Budget and the Oakland County Treasurer.

In the event an eligible local unit of government chooses not to participate in the Local Road Improvement Matching Fund Program, any previously undistributed allocated funding may be reallocated to all participating local units of government at the discretion of the Local Road Improvement Program Special Committee.

At the completion of each project, the participating local government shall provide a report to the Board of Commissioners regarding the activities of the recipient and the degree to which the recipient has met the stated public purpose of the funding as required by MCL 123.872.

**LRIP DISTRIBUTION FORMULA
2020**

Attachment "B"

City/Village	Cert Major Local				Crash Data	Miles+Pop+Cras		Max County Match	Minimum Project Cost
	Road Miles	Miles %	Population	Pop %		Crash %	n		
Auburn Hills	32.33	4.82%	21,412	2.80%	1420	5.54%	4.39%	\$ 88,994	\$ 177,987
Berkley	15.63	2.33%	14,970	1.96%	318	1.24%	1.84%	\$ 37,386	\$ 74,772
Beverly Hills	10.99	1.64%	10,267	1.34%	242	0.94%	1.31%	\$ 26,544	\$ 53,088
Bingham Farms	1.02	0.15%	1,111	0.15%	6	0.02%	0.11%	\$ 2,169	\$ 4,338
Birmingham	21.87	3.26%	20,103	2.63%	1250	4.88%	3.59%	\$ 72,805	\$ 145,610
Bloomfield Hills	8.83	1.32%	3,869	0.51%	170	0.66%	0.83%	\$ 16,809	\$ 33,618
Clarkston	1.48	0.22%	882	0.12%	36	0.14%	0.16%	\$ 3,222	\$ 6,444
Clawson	9.62	1.44%	11,825	1.55%	306	1.19%	1.39%	\$ 28,229	\$ 56,458
Farmington	7.36	1.10%	10,372	1.36%	172	0.67%	1.04%	\$ 21,130	\$ 42,260
Farmington Hills	58.36	8.71%	79,740	10.43%	2827	11.04%	10.06%	\$ 203,937	\$ 407,873
Ferndale	20.99	3.13%	19,900	2.60%	515	2.01%	2.58%	\$ 52,347	\$ 104,694
Franklin	4.34	0.65%	3,150	0.41%	36	0.14%	0.40%	\$ 8,111	\$ 16,222
Hazel Park	17.12	2.55%	16,422	2.15%	597	2.33%	2.34%	\$ 47,533	\$ 95,066
Holly	7	1.04%	6,086	0.80%	105	0.41%	0.75%	\$ 15,210	\$ 30,419
Huntington Woods	6.95	1.04%	6,238	0.82%	60	0.23%	0.70%	\$ 14,106	\$ 28,213
Keego Harbor	1.93	0.29%	2,970	0.39%	30	0.12%	0.26%	\$ 5,364	\$ 10,727
Lake Angelus	0	0.00%	290	0.04%	0	0.00%	0.01%	\$ 256	\$ 513
Lake Orion	2.74	0.41%	2,973	0.39%	133	0.52%	0.44%	\$ 8,900	\$ 17,801
Lathrup Village	7.36	1.10%	4,075	0.53%	318	1.24%	0.96%	\$ 19,414	\$ 38,827
Leonard	2.34	0.35%	403	0.05%	12	0.05%	0.15%	\$ 3,032	\$ 6,064
Madison Heights	21.5	3.21%	29,694	3.89%	1272	4.97%	4.02%	\$ 81,493	\$ 162,987
Milford	7.3	1.09%	6,175	0.81%	325	1.27%	1.06%	\$ 21,395	\$ 42,790
Northville	0.8	0.12%	5,970	0.78%	61	0.24%	0.38%	\$ 7,695	\$ 15,390
Novi	39.52	5.90%	55,224	7.23%	1414	5.52%	6.21%	\$ 125,984	\$ 251,968
Oak Park	18.35	2.74%	29,319	3.84%	872	3.40%	3.33%	\$ 67,433	\$ 134,866
Orchard Lake Village	1.8	0.27%	2,375	0.31%	29	0.11%	0.23%	\$ 4,680	\$ 9,360
Ortonville	3.21	0.48%	1,442	0.19%	35	0.14%	0.27%	\$ 5,435	\$ 10,870
Oxford	6.01	0.90%	3,436	0.45%	118	0.46%	0.60%	\$ 12,211	\$ 24,422
Pleasant Ridge	3.59	0.54%	2,526	0.33%	145	0.57%	0.48%	\$ 9,679	\$ 19,357
Pontiac	70.21	10.47%	59,515	7.79%	2879	11.24%	9.83%	\$ 199,372	\$ 398,743
Rochester	8.59	1.28%	12,711	1.66%	339	1.32%	1.42%	\$ 28,845	\$ 57,689
Rochester Hills	38.61	5.76%	70,995	9.29%	891	3.48%	6.18%	\$ 125,214	\$ 250,429
Royal Oak	63.96	9.54%	57,236	7.49%	2596	10.13%	9.06%	\$ 183,589	\$ 367,177
South Lyon	4.43	0.66%	11,327	1.48%	105	0.41%	0.85%	\$ 17,253	\$ 34,506
Southfield	64.71	9.65%	71,739	9.39%	2429	9.48%	9.51%	\$ 192,764	\$ 385,527
Sylvan Lake	2.58	0.38%	1,720	0.23%	21	0.08%	0.23%	\$ 4,676	\$ 9,353
Troy	57.34	8.55%	80,980	10.60%	2760	10.77%	9.98%	\$ 202,237	\$ 404,474
Walled Lake	5.34	0.80%	6,999	0.92%	198	0.77%	0.83%	\$ 16,797	\$ 33,594
Wixom	10.49	1.56%	13,498	1.77%	530	2.07%	1.80%	\$ 36,495	\$ 72,990
Wolverine	3.69	0.55%	4,312	0.56%	44	0.17%	0.43%	\$ 8,694	\$ 17,389
TOTAL	670.29	100.00%	764,251	100.00%	25,616	100.00%	100.00%	\$ 2,027,439	\$ 4,054,878

ATTACHMENT C

Local Road Improvement Program

Mill and Resurface of Pike Street

City of Pontiac

Board Project No.2020-26

Description: Mill and resurface, and sidewalk repair, of Pike Street from N. Woodward to S. Woodward

ESTIMATED PROJECT COST

Construction Costs	\$753,044
Total Estimated Project Costs	<u>\$753,044</u>

COST PARTICIPATION BREAKDOWN:

	COMMUNITY	COUNTY	TOTAL
FY2020 LRIP Program	\$199,372	\$199,372	\$398,744
Additional Contribution	\$354,300	\$0	\$354,300
TOTAL SHARES	\$553,672	\$199,372	\$753,044

#7

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President Kermit Williams, and City Council Members

FROM: Mayor Deirdre Waterman

CC: Attorney Anthony Chubb, Human Resource Manager, Kiearha Davidson

DATE: September 16, 2020

RE: **Resolution to Approve Mayoral Candidate for Finance Director**

In accordance with Article 4.106 of the City Charter as shown below, it is my honor and privilege to appoint Mr. Darin Carrington to the position of Finance Director. A copy of the redacted resume is attached for your information.

Based on his eight years of service in municipal finance, preceded by over twenty years of work experience in the private sector serving in finance and law, Mr. Carrington's experience and education in law and business will be an asset to the City of Pontiac.

Pending no objection, the following resolution is recommended: Whereas, in accordance with Article IV - Executive Branch; Section 4. 106 of the City Charter, the Mayor is responsible for the appointment of a director for each department who serves at the pleasure of the Mayor. Now therefore, it is resolved that Mr. Darin S. Carrington be appointed to the position of Finance Director.

The following resolution is presented for your consideration:

WHEREAS, pursuant to City Charter Section 4.106, the Mayor has the authority to appoint directors of each department of the executive branch; and

WHEREAS, the Director of Finance position is not currently filled; and

WHEREAS, on September 15, 2020, the Mayor introduced Director of Finance appointment Mr. Darin Carrington; and

WHEREAS, Mr. Carrington is imminently qualified to fulfill that position;

NOW THEREFORE, BE IT RESOLVED the City Council hereby approves of the appointment of Mr. Darin Carrington as the City of Pontiac Finance Director and resets the position to an annual salary of \$131,040.

Darin S. Carrington

Career Summary

Experienced accounting and finance management professional with an accomplished track record with both public and private sector entities. Strong background in preparing, analyzing and advising on financial statements, budgets, cash flows and financial projections. Excellent record with effectively leading and working with teams and in crisis environments.

Professional Experience

CITY OF INKSTER, INKSTER, MICHIGAN

Treasurer/Chief Financial Officer – 2016 - Present

Appointed by the Mayor as the City's top financial official

- Handle and oversee all financial matters for City operations including budgeting, purchasing, tax collections and treasury management
- Lead the budget and funding process for all City departments and for water and road infrastructure projects
- Work with the Mayor and Department heads to help determine and develop budget priorities and to ensure that City operations are in-line with budgeted funds
- Prepare and present monthly and quarterly financial reports to City Council and residents
- Analyze and review the City's cash flow needs to ensure effective use of cash and ensure ability to meet all financial obligations
- Serve as one of the lead negotiators with labor unions and successfully negotiated agreements with all bargaining units
- Serve as Administrator for City's pension funds and manage the City's retiree healthcare activities

CITY OF DETROIT, DETROIT, MICHIGAN

Assistant Director, Office of Chief Financial Officer - 2012 - 2016

Served as Project Manager and Special Advisor to Finance Director working on key projects for City's financial operations and restructuring.

- Worked with Finance Director, Finance Department leaders, City Department heads and outside consultants on a number of critical issues related to City's bankruptcy and financial restructuring
- Served on Critical Vendor Committee to determine payments to key vendors and monitor City's cash flow during pre and post bankruptcy phase when City was experiencing severe cash flow issues
- Tracked and analyzed expenditures to determine financial performance against adopted budget
- Helped the City identify and collect new revenue streams and improve on collection of existing revenue streams by developing, implementing and improving inter-departmental processes
- Identified and prepared accounting journal entries needed to assist with the preparing and completion of the City's annual financial report (CAFR)
- Helped lead effort in assessing the City's IT systems, worked with key stakeholders to develop requirements for City's new ERP system and reviewed vendor proposals for new system

CARRINGTON ADVISORS, WASHINGTON, DC

Consultant - 2010 - 2012

- Served as a consultant to companies and groups for investments, accounting, finance and contracting
- Developed and reviewed proposals for companies seeking financing of investment funds and other projects
- Helped clients raise over \$50 million in funding commitments
- Help lead efforts for launching new investment funds and projects

WATTS COMPANIES, WASHINGTON, DC

Privately held holding and investment company with \$30 million in revenue

Vice President/CFO - Finance - 2003 - 2009

- Led the accounting, finance and tax operations for diverse holding company with 75 employees and \$30 million in revenues
- Assessed and analyzed cash flow needs to determine financing of investments and working capital

- Prepared regular monthly, quarterly and annual financial statements to provide key financial information to officers and board for strategic planning
- Supervised policies and help implement improvements for payments to vendors and revenue collections
- Led the acquisition of two businesses and implemented new accounting and reporting processes

BELLSOUTH CORPORATION, ATLANTA, GA

Fortune 100 telecommunications company

Senior Finance Manager - 2000 - 2003

- Helped company determine short and long term capital needs by analyzing financial projections and actual performance
- Managed five member team that served as an interface with various corporate departments in preparing financial projections, business plans and business cases to assess and determine companies short and long-term capital needs
- Helped company to successfully maintain its credit rating by leading efforts in preparing and presenting to major credit rating agencies

ERNST & YOUNG, CHICAGO, IL

Senior Consultant - 1999 - 2000

- Analyzed clients' short and long term liquidity needs to assist clients with developing options to maintain solvency and continue operations
- Created financial models to project clients cash flow needs and develop pro-forma financial statements
- Help improve clients operating performance by conducting industry research and preparation of strategic and operational plans

SEGUE, FAIR, ADAMS & POPE, DETROIT, MI

Boutique Corporate Law Firm

Attorney - 1994 - 1997

- Worked with issuers and underwriters of municipal securities for financing of public bonds
- Provided legal advice for tax and securities work to public and private clients to ensure transactions met legal requirements and addressed clients' needs
- Drafted and reviewed disclosure documents, contracts and other legal documents

MANUFACTURERS HANOVER BANK, NEW YORK, NY

Financial Analyst - 1990 - 1991

- Worked on lending team to serve clients in bank's North American Corporate Division
- Reviewed, analyzed and assisted with the approval of over \$250 million in new loans and other credit facilities
- Helped ensure that bank's loans and investments remained safe by analyzing clients operational and financial performance each quarter

Education

Masters Business Program

University of Michigan Ross School of Business, Ann Arbor, MI 1997 - 1999

Juris Doctorate

University of Detroit-Mercy Law School, Detroit, MI 1994

Bachelor of Arts, Finance

Morehouse College, Atlanta, GA 1990

#8

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: ZMA 19-11 ZONING MAP AMENDMENT
YOHANAS BOLDS
585 W. KENNETT ROAD | PIN 64-14-18-351-012
C-4 SUBURBAN COMMERCIAL TO M-1 LIGHT MANUFACTURING**

DATE: SEPTEMBER 14, 2020

The City of Pontiac is in receipt of application ZMA 19-11 for a Zoning Map Amendment [rezoning] per Section 6.802 of the Zoning Ordinance for parcel Number 64-14-18-351-012. The approximate 3.8 acre site is located on the south side of W. Kennett Road, east of West Road. Yohanas Bolds, the applicant requests a rezoning from C-4 Suburban Commercial to M-1 Light Manufacturing. At the Planning Commission meeting on September 2, 2020, the Commission recommended the City Council to approve the Zoning Map Amendment at 585 W Kennett Road, Parcel No. 64-14-18-351-012.

Summary

1. The applicant requests rezoning the subject site from C-4 Suburban Commercial to M-1 Light Manufacturing zoning district.
2. The Master Plan identifies the subject site as Entrepreneurial: Industrial, Commercial & Green. The proposed zoning designation is consistent with this future land use designation.
3. The subject property is compatible with M-1 zoning standards.
4. If the Zoning Map Amendment is approved, the applicant would be required to comply with Article 6, Chapter 2, and Section 6.204 Site Plan Review of the Pontiac Zoning Ordinance.

Master Plan

According to the City's 2014 Master Plan Update any new economic prospects on which to build a sustainable destiny with new commercial and industrial development is a major land use objective. It is with this spirit that is embedded in the Master Plan update.

The subject site is designated as Entrepreneurial: Industrial, Commercial & Green mixed-use land use category that allows flexibility in use to encourage the reuse of property in locations around the City. These areas have been identified with the potential to be catalysts for other positive re-investment in corridors by entrepreneurs to start businesses and create jobs in the process. Areas surrounding the subject site are also planned as Entrepreneurial: Industrial, Commercial & Green.

Medical Marihuana Overlay District

Based on our technical review of the proposed rezoning, the subject site is located in the Cesar Chavez Medical Marihuana Overlay District. In consideration of the proposed rezoning from C-4 Suburban Commercial to M-1 Light Manufacturing zoning district, the following Medical Marihuana uses; Safety Compliance, Secure Transporter, Grower and Processor facilities may be located on this site, if all requirement of the Medical Marihuana Zoning Ordinance [Ordinance 2363] are met.

Existing Zoning Districts

Properties to the west and east are zoned C-4 Suburban Commercial. North of subject site is zoned M-1 Light Manufacturing and R-1 One Family dwelling [former Kennett Road landfill], while to the south of the parcel is zoned M-1 and C-3 Corridor Commercial. The proposed Zoning Map Amendment provides a mix of commercial and industrial intensity uses, which implements the mix-use land use classification strategy found in the Pontiac Master Plan, Future Land Use Map.

Rezoning Criteria

The Pontiac City Council must consider any of the following criteria [section 6.804, A-J] that apply to the rezoning application in making findings, recommendations, and a decision to amend the Official Zoning Map [Section 6.804]. Additionally, the section also stipulates that the Pontiac City Council may also consider other factors that are applicable to the application, but are not listed among the ten criteria. To assist in the evaluation of these and other criteria, we offer the following findings of fact for your consideration. The *ten stated criteria* are listed below with our findings:

1. *Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.*

The subject site will conform to the goals and objectives included in the City's Master Plan. The Master Plan created Entrepreneurial districts to redevelop and encourage adaptive re-use of condemned properties to allow various intensity of commercial and industrial uses located within specific areas and foster redevelopment of the Cesar Chavez Corridor.

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

The north half of the site has been developed while the south half is vacant with mature trees with a small creek traversing the south corner of the site. We request the applicant preserve these natural features if development expands into the south section of the parcel.

3. *Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.*

The existing site itself is not conducive to develop as a regional scale shopping center use. The parcel size could not provide a reasonable return on investment.

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

The proposed development of uses allowed within the M-1 zoning district should not negatively impact density, traffic or property values.

5. *The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.*

The City's utilities do have capacity and services will be sufficient to not compromise the City's health, safety, and welfare.

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

Kennett Road is a Major Road owned by the City. Proposed development will not impact the ability of this Road and adjoining roads to handle potential traffic.

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

The boundaries of the rezoning are reasonable in relationship to surroundings and zoning district dimensional requirements.

8. *If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.*

With all the previous findings of fact, the requested M-1 zoning district is appropriate than any other zoning district.

9. *If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*

It would be inappropriate to amend the zoning text in C-4 Suburban Commercial zoning district with its primary goal to create settings for regional Shopping Centers and automobile oriented businesses.

10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*

The proposed rezoning does not create an incompatible zone within the area and it proposes reasonable continuation of corridor commercial and industrial zoning to the north and south of the Cesar Chavez Corridor.

ZMA 19-11 – Zoning Map Amendment

Parcel: 64-14-18-351-012

RESOLUTION

Whereas, The City has received an application for a Zoning Map Amendment for 585 W. Kennett Road, identified as PIN 64-14-18-351-012 from Yohanas Bolds for the rezoning of the aforementioned parcel; and

Whereas, The Planning Division has reviewed the applicant's rezoning request in regards to the City's Master Plan and the request conforms to the goals and vision contained within the plan; and

Whereas, The Planning Division reviewed the requirements set forth by Section 6.804 of the Zoning Ordinance, the Planning Division has determined the aforementioned request and proposed intended use of the property complies with the City of Pontiac Zoning Ordinance; and

Whereas, In accordance with the procedures outlined in the Zoning Ordinance, Sections 6.802 as it relates to Zoning Map Amendments, the request has undergone the required: Technical Review, Public Hearing, and Planning Commission Recommendation; and

Whereas, On September 2, 2020 a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map Amendment request for 585 W. Kennett Road, approving the change from the current C-4 Suburban Commercial zoning district to M-1 Light Manufacturing zoning district; and

Now Therefore, Be It Resolved, That the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment [ZMA 19-11] request for 585 W. Kennett Road, also known as Parcel No. 64-14-18-351-012 to amend the current site zoning from C-4 Suburban Commercial to M-1 Light Manufacturing zoning district.



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 585 w. KENNETT RD.

Sidwell Number: 64-14-18-351-012

Office Use Only

PF Number: ZMA 19-11

Date: 07/24/2019

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least 30 days prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	BAM INVESTMENT GROUP, LLC - <i>CEO Take One Community Program</i>		
Address	585 W. KENNETT RD.,		
City	PONTIAC		
State	MI		
ZIP Code			
Telephone	Main: 3137220208	Cell: 917-753-6000	Fax:
E-Mail	B@POLC.COM		

Project and Property Information

Name of Proposed Development: CLEAN ROOTS

The subject property is location at 585 W. Kennett on the N/S/E/W side of Kennett Pike between West Blvd and Sarasota Ave.

The property is zoned: Business Commercial

Proposed Zoning District: Special Use MMF - *medical Marijuana Facilities to be rezoned to M-1*

It is proposed that the property will be used as: MEDICAL MARIHUANA FACILITIES

The subject property is legally described as follows (include sidwell numbers):
T3N, R10E, SEC. 18 PART OF SW 1/4 BEG AT PT DIST N 01-52-03 W 1272.24 FT & S 85-00-47 E 879.21 FT FROM SW SEC COR, TH S 85-00-47 E 250 FT, TH S 01-47-50 E 222.83 FT, TH ALG CURVE TO RIGHT, RAD 883.50 FT, CHORD BEARS S 14-37-20 W 499.47 FT, DIST OF 506.37 FT, TH N 46-29-40 W 267.37 FT, TH N 36-11-40 E 31.78 FT, TH N 04-59-13 E 520 FT TO BEG 3.93 A

Property Owner Information

Name	BAM INVESTMETNS GROUP, LLC		
Address	585 W. KENNETT RD.		
City	PONTIAC		
State	MI		
ZIP Code			
Telephone	Main: 313722020	Cell: 917-753-6000	Fax:
E-Mail	B@POLC.COM		

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

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

MEDICAL MARIHUANA CLASS C GROW; MEDICAL MARIHUANA PROCESSING CENTER; MEDICAL MARIHUANA PROVISIONING CENTER

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

The City will benefit by increased annual revenue through tax and licensing. Moreover, the charitable, donative and volunteering functions proposed to be conducted by the applicant in its operating entity's licensing application with the City will have great benefit to the community and city. Such a change will not be detrimental to the public welfare and/or property rights of other persons located in the vicinity in light in light of the controls, muted nature and other procedures more formally explained in the operating entity's licensing application with the City.

Johannes Bald
 Signature of Owner
 CEO
 Take One Community Program

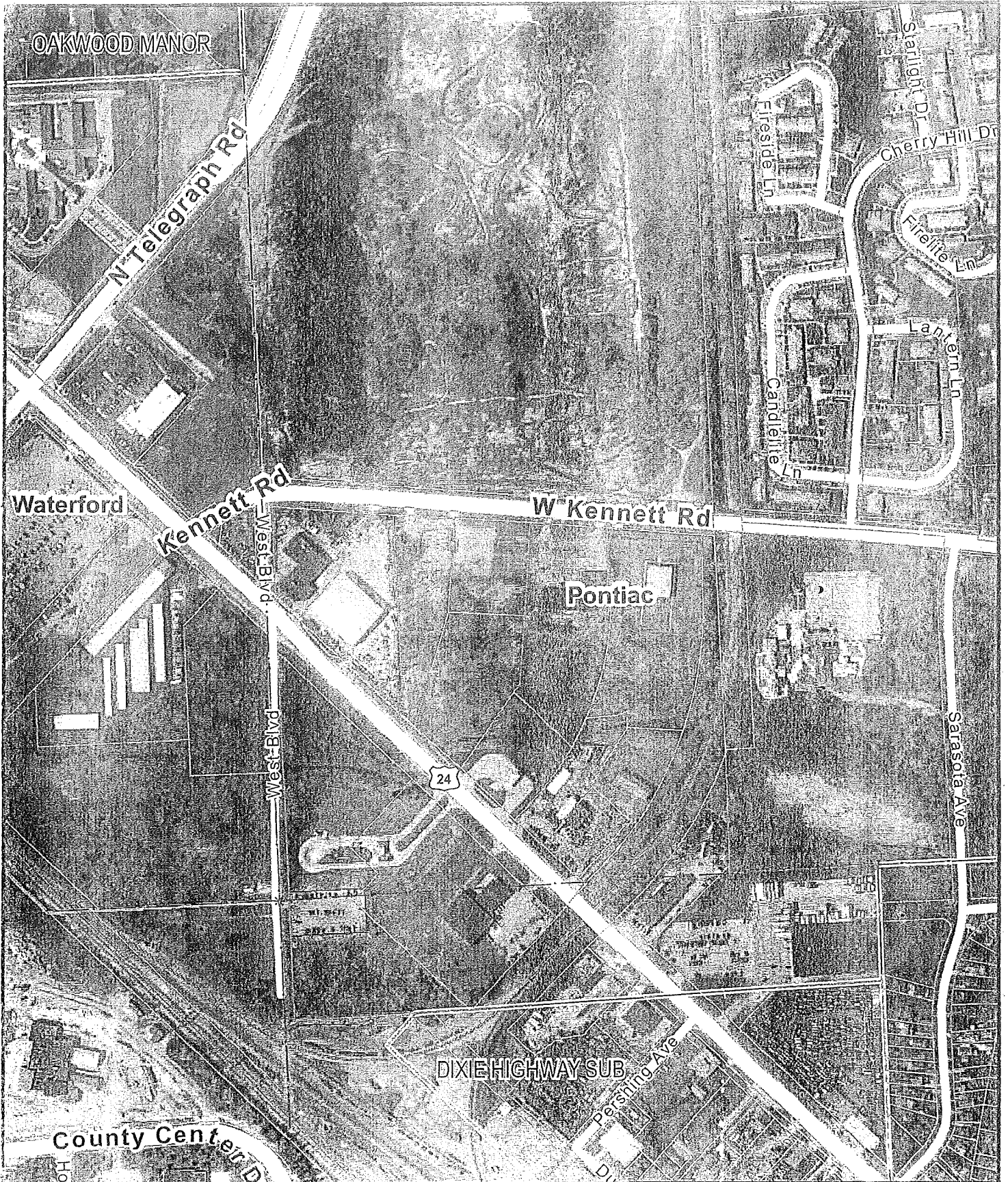
[Signature]
 Signature of Applicant

State of Michigan
 County of Oakland

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

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


585 W Kennett



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- 1 - 1/4" FEMA Sections
- 100 yr - FEMA Floodplain
- 100 yr (de-silled) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY
DAVID COULTER
 Oakland County Executive

Date Created: 8/24/2020

 NORTH
 1 inch = 400 feet

#9

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: ZMA 20-05 ZONING MAP AMENDMENT
MARK CRAIGHEAD | SAFE PLACE PONTIAC
1033 BARKELL STREET | PIN 64-14-16-451-012
R-1 ONE FAMILY DWELLING TO R-3 MULTIPLE FAMILY DWELLING**

DATE: SEPTEMBER 14, 2020

The City of Pontiac is in receipt of application ZMA 20-05 for a Zoning Map Amendment, parcel 64-14-16-451-012. The approximate 4.5 acre parcel is located east of Joslyn Avenue between First Street and Beverly Street. Mr. Mark Craighead, the applicant requests a rezoning from R-1 One Family Dwelling to R-3 Multiple Family Dwelling. According to the applicant, the former Le Baron Elementary School would be renovated and repurposed for multiple family housing, empowerment services, training, vocational rehabilitation and outdoor recreation. At the Planning Commission meeting on September 2, 2020, the Commission recommended the City Council to approve the Zoning Map Amendment at 1033 Barkell Street, Parcel No. 64-14-16-451-012.

The suggested proposed uses are principal permitted uses in the R-3 Multiple Family Dwelling zoning district. In accordance with Section 6.802 of the City Zoning Ordinance, the request for Zoning Map Amendment requires a technical review, Public Hearing, recommendation by the Planning Commission, with a final decision by City Council.

Summary

1. The applicant requests rezoning the subject site from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.
2. The Master Plan identifies the subject site as Civic/Public Use. The proposed zoning designation complements the future land use designation in this area.
3. The subject property is compatible with R-3 standards.
4. Any future development must comply with all City standards and procedures.

Existing Development Pattern

The subject site is located on a single parcel and has frontage and access from Barkell, First and Beverly Streets. The surrounding area to the north, east and south are predominately one-family and two-family dwellings. To the east are business services and commercial uses fronting Joslyn Avenue.

Existing Zoning Pattern

Properties to the north, east and south are zoned R-1 One Family Dwelling and to the east along Joslyn Avenue the parcels are zoned C-1 Local Business

Master Plan

The City of Pontiac updated the City's Master Plan in 2014. The subject site is designated as Civic/Public Uses, Future Land Use category in the Master Plan. In this new economic development climate, Pontiac's diverse distribution of civic and public buildings across the City may not be the most efficient strategy. As the school district moved to consolidate, streamline, and disposed of property the subject site becomes an ideal opportunity to renovate and repurpose the building and site for veterans in the community and the region.

Rezoning Criteria

The Pontiac City Council must consider any of the following criteria [section 6.804, A-J] that apply to the rezoning application in making findings, recommendations, and a decision to amend the Official Zoning Map [Section 6.804]. Additionally, the section also stipulates that the Pontiac City Council may also consider other factors that are applicable to the application, but are not listed among the 10 criteria.

Section 6.804 provides review criteria for the Planning Commission to utilize in making its findings, recommendations, and formulating a decision. The *ten stated criteria* are listed below with our findings:

1. *Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.*
As described in the Master Plan, this project is consistent with the goals, policies, and objectives of the City's Master Plan and with current redevelopment trends in urban cities.
2. *Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.*
The site was fully developed, so it's geological, hydrological, and other environmental features are no longer present on the site.
3. *Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.*
The applicant did not provide evidence that they could develop the 4.5 acre parcel for a one family subdivision. It is clear that demolition, development and construction costs will not provide a reasonable return on investment.

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

The proposed use is compatible with uses allowed within the R-3 Multiple Family dwelling and will not negatively impact neighborhood density, traffic or property values.

5. *The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.*

Existing City utilities are provided and have sufficient capacity.

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

Joslyn Road is a Major Road under the City's jurisdiction. The proposed development will not impact the ability of this street and adjoining First, Barkell and Beverly local roads to handle potential traffic.

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

The boundaries of the rezoning are reasonable in relationship to surroundings and zoning district dimensional requirements.

8. *If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.*

With all the previous findings of fact, the boundaries of the proposed R-3 zoning district are reasonable from the City's perspective and comply with the vision found in the City's Master Plan.

9. *If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.*

It would be inappropriate to amend the permitted and special land use regulations in a R-1 zoning district with its intent to establish multiple family in the R-1 zoning district.

10. *The requested rezoning will not create an isolated or incompatible zone in the neighborhood.*

The proposed rezoning does not create an incompatible zone within this residential neighborhood.

ZMA 19-11 – Zoning Map Amendment

Parcel: 64-14-16-451-012

RESOLUTION

Whereas, The City has received an application for a Zoning Map Amendment for 1033 Barkell Street, identified as PIN 64-14-16-451-012 from for the rezoning of the aforementioned parcel; and

Whereas, The Planning Division has reviewed the applicant's rezoning request in regards to the City's Master Plan and the request conforms to the goals and vision contained within the plan; and

Whereas, The Planning Division reviewed the requirements set forth by Section 6.804 of the Zoning Ordinance, the Planning Division has determined the aforementioned request and proposed intended use of the property complies with the City of Pontiac Zoning Ordinance; and

Whereas, In accordance with the procedures outlined in the Zoning Ordinance, Sections 6.802 as it relates to Zoning Map Amendments, the request has undergone the required: Technical Review, Public Hearing, and Planning Commission Recommendation; and

Whereas, On September 2, 2020 a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map Amendment request for 1033 Barkell Street, approving the change from the current R-1 One Family Dwelling zoning district to R-3 Multiple Family Dwelling zoning district; and

Now Therefore, Be It Resolved, That the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment [ZMA 20-05] request for 1033 Barkell Street, also known as Parcel No. 64-14-16-451-012 to amend the current site zoning R-1 One Family Dwelling zoning district to R-3 Multiple Family Dwelling zoning district.

SAFE PLACE COMMUNITY



PROMOTE PONTIAC & CHANGE MISPERCEPTIONS

INCREASE PONTIAC'S COMPETITIVE HOUSING OPTIONS

with quality, amenities, convenience and forward-thinking development.

PREVENT PERSONAL AND COMMUNITY CRISIS

Breaking down stigma is extremely important. 1 in 5 American experience a mental illness. These are our current neighbors, family, friends, and maybe that person looking in the mirror. When we remove stigma and shame, we let people know it is ok to get help. We do not want people suffering silently and then things spiraling out of control. Safe Place Community encourages people to get help when they need it.

INCREASE PONTIAC'S TAX PAYER BASE

by attracting the young professionals and new families working in the city to live here instead of going home into other cities.

YOUTH PROGRAMMING -EXPAND THE POSSIBILITIES OF OUR YOUTH

by introducing and training in sports and activities that are not traditionally accessed in Pontiac. Increase Scholarship and olympic potential of Pontiac's Youth

GO-TO RESOURCE

We are a place people come to live a full life, as a resident or member. A place folks can have honest conversations in a parenting class, learn how to have healthy relationships during a workshop, have a mediator help create healthy co-parenting skills, let a life coach help them achieve purpose-filled goals, increase streams of income and create a portfolio, learn healthy recipes, manage a conflict, connect with neighbors, and so much more.



Safe Place Community is a beautiful, lifestyle apartment complex and private community development with resort-style amenities and convenient services that promote prosperity for all, thriving community and empowerment of veterans and community.



**SOCIO-ECONOMIC DIVERSITY & LIFESTYLE,
THE FUTURE
OF HOUSING & COMMUNITY DEVELOPMENT**

**FROM POVERTY TO PROSPERITY;
IMAGINE THE POSSIBILITIES WHEN
PROSPERITY IS THE END GOAL.**



Prosperity is the condition of thriving and includes emotional, mental, spiritual, physical, social and financial health, standard of living, self-determination, and quality of life. **Who doesn't need prosperity in their lives? Let's prosper together.**

RESIDENTS' PROSPERITY

When people come to work in Pontiac, we want to be the reason they live in Pontiac too! Current residents deserve housing options of excellent quality.



**OPPORTUNITIES
AMENITIES & SERVICES**

- Housing
- Urban Farming
- Gym & Recreation
 - Fitness Equipment
 - Full Basketball Court
 - Olympic Size Swimming Pool
- Arts & Maker Space
- Health & Wellness Center
 - Doctors, therapists, yoga, life coaches, nutritionists, art therapy, etc.

COMMUNITY PROSPERITY

One item of note in Pontiac's master plan is "walkability". The community has resources to build prosperity, access food, connect, and be enriched with quality of life amenities and services at SPC.



- Dining Hall
- Clubhouse
- Classrooms/Meeting Rooms
- Resource Room & Computer Lab
- Job Training

VETERANS' PROSPERITY

In addition to our apartments for rent, we have a two-year program that will subsidize a % of our apartments for veterans; we give them a living wage job, and prosperity services. At the end of two years, they will be fully self-sufficient and can pay full rent or will have savings to buy a house.



- Entrepreneur Programs
- Enrichment Classes
 - Adults
 - Youth
- Childcare & Learning Center
- Playground
- Rooftop Gardens & Dining
 - gardens
 - fountains
- Spaces for quiet contemplation and spiritual growth



Community Development Project Intake Form

Project Name Safe Place Communities Project Location 1033 Barkell St

Contact Person/Entity(s) Mark Craighead Date 8/22/20

Phone (See Application) _____ Email (See Application) _____

Project Description:

Rehabilitation of the lebaron School Site, construction a Mixed Income Residential Development. Hosting Market Rate residential units, and subsidized residential units catered to support Veterans. The facility will also support tenant ammenties, private services, job opportunities and training for those interested who live in the community and facility.

Historical Background

Applicant appeared before the Planning Commission August 5th, with Petition to Rezone the Lebaron School Property into a Mixed Income residential development. Public Comments and concerns of residents prompted the developer to hold a community meeting at the development site on August 22, 2020. A well attended community presentation, the developer was able to share the proposed \$6 Million housing project, offering the residents of the community to engage with the developer to share their concerns regarding the project in their community, and those in favor of the development were able to share their support.

Special Guest

Angela Powell - County Commissioner, Randy Carter - District 4 Councilman, Linda Porter - Historic District Commissioner,
Laurie Bishop - Zoning Board of Appeals Chair & Reggie Hayes Zoning Board of Appeals Commissioner, Lucy Payne - Planning
Commission Commissioner.

Planning Division:

Economic Development:

<input checked="" type="checkbox"/>	Site Plan Review	<input type="checkbox"/>	PA 381 Traditional
<input checked="" type="checkbox"/>	Zoning Map Amendment	<input type="checkbox"/>	PA 381 Transformational
<input type="checkbox"/>	Special Exemption Permit	<input type="checkbox"/>	PA 198 IPTA
<input type="checkbox"/>	Zoning Board of Appeals Variance	<input type="checkbox"/>	PA 210
<input type="checkbox"/>	Historic District Commission	<input type="checkbox"/>	PA 146
<input type="checkbox"/>	Planned Unit Development	<input type="checkbox"/>	PA 225 OPRA
		<input type="checkbox"/>	Development Agreement Required
		<input type="checkbox"/>	Send to Sub-Committee



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800 F: 248.758.2827

Property/Project Address: 1033 Barkell, Pontiac, MI 48340

Sidwell Number: 1416451012

Date: May 8, 2020

Office Use Only

PF Number: _____

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least 30 days prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	Mark Craighead (Safe Place Transition Center)		
Address	6211 Cadiuex		
City	Detroit		
State	Michigan		
ZIP Code	48224		
Telephone	Main: 313-854-3259	Cell: 313-338-7917	Fax:
E-Mail	craighead_m@yahoo.com		

Project and Property Information

Name of Proposed Development: Safe Place Transition Center

The subject property is location at 1033 Barkell, Pontiac, MI 48340 on the N / S / E / W side of _____ between _____ and _____.

The property is zoned: R1

Proposed Zoning District: R3

It is proposed that the property will be used as: Veteran housing

The subject property is legally described as follows (include sidwell numbers): Parcel ID 141651012

T3N, R10E, Sec 18; Lebanon Farm Subdivision No 11 Lot 1265 Exc W 20FT and lots 1266 to 1269, Included and lots 1264 to 1279 Exc W 20FT of S 30.09 E 12-13-88 FR010 (4.48115675 acres)

Property Owner Information

Name	John Tranor		
Address	7461 Lake Forest Drive		
City	Clarkston		
State	Michigan		
ZIP Code	48346		
Telephone	Main: 248-343-6400	Cell:	Fax:
E-Mail			

Are you the Owner Agent/rep. of the owner Other Perspective buyer

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

The grounds will be used for multi-housing for veterans.

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

Safe Place Transition Center (SPTC) is a 501(c)3 non-profit organization

Safe Place Transition Center provides transitional and supportive housing, along with related empowerment services to at risk veterans. The Vocational Rehabilitation program helps identify resources needed to achieve rehabilitation and suitable employment goals for veterans, which in turn can grow the economy for the city of Pontiac.

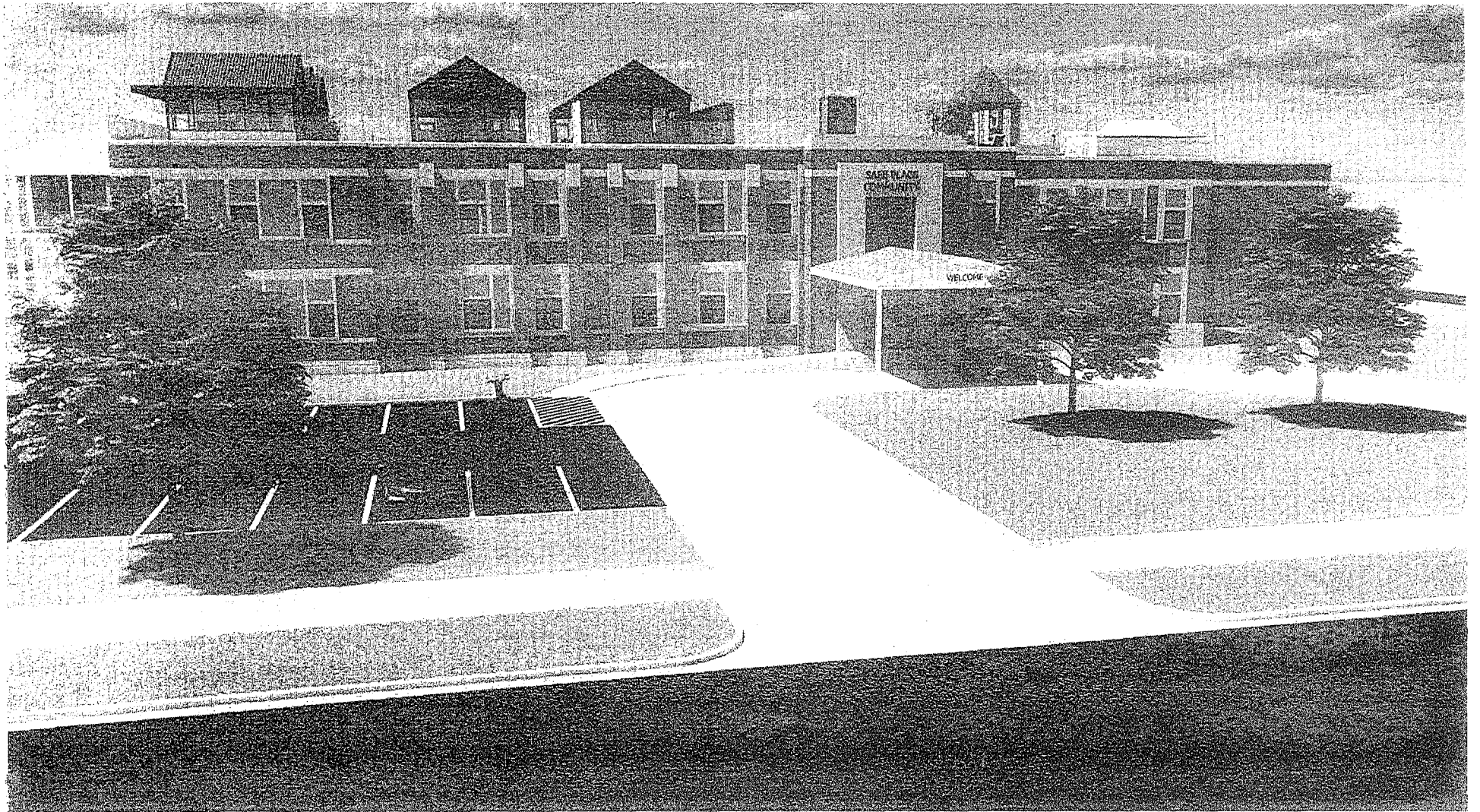
Signature of Owner

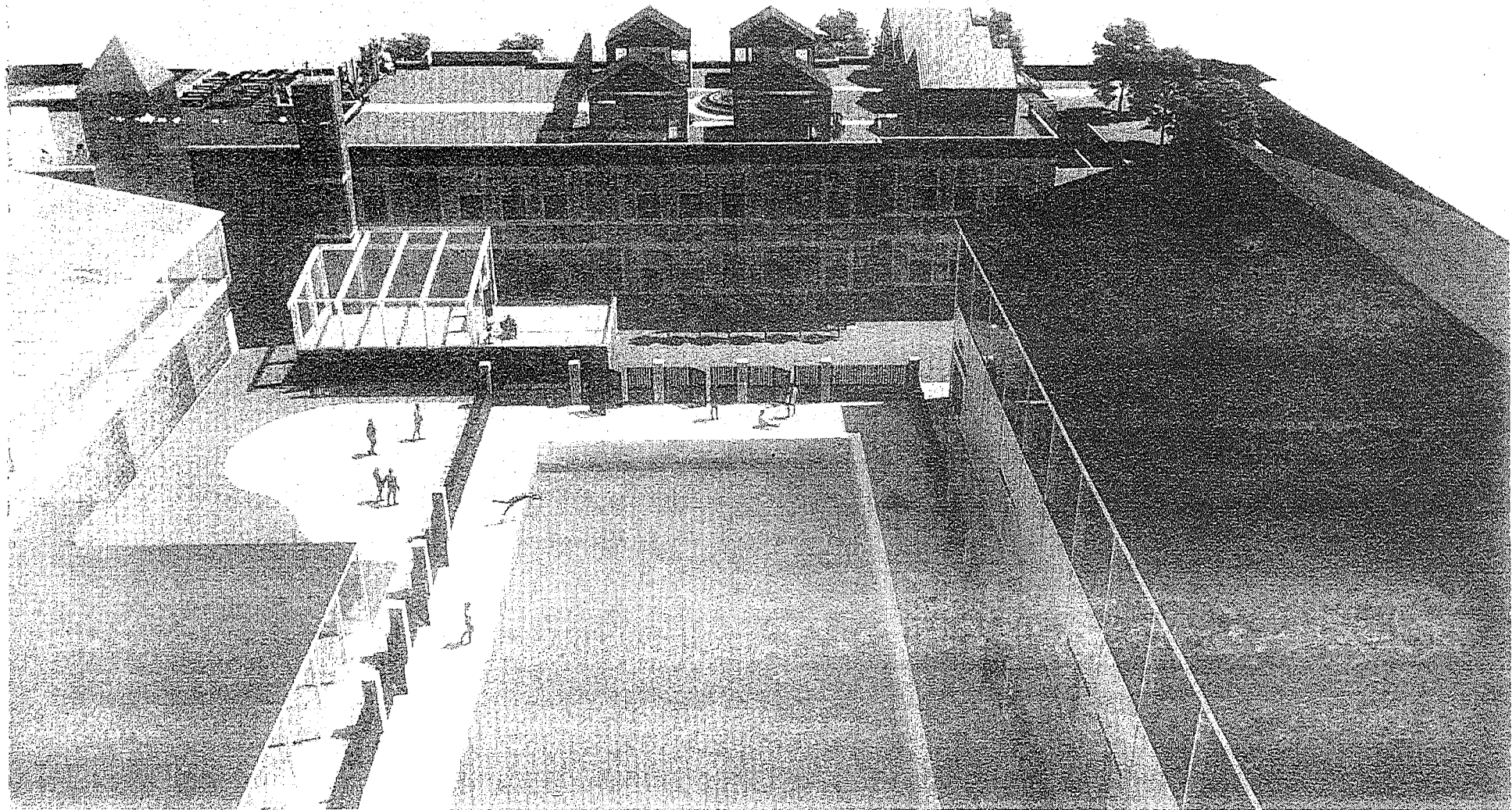
Mark Crawford
Signature of Applicant

State of Michigan
County of Oakland

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

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





9/1/2020

Dear Pontiac Planning Commission:

The petition against our development and misinformation spread, misrepresented Mark Craighead as the current owner of the property, as delinquent on taxes and as poorly caring for 1033 Barkell.

The petition reads, "Please note that the current owner has not paid property taxes since 2013 and makes no attempt to maintain the property"

I will let the Commission interpret the intention of placing this statement on the opposing petition for residents to sign and if this was misleading. Mark Craighead is not the owner of the property and the owner of the property is current on his taxes. This is public information and anyone can look into this information. Please See attachment A.

We have heard a lot of different information on what was shared in the neighborhood about the development which was baseless and untrue. At least one petitioner removed herself from the petition against the development. Mrs. Renate Hess. We believe in transparency and honesty: the petition against the development only accounts for 27 separate homes. Our petition accounts for 44 separate homes, (42 when removing Tilden street residents). We have 51 signatures (3 are electronic submissions of support. See Attachment B) and the opposing petition has 36 signatures.

It is our hope that we can move through the standard construction phases - rezoning, engage the rest of the professionals needed to finalize our plans during this pre-construction phase, and submit those plans for final review. Our purchase of the property is contingent on rezoning.

I ask that the Commission would review this property website that has a similar model to ours (a portion of their units are subsidized).

https://www.camdenliving.com/irvine-ca-apartments/camden-main-and-jamboree?v_source=1_MTE2Nzc1MzgtNzE1LWxvY2F0aW9uLndiYnNpdGU%3D

As employment opportunities increase in Pontiac, we want to not only add to the job creation but also increase housing options that must be competitive with surrounding communities and attract those outside employees to choose to call Pontiac home. Pontiac has some amazing residents and the stories we have collected while being out in the neighborhood have driven it home to Safe Place Community that 1033 Barkell truly is the right location for a multi-million dollar investment. Thank you for your review and consideration. As we serve young professionals, families, veterans and neighbors, we look forward to joining others in spreading the message that Pontiac is the place to be.

Kindest Regards,
Safe Place Community

Attachment A

Search: All Records By Address Search

- Services**
- Public Records Search
- AP Record Search
- Building Department Search
- Current Tax Search
- Online Payments
- Building Department Payments
- Current Tax Payments
- Building Department
- Apply for a Permit
- Building Department Search
- Rental Property Search
- Schedule an Inspection
- Citizens' Requests
- Create New Request
- Look Up Request
- PERFORMANCE**
- MI Community Financial Dashboard
- Performance Dashboard
- UTILITIES**
- Select a Municipality
- ACCOUNTS**
- Sign In
- Register
- Why Register?
- Remote Assistance

Tax Online Payment Service

Step 1: Search **Step 2: Select Record**

Parcel ID: 14-0-45-012

Name & Address Information

1033 BARKELL LLC
7461 LAKE FOREST DR
PONTIAC, MI 48341

Additional Record Information

By clicking this link below you can view additional information for Parcel 14-14-16-451-012.

View Address Parcel Information

Pay Taxes on this Parcel

Enter the Amount Paying for either season for which there is an Amount Due. Verify that you have entered the correct amount before clicking the Pay (season) Taxes button.

Interest and Penalty calculation (if applicable) current as of 09/01/2020

Summer Taxes	\$1,834.91	<input type="button" value="Pay"/> <input type="button" value="Pay Summer Taxes"/>
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(NOTE: Any amount payable(s) made after payed to us regularly followed in our office)

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Attachment B

Learning about the Multi-income Housing Development, Safe Place Community. Give my support for the location of 1011 Bertha Pontiac, MI. I do not want to see this development go somewhere else and I support Safe Place Community; developing 1028 Bertha Pontiac, MI.

Name	Address	Phone
Angela Downhour	685 First St	248-894-7460
Elizabeth Goodall	650 1st Ave	248 977 7156
Norris Williams	642 1st Ave	248-878-1300
LAURENCE RANOS LOWFANUS@GMAIL.COM	630 1ST AVE	248 495-2276
Manú Helder Trana	599 st Ave	586-213-3901
Gloria A Proby Herman Proby	578 E. Beverly Ave Pontiac MI	248-408-3777
Jasmine Suastegui Simon Suastegui	635 E Beverly Ave Pontiac, MI	479-567-2321
Jorge Guerra	635 E. Beverly Ave. Pontiac MI.	479-280-3824

10/18/02

After learning about the Multi-Incort's Housing Development, Safe Place Community, I give my support for the reaching of 1032 Barkell Pontiac MI. do not want to see this development go somewhere else and I support Safe Place Community developing 1032 Barkell Pontiac MI.

Name	Address	Phone
Walter Almondo	670 Shiloh St	248-749-4423
Jorge Guerra	24 th W. of Longfellow	248-911-7738
CHARLES BRADY	632 E. Beverly	248-408-3465
SCOTT Kincaid	642 E Beverly	248-773-7215
Dawn Kincaid	644 E Beverly	248-8028638
Rob Mithun	695 E. Beverly	248-804-8132
Rita Blevins	698 E BEVERLY	248-334-5674
Guy Ann	678	248-875-9811

August 2021

After learning about the Multi-income Housing Development Safe Place Community, I give my support for the rezoning of 1033 Barkell Pontiac, MI. I do not want to see this development go somewhere else and I support Safe Place Community developing 1033 Barkell Pontiac, MI

Name	Address	Phone
Sherrish High	6416 2nd Ave Pontiac, MI 48340	813 683-0504
Rene Martin	821 E. Pike	(248) 242-2567
Rogelio Figueroa	856 2nd Ave 48340	248 707 0383
Maggie Deleon	656 2nd Ave 48340	
Shirley Gooding	676 Second Ave 48340	
Barbara Haywood	680 2nd Pontiac, MI	248-941-5452
Mike Kane	700 2nd Pontiac MI 48340	248-980-3958
Cassandra Mott William Mott	716 2nd Ave Pontiac, MI 48340	906-221-1092 248-917-2590

August 2020

After learning about the Multi-income Housing Development, Safe Place Community, I give my support for the rezoning of 1065 Barkell Pontiac, MI. I do not want to see this development go somewhere else and I support Safe Place Community developing 1083 Barkell Pontiac, MI

Name	Address	Phone
Bill & Carol Viterite	176 Second Ave Pontiac, MI 48340	248 760 9445
Katrina Modest	300 Second Ave Pontiac, MI 48345	
Elaine Louis Bell	777 Second Ave	248-954-6790
Lawrence Fisher	765 Second Ave	248-335-2139
Victor OLAYINKA	723 SECOND	248 333 2064
Penny Peterson	635 Second	248 762 7207

August 2007

After learning about the Multi-income Housing Development, Safe Place Community, I give my support for the rezoning of 1032 Berkeel Portac, MI. I do not want to see this development go somewhere else and I support Safe Place Community developing 1032 Berkeel Portac, MI.

Name	Address	Phone
Laurie Bishop	275 S. Tilden Portiac, MI 48341	410 507-8743
Jude Porter	513 S. Tilden Portiac, MI 48341	248-738-5905
Daniel Callahan	646 E. Tupperman	810-964-4955
Jeffy Harkin	84 Johnson	248 935-2831
MICHAEL J HESS MARGARET	571 1ST AVE PORTIAC MI 48341	248 303 2185
RENATE HESS	571 1ST AVE PORTIAC	248 514-1432

- August 21, 10

After learning about the 400+ homes Housing Development Safe Place Community, I give my support for the rezoning of 1036 Berkell Pontiac, MI. I do not want to see this development go somewhere else and I support Safe Place Community developing 1036 Berkell Pontiac, MI

Name	Address	Phone
Harry F. W. [unclear]	674 E. Beverly Ave Pontiac M.I. 48340	248-381-6615
* Amy S. Korte	638 E. Beverly Ave Pontiac, MI 48340 OSKorte51@aol.com	248-348-410
Marie Gouch	634 E. Beverly Ave Pontiac, MI 48340	(248) 375-4287
Jane [unclear]	570 2 nd Ave Pontiac MI 48340	248 212-2205
Judge Pickett ✓	576 2 nd Ave 48340 Pontiac	48 972 1470
Darrell Davis	582 2 nd Ave	48340
Van Cassel	548 2 nd 312 2 nd Ave 201	
Keith [unclear]	1044 Berkell Pontiac MI 48340	248-535-5357



Janet June

VIEWING OF 1.38 P10

Contact

FULL NAME

Janet June

EMAIL

janjune59@gmail.com

PHONE

2489779125

TYPE YOUR MESSAGE HERE..

I live up the street on E Beverly. I watched the Zoom meeting tonight. I never found out about this till I got the flyer today. I support this project.

MARY TOPHAM

Aug 13, 6:28 PM

Contact

FULL NAME

MARY TOPHAM

EMAIL

mbmiller1973@gmail.com

PHONE

2484033889

TYPE YOUR MESSAGE HERE...

interested in anything that help vetrans and also in my neighborhood! Very Exciting!

Info Gmail

342 94701 10/5 25/10/2020 10:00:00 AM

Informational Meeting

Info Washington info@washington.com <info@washington.com>
To: info@safepicscommunity.com <info@safepicscommunity.com>

Thu, Aug 20, 2020 at 2:31 PM

Hello,
Please add my email address to your files for the 1033 Barkell Development project. I would like to receive any public information regarding this project. I am so excited to see a mixed use development proposed for this site; I had hoped it would be developed in this way. I was at today's event but left before it started because I am not attending mask optional events without proper social distancing at this time. Thank you so much.

(1) In this multi income dwelling will the people living there be at risk veterans, homeless, tackling substance abuse, having mental health concerns also people from prison to be rehabilitated back into society? Yes or No.

(2) If so, are these people going to be license that are going to evaluate these people to live in this complex?

(3) Also residence are wanting to know if someone is going to be staying in the complex 24 hours a day to monitor and over see people, since they're only able to stay there for two years ?

(The concern there is not having Permanent Residence).

(4) Residents are concerned about their safety, and the safety of the children going back and forth to our schools?

There is a high school, junior high, and the bus stop at the corner of Barkell the elementary?

And the blight of that building is not the residence fault that is the fault of the city not doing their job. By going after the owner to take care of that place.

Ask yourself Honestly... would you want this in your front yard? The residence and the businesses would like to know that answer.

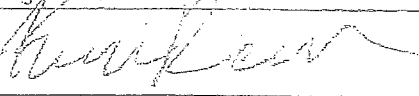
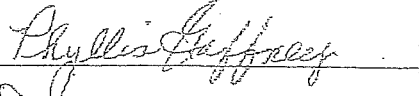
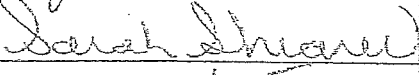
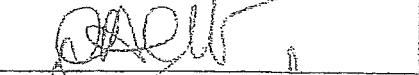
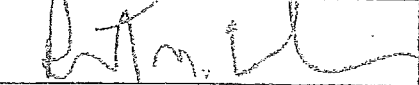
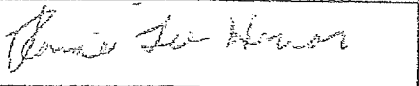
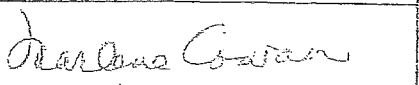
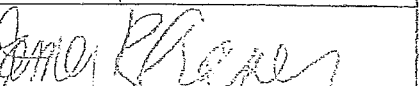

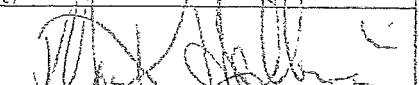

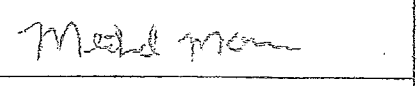
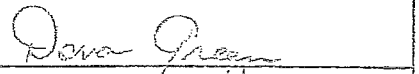
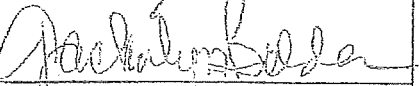
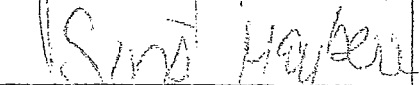
Thank You

James Smith Shearer

Street Address	Printed Name	Signature
553 First Ave	David Muñoz	David Muñoz
553 First Ave	Michelle Muñoz	Michelle Muñoz
553 First St	Alonso Muñoz	Alonso Muñoz
561 First	Jon Sheaver	Jon Sheaver
571 First	Leticia Hess	Leticia Hess
585 First	Leticia Acas	Leticia Acas
595 1st	BILL MIDKIFF	Bill Midkiff
605 1st	Justin Lambrecht	Justin Lambrecht
630 1st Ave.	Jan January	Jan January
626 1st Ave	Jennifer's House	Jennifer's House
626 First	AC HAYS	AC HAYS
627 ^{Beverly} Ave	Jennifer Beas	Jennifer Beas
630 E. Beverly Ave	Rebecca Hillborn	Rebecca Hillborn
615 E. TENNISON RD	Rebecca Hillborn	Rebecca Hillborn
615 E. Tennon	Kathryn Flanery	K. Flanery
598 East Beverly	SYDIE MILLER	Sydie Miller

Signle # 1000

Street Address	Printed Name	Signature
594 EEST Beverly	Rodney Pumphey	Rodney Pumphey
582 E Beverly e pontiac	Samantha Hines	Samantha Hines
556 E Beverly	Michelle Thomas	Michelle Thomas
556 E Beverly	Shane Thomas	Shane Thomas
574 E. BEVERLY	KATHLEEN ROBBINS	Kathleen Robbins
557 1st Ave	Katherine Workman	Katherine Workman
566 E. Beverly	Gerald Wilkes	Gerald Wilkes
510 E Beverly	Maryanne Post	Maryanne Post
586 E Beverly	Diana Navro	Diana Navro
610 E. Beverly Avalon	LINDA S	Linda S
666 Beverly	Tim Courtemanche	Tim Courtemanche
621 1st Ave	Jose Rivera	Jose Rivera
621 1st Ave	Wendy Rivera	Wendy Rivera
615 1st Ave	GARY SMITH	GARY SMITH
615 1st Ave	Sony Smith	Sony Smith
634 1st Ave	Tom Schulz	Tom Schulz

Street Address	Printed Name	Signature
636 FIRST AVE PONTIAC, MI 48340	KEVIN DALL	
565 FIRST ST. PONTIAC, MI 48340	PHYLLIS GAFFNEY	
561 FIRST AVE PONTIAC. 48340	Sarah Shearer	
1044 Joslyn Ave PONTIAC, MI	Leigh Elceser	
1038 Joslyn Ave PONTIAC, MI 48340	Robert M. Wilson	
740 E Beverly Ave. PONTIAC, MI 48340	Ronnie L Herron	
125 CHIPPEWA PONTIAC MI 48341	MARLENE COWAN	
757 EAST BEVELLY PONTIAC MI 48340	JAMES R. CRANER	
757 EAST BEVELLY PONTIAC MI 48340	ROBERT CRANER	
705 SECOND AVE PONTIAC, MI 48340	MARK HILBORN	
705 SECOND AVE PONTIAC, MI 48340	Antoinette Cervante	
Michael MASON 46400	Michael MASON	
4640 GALISTIA CHARLESTON MI	Michael MASON	
566 Second Ave PONTIAC MI	Dona Green	
564 Second PONTIAC 48341	Tazkulyn Bolden	
570 Second PONTIAC MI	Sara Hayker	

Street Address	Printed Name	Signature
575 ... Avenue ...	Lynn ...	Lynn ...
576 ... Avenue ...		
821 Thueress Oxford MI.	Cora Klann	Cora Klann
464 ... Pontiac, MI 48340	Jennise Lanson	Jennise Lanson
11	George ...	George ...
460 ... Pontiac, MI 48340	Cecilia Brooks	Cecilia Brooks
460 ... Pontiac MI 48340	Aron ...	Aron ...
2375 ... Waterford 48308	Kelly Dunn	Kelly Dunn
5237 ... Waterford	Angie ...	Angie ...
6692 WEDGEWOOD WATERFORD	CHRIS GAFFNEY	Chris Gaffney
6692 WEDGEWOOD 48327	LEE WHITE	Lee White

#10

**COMMUNICATION
FROM THE
MAYOR**

MEMORANDUM

TO: Council President Williams, Members of Council

FROM: Mayor Deirdre Waterman
Matthew Gibb, Special Legal Counsel for Economic Development

DATE: September 17, 2020
For City Council Agenda of 9/22/2020

RE: **MAYORAL REPORT**
Additional Diligence for Phoenix Center Opportunities

BACKGROUND

As a supplement to the Report following Real Estate Subcommittee, it is important to update the City, and this Council, that additional diligence is being completed to bring forth potential opportunities to resolve the Phoenix Center commitments. This diligence includes the recruiting and development of funded sources of investment and partnership. It is anticipated that prior to the council meeting of September 22, 2020 two of the vetted firms will provide formal materials to the City, through the Mayor's office, for consideration.

OUTLINE OF POTENTIAL OPPORTUNITIES

There have been four different development groups in some form of negotiation about how to partner with the City to invest in the Phoenix center and the Ottawa Towers. These have varied from parties interested in purchasing the Towers and then collaborating with the City to those seeking a complete public private partnership.

Two of those firms have removed themselves from participation at this time. Some reasons for the decision not to move forward;

1. The Ottawa Towers owner would not commit to a price.
2. The market is too unstable due to COVID and the office space outlook is weak.
3. They did not believe the City, and its Council, would complete terms of a partnership.
4. They required a pre-commitment of funds from the City to build a proforma.
5. Unwilling to negotiate terms at public meetings.

There are two additional firms that are continuing to work on a solution that would be in partnership with the City. These firms are seeking certain commitments from the City which in general terms would include some of the following;

1. A capital partnership from the City, including a commitment to use excess general fund dollars to support a financial package to acquire the Towers and center.
2. A financial commitment for longer term improvements over a set number of years, and a mechanism to guarantee an annual contribution from the city.

3. Whether the garage can be partially demolished and if the City would grant a tax based incentive, or brownfield.

THESE FIRMS WILL NOT PRESENT IN PUBLIC AS SUCH DISCLOSURE WOULD HARM THE ABILITY TO NEGOTIATE THE CLOSING OF THE OTTAWA TOWERS. THEY EACH WILL SUBMIT PROPOSALS TO BE CONSIDERED IN CLOSED SESSION BY THE CITY SO COMMITMENTS FOR FUNDING AND LONG TERM PARTNERSHIP MAY BE DETERMINED.

This is a rough outline of how these opportunities are being structured

Options Ready for Consideration by the City	Concept	Initial Cost to City	Additional Cost to City	Additional Requirements	Notes	Evidence of Funding
Option 4 - BC	Acquire the Towers and Own PC	\$7,000,000	\$0 - \$25,000	tax incentives	No other demands	Equity Fund Based
	BC intends to buy Ottawa Towers and release City from the cost of open transfer of PC, retaining rights to Plaza in City for tower use.	City would contribute \$7,000,000 into PCC at closing of DC to buy Ottawa	City would contribute the PCC in return of 5 year and maintenance of \$250,000 - \$750,000 per year for 20 years	BC requires a brownfield	Handled as a cash deal with Ottawa, which includes a third party for tower use	Supported by the Equity Fund, letters of credit
Option 5 - BE	Acquire the Towers and Own PC	\$7,000,000	\$0	BC	Leasing higher development	Letter of Credit as required
	BE intends to offer a PCC that would be to buy Ottawa, getting the garage and up to \$7,000,000 returning the plaza to the City		\$0	TBD	Like DC, a new President and consultant developer	BC funded, former partner of Major David Investor

#11

**COMMUNICATION
FROM THE
MAYOR**

MEMORANDUM

TO: Council President Williams, Members of Council

FROM: Mayor Deirdre Waterman
Matthew Gibb, Special Legal Counsel for Economic Development

DATE: September 10, 2020
For City Council Agenda of 9/22/2020 (postponed by Council from 9/15/2020)

RE: **Special Presentation**
Report following Real Estate Subcommittee – Proposed Public Private Partnerships - Phoenix Center

BACKGROUND

The Real Estate Subcommittee of the Pontiac City Council met on September 9, 2020 wherein the committee heard and discussed several presentations from third parties interested in joining the City of Pontiac in a public private partnership to invest in the Phoenix Center and potentially resolve the commitments of the City contained within the November 2018 Settlement Agreement.

SUMMARY REPORT

The committee asked the administration to coordinate information from the presentations, along with information provided from the administration regarding other third party proposals, and bring to Council at its September 15th meeting a summary of the opportunities with sufficient detail that the Council could provide any acceptance, rejection or direction regarding each proposal.

To allow for confidentiality and nondisclosure while any of the proposals are being negotiated or completed, a summary of the information will be provided separately from this memorandum and included within the Councils agenda packet. As a general summary the proposals included, but were not limited to the following:

1. Use of Allocated fund balance. Each presentation included some aspect of participation by the City in the capital needed to complete the transactions. This would involve authorizing the use of general fund balance at a future time.
2. Additional Commitments. Each presentation has some aspect of additional consideration, including zoning approvals, purchase of additional property, supplemental capital for future improvements, and incentives.
3. Varied Approach to the Phoenix Center Use. The proposals varied in their approach to what becomes of the phoenix center. Some indicated that the center would be demolished in favor of a new development, others want to adapt the center to alternate uses.

ANTICIPATED AGENDA DISCUSSION

A summary of each proposal is included in the attached materials. Based on the provided information, details may be assessed, including;

1. What is the actual cost to the City?
2. What is the long-term financial impact?
3. What additional obligations are in the proposals, or will arise if accepted?
4. Are the proposals funded?

There will be additional information provided that includes alternate remedies and impacts, including;

1. What is a possible response to the offer of Ottawa Towers?
2. What is the likely impact if a deal cannot be completed?
3. What affect can a judgment have on the City?

PHOENIX CENTER OPTIONS

Proposals Presented at Real Estate Subcommittee 7/9/20	Concept	Initial Cost to City	Additional Cost to City	Additional Requirements	Notes	Evidence of Funding
Proposal 1 - PD, LLC	Acquire and Demo the PC	\$7,296,000	\$13,484,428	Not defined	Demanding a LOI	None
	PD, LLC intends to buy the Ottawa Towers and release City from the Settlement upon transfer of PC to PD and additional cash and incentives	PD demands a deposit of \$1,296,000 or \$7,296,000. The deposit extends the Settlement deadline but does not erase it	City would contribute additional cash up to a total of \$20,782,428.00	PD demands a master development agreement, preapprovals, incentives, and miscellaneous (terms are not defined)	PD would deed three schools to City at closing. The transaction requires a Letter of Intent and deposit, prior to Seller execution of agreement, and then an agreement is negotiated. Intends to demolish PC	No evidence of funding has been provided
Proposal 2 - OI, Ltd.	Acquire Towers / Partner in PC	\$20,000,000 (bonds)	\$10,300,000	Requires \$100 million+	Based on a crypto currency fund	None
	OI seeks a PPP to develop a concept called Little City, where OI would acquire the towers. It is unclear if OI demands ownership of PC.	The City is required to bond not less than \$20,000,000 for the restoration of the PC	Debt service on the bonds until paid is estimated at \$1,300,000 annually. OI has verbally stated that the settlement would only be released with additional payments	The City would act as a franchisee of a utility entity	OI intends to refinance the entire project and pay off the bonds in two years, giving the City a 20% bonus. No release form settlement until further negotiation	No evidence of funding has been provided
Proposal 3 - UDM	Acquire Towers / Own PC	\$7,700,000	\$280,000	Clean up and transfer of Property - \$27,000,000	Brownfield on five properties - \$60 million	None
	UDM intends to buy the Ottawa Towers and release City from Settlement upon transfer of PC and cash and incentives	City will pay to UDM \$7,700,000 upon closing of UDM buying Ottawa	Fund \$280,000 for the re-opening of Saginaw St., all costs associated with additional requirements.	City must complete environmental cleanup of the Kennel Landfill and transfer ownership to UDM, must grant a brownfield for Ottawa, 28N, Kennel, Lakeside and Glenwood, and must provide incentives for approximately 200 public housing units	UDM also demands issuance of marijuana licenses a Glenwood and Kennel, and other support including application for a casino license. City is required to move city office and court to Ottawa Towers.	No evidence of funding has been provided
Additional Options Submitted for Consideration	Concept	Initial Cost to City	Additional Cost to City	Additional Requirements	Notes	Evidence of Funding
Proposal 4 - UDM	Acquire Towers and Own PC	\$7,700,000	\$5,600,000	None Stated	None Stated	None
Second proposal submitted by UDM	UDM submitted a second proposal which includes its intent to acquire the towers upon conveyance of the PC. The Proposal is silent as to release of the City from the Settlement Agreement	The City transfers \$7,700,000 at closing of sale on the Towers	The City contributes an additional \$5,600,000 over 8 years	No additional conditions are included in the proposal	See above	No evidence of funding is provided
Proposal 5 - Arctaris	Invest in PC - Sell Back after 10yrs	\$5,000,000	Shared Restoration	Maintenance	Part of a National RFP	Arctaris OZ Fund
Opportunity Zone Fund Application	A Response to RFP was submitted by the City seeking \$20,000,000 in OZ funding for PC, which requires a 20% match	The City is required to contribute \$5,000,000 in matching funds	If selected to move forward the city would negotiate a partnership to restore the facility	TBD	Arctaris is a large equity fund seeking to invest in opportunity zone projects within minority and lower income communities	Arctaris has established an Opportunity Zone Fund committing \$20 million to selected cities
Option for response to Offer from Ottawa Towers						
Possible Conditional Acceptance	Stephens is demanding \$22,100,000 for the purchase of five properties and payment of balance of settlement	Contribute \$5,000,000 to closing of sale, in PPP with third party	Contribute \$2,000,000 towards initial plan for repair and allocation of parking between towers. An additional annual contribution towards restoration totaling \$5,600,000 over 6-7 years.	Acceptance conditioned on confirming Stephens assertion of a third party buying 51111 Woodward, but at a reduced price of \$12.1 million. Also, conditioned on securing a third party to buy 31 Judson at \$5 million (already identified)	If completed, this gets the City out of the Settlement for \$12.6 million. It may require a Brownfield	Council has allocated the initial contribution.

Pimpemel Developments LLC ("Purchaser")
36400 Woodward Ave Ste 111
Bloomfield Hills, MI 48304

September 1, 2020

City of Pontiac ("City")
47450 Woodward Ave
Pontiac, MI 48342

RE: PHOENIX CENTER SETTLEMENT AGREEMENT LETTER OF INTENT ("PCSA LOI")

Dear City of Pontiac,

Please accept this binding Letter of Intent ("PCSA LOI") to purchase the Phoenix Center ("PC") and fully release the City from its obligations and liabilities according to its Phoenix Center Settlement Agreement ("PCSA") under the following proposed terms:

- Purchaser:** Pimpemel Developments LLC, Red Pimpemel LLC, or an entity to be formed.
- Terms:** Purchaser to purchase Ottawa Towers and PC then release City from PCSA in exchange for City contributing to Purchaser Sum Certain Amount ("SCA") of no less than Seven Million Two Hundred Ninety-Six Thousand Sixty Dollars (\$7,296,060.00) and no greater than Twenty Million Seven Hundred Eighty-Two Thousand Four Hundred Eighty-Two Dollars (\$20,782,482.00), Six Million Dollars (\$6,000,000.00) over a ten (10) year period, master development agreement, preapprovals, incentives and miscellaneous (collectively, "PCSA LOI Terms").
- Deposit:** City shall select A or B and submit Deposit into Purchaser's Escrow Account within five (5) business days of the day and year first written above by 5:00 PM EST. Deposit amounts becoming immediately nonrefundable and available to Purchaser shall be applicable to the SCA, or in the event Purchaser assigns its Ottawa PSA to City, the Purchase Price of the offer Seller presented to City on August 18, 2020, or in the event City defaults, the amount of monetary ramifications of its default. Upon Purchaser's receipt of Deposit, Seller shall extend City's deadline of its Phoenix Center Settlement Agreement ("PCSA") entered into effective with Seller on November 1, 2018 and Purchaser's deadline of its Agreement of Purchase and Sale Ottawa Towers and PCSA Assignment entered into effective with Seller on November 15, 2019 ("Ottawa PSA") as follows (collectively "Deadlines"):
- A. Seven Million Two Hundred Ninety-Six Thousand Sixty Dollars (\$7,296,060.00), with One Million Two Hundred Ninety-Six Thousand Dollars (\$1,296,000.00) becoming immediately nonrefundable and available to Purchaser but applicable to the SCA. Upon Purchaser's receipt of Deposit, Seller shall extend Deadlines by One Hundred Twenty (120) Days, from November 1, 2020 to March 1, 2021 ("Initial Deadlines Extension"). City shall then have the option to further extend Initial Deadlines Extension by up to Four (4) Periods of Thirty (30) Days by informing Purchaser in writing of each extension at least sixty (60) days prior to Deadlines, with One Million Five Hundred Thousand Dollars (\$1,500,000.00) per Period becoming immediately nonrefundable and available to Purchaser but applicable to the SCA, thus extending Deadlines One Hundred Twenty (120) Days, from March 1, 2020 to June 29, 2021 ("Deadlines Extension").
 - B. One Million Two Hundred Ninety-Six Thousand Dollars (\$1,296,000.00) immediately nonrefundable and available to Purchaser but applicable to SCA. Upon Purchaser's receipt of Deposit, Seller shall extend Deadlines by Ninety (90) Days, from November 1, 2020 to January 30, 2021 ("Initial Deadlines Extension"). City shall then have the option to further extend Initial Deadlines Extension by up to Three (3) Periods of Thirty (30) Days by informing Purchaser in writing of each extension at least sixty (60) days prior to Deadlines, with Two Million Dollars (\$2,000,000.00) per Period becoming immediately nonrefundable and available to Purchaser but applicable to SCA, thus extending Deadlines an additional Ninety (90) Days, from January 30, 2021 to April 30, 2021 ("Deadlines Extension").
- Installment:** SCA LESS Deposit LESS outstanding due yet unpayable FY 2020-21 ("Installment") to be deposited by City into Purchaser's Escrow by Deadlines Extension 5:00 PM EST becoming immediately nonrefundable and available to Purchaser but applicable to SCA. SCA LESS Deposit LESS Installment ("Installments") TBD by the Agreement.
- Conditions:** Purchase contingent upon the following conditions:
- **This LOI.** This LOI shall be made exclusive wholly to Purchaser and assignable in whole or in part by Purchaser. Upon Purchaser's receipt of Deposit, Purchaser shall submit its Ottawa PSA into escrow and the Parties shall be bound to completing a transaction conveying ownership of Ottawa Towers and PC to

[Expires 11:59 PM]

- 1 -

Purchaser then Purchaser fully releasing City from its obligations and liabilities according to its PCSA. In the event Purchaser does not close Ottawa Towers, City shall have the right of first refusal to accept Purchaser's assignment of its Ottawa PSA, City commits to conveying ownership of PC and contributing PCSA LOI Terms to Purchaser. Seller commits to extending both City's November 1, 2020 deadline of its PCSA and Purchaser's deadline of its Ottawa PSA and granting Purchaser a land contract option according to the terms of an email sent by Purchaser to Seller on Friday, July 31, 2020 at 12:18 PM EST. Purchaser commits to purchasing Ottawa Towers and PC, and upon closing Ottawa Towers and contingent upon City fulfilling its PCSA LOI Terms according to the terms and conditions of the Agreement, fully releasing City from the PCSA. Purchaser is open to idea of City retaining and/or attaining a percent ownership of PC and/or Ottawa, but unless otherwise agreed to in writing according to the terms and conditions of the Agreement, City shall transfer full ownership and responsibility of PC to Purchaser in exchange for its full release from the PCSA.

- **The Agreement.** An agreement shall be made and executed by and between Purchaser and City, upon full execution of this LOI and by at least sixty (60) days prior to the Deadlines Extension ("Agreement"), exclusive wholly to Purchaser and assignable in whole or in part by Purchaser and shall include but is not limited to the Terms of this LOI, with SCA, Deposit and Installment(s) amounts and terms determined by Purchaser and City Interim Financial Director ("IFD") and master development agreement, preapprovals, incentives and miscellaneous by Purchaser and City Legal Counsel Economic Development and Business Plans ("LC-EDBP").
- **The Schools.** In good faith and in return for Deposit, Purchaser shall transfer to City ownership of Longfellow School, Perdue Academy, and Jefferson School (the "Schools"), with Purchaser deciding whether transferred by sales or donations and City taking titles within sixty (60) days of the day and year first written above, unless otherwise extended in writing by and only by Purchaser for up to four (4) periods of thirty (30) days.
- **Confidentiality.** City shall henceforth obtain explicit prior written consent of Purchaser before disclosing any information in whole or in part to maximum legally permissible extent regarding this LOI and the Agreement.

Upon City's acceptance of this LOI, Seller shall accept and Purchaser present City a deposit agreement within two (2) business days.

IN WITNESS WHEREOF, the parties hereto have executed this LOI under seal as of the day and year first above written.

PURCHASER:

PIMPERNEL DEVELOPMENTS LLC, RED PIMPERNEL LLC, OR AN ETBF

By: *Niccolo G. Mastromatteo*
Name: Niccolo G. Mastromatteo
Title: Authorized Manager

CITY:

CITY OF PONTIAC

By: _____
Name: Deirdre Waterman
Title: Mayor

By: _____
Name: Kermit Williams
Title: Council President

By: _____
Name: John Clark
Title: Attorney

SELLER:

NORTH BAY DRYWALL, INC. PROFIT SHARING PLAN & TRUST,
OTTAWA TOWER II, L.L.C., PONTIAC INVESTMENT PROPERTIES, LLC

By: _____
Name: Charles R. Stephens
Title: Authorized Trustee / Manager

N/A

Introduction: Omega Investments Ltd. (Omega) was formed in 2003 to find talent, technology, and solutions to the present economic crisis of the USA, focused on rejuvenating Inner Cities and Rural communities through participation of the local residences. Thereby, restoration of existing buildings and/or completely new developments on mixed-use parcels connected by a Mass Transit commodities distribution infrastructure.

Omega was in the process of raising capital to purchase the Ottawa Towers and then work with the City of Pontiac to support the Little City concept, being the Settlement Agreement provides the owners of the Ottawa Towers to use the Phoenix Parking Structure for a period of 10 years. Later to work with the City of Pontiac to better the community. However, the opportunity to implement a PPP with the City of Pontiac and incorporate the systems of the LC with the Ottawa Towers provides a unique opportunity to reward the citizens of the City of Pontiac. The City of Pontiac would raise the capital for restoration \$20M for the Ottawa Towers, which interacts with the Phoenix Parking Structure and the utilities that would be created by the restoration.

The Little City franchise system interacts with the *Intradependant Business Model* supporting its operations of the mixed-use development, and interacts with the local municipality and its work force to bring back high paying jobs and update their technological systems bringing them into the 21st century with cutting edge technology and manufacturing supported by the duplication of the LC franchise and its connecting Maglev Transit commodities distribution systems. ?

The Little City mixed use development focuses on preventative medical solutions, job creation, cross educational platforms, advanced entertainment solutions, office and professional services, and high-end technology systems to support the surrounding communities that run the franchise. We use Artificial Intelligence (AI) units to create dash boards for the franchisee and franchisor, overseeing and holding the intradependent partners accountable. Additionally, it provides non-profit solutions to support the workforce and their families contributed through the oversight and profitability of the LC's 50/50 percentage leases.

The LC is completely self-efficient and is designed to interact with local municipalities reducing the yearly cost producing more utilities than the LC unit uses and selling them at a 50% reduction to local municipalities. It builds into its development infrastructure that produces Green Energy, Purification systems for drinking water without chemicals, and a confidential WIFI 6 systems for digital services to support triple play telecommunications, cloud housing, and Internet of Things (IOT). Ultimately, generating higher Return on Investment (ROI) for the real estate investment. The utilities and transit systems interact with the local infrastructure providing distribution of the utilities, people, and material that is metered, and accounted for through the AI unit.

The City of Pontiac and Omega Investments would provide the acquisition and restoration funds for the Ottawa towers through a PPP with Omega Investments Ltd. The bonds would be supported by Pontiac and guaranteed by the present community. The Phoenix Parking structure would be repaired with the upgraded electrical, water, and digital systems of the Ottawa Towers. Omega would fill the Ottawa Towers with seasoned business owners to run its operations and train the workforce to oversee the utilities and its internal operations. Within 12 to 24 months.

Omega would refinance the Ottawa towers to include the Phoenix Parking structure and pay off the bonds with a 20% bonus for the City of Pontiac. Additionally, it would provide ownership to 10% of the Parenting Company of Omega (Jasper III Corp.) and a 10% of the Token used for the capital raise to initiate the new manufacturing for the Rail and LC's, associated to the profits of the pilot LC which is the Ottawa Towers. Furthermore, the refinance would pay for a 4-mile Mass. Transit Maglev that would use the existing easements to attach Williams International, United Wholesale Mortgage, and Amazon to the Phoenix Parking Structure and the pilot Little City franchise solution.

The Initial offering of the LC's coin is for future duplication of the utility infrastructure, support new manufacturing to build out the State of Michigan, connecting Indianapolis Indiana, using the Interstate Highways I-75, I-94, I-69, creating the first of Jasper's Gateways and 40 LC units. The development of the workforce for oversight and management will be develop here, making it the East Coast Headquarters and using the local populous to fill the positions. Additionally, those that are in the initial positions will be promoted to replicate the Gateway in 12 different locations, adding to the workforce and systematically build out those gateways. This is expected to be completed within first 4 years completing 521 LC units and 5200 miles of rail. At the end of 4 years the citizens of Pontiac will be able to cash in all or some of their shares, providing them the ability to pay off debt, buy a house, or simply fund their retirement.

Omega has put together a team to oversee the restoration of the buildings and parking structure and implementation of all the technology systems that will correspond with various US tech companies. If Omega and the City of Pontiac agree to a PPP, then we would look to upgrade the Pontiac systems to correlate with the utilities distribution and see the City of Pontiac act as the franchisee and receive an additional 3% fee for its oversight for a period of 10 years, at which date it can the franchise can be renewed.

Omega's Team:

Lawrence Jasper	CEO	Chief Executive Officer	Contact for all 248-961-7075
Scott Foster	COO	Chief Operating Officer	
City of Pontiac	CFO	Chief Financial Officer	
Robert Kulick	CTO	Chief Technology Officer	
Bob Storen	CDO	Chief Development Officer	
Megan Storen	GM	General Manager Construction	
Brad Baldwin	GM	General Manager Hotel/Entertainment	
Mathew Rosendaul	GM	General Manager Utility operations	
Fred Wagner	GM	General Manager Food Service	
Mike Johnson	GM	General Manager Maintenance Oversight	



LUMBERG FREEMAN GLEESON
HICKS & KHALIL PLLC

33 Bloomfield Hills Parkway, Suite 100
Bloomfield Hills, Michigan 48304
Telephone: (248) 724-3700
Fax: (248) 724-3701
www.LFGLawFirm.com

H. William Freeman, Esq.
hwilliam@LFGLawFirm.com
Direct: (248) 724-3706

**City of Pontiac City Council Meeting
September 9, 2020**

This firm represents Urban Development of Michigan LLC, Michigan limited liability company ("UDM"), who is proposing to purchase the Ottawa Towers. The following is a list of requirements which will be necessary for UDM to pursue the mutual objectives for the benefit of the City of Pontiac ("City"):

1. The City will transfer all legal rights of the Phoenix Center to UDM prior to the closing of the Ottawa Towers Deal; and
2. The City will transfer funds in the amount of Seven Million Seven Hundred Thousand and 00/100 Dollars (\$7,700,000.00) to UDM prior to the closing of the Ottawa Towers Deal; and
3. The City must successfully complete the pre-zoning and approval for cannabis cultivation at the Kenneth Landfill prior to the closing of the Ottawa Towers Deal; and
4. The City must enter into a contract with a contractor, chosen by UDM, for the Environmental Cleanup of the Kenneth Land Fill prior to the closing of the Ottawa Towers Deal; and
5. The City will transfer all legal rights of the Kenneth Landfill to UDM prior to the closing of the Ottawa Towers Deal; and
6. UDM will require the right to bid on the Waste Removal Contract for the City of Pontiac in 2025; and
7. There must be incentives granted on the list of property provided by UDM for 10 years; and
8. The City will recommend Receipt of Land Bank property the County owns incentives for development; and
9. Approval on all Brownfield treatment on Ottawa Towers, 28 N. and Lakeside Property, Kenneth Landfill and Glenwood Plaza;



**LUMBERG FREEMAN GLEESON
HICKS & KHALIL PLLC**

33 Bloomfield Hills Parkway, Suite 100
Bloomfield Hills, Michigan 48304
Telephone: (248) 724-3700
Fax: (248) 724-3701
www.LFGLawFirm.com

H. William Freeman, Esq.
wfreeman@LFGLawFirm.com
Direct: (248) 724-3706

**City of Pontiac Council
September 15, 2020**

This firm represents Urban Development of Michigan LLC, a Michigan limited liability company ("UDM"), which is proposing to purchase the Ottawa Towers. The following is a list of requirements which will be necessary for UDM to pursue the mutual objectives for the benefit of the City of Pontiac ("City"):

1. The City will transfer all legal rights of the Phoenix Center to UDM prior or concurrent with to the closing of the Ottawa Towers Deal; and
2. The City will transfer funds in the amount of Seven Million Seven Hundred Thousand and 00/100 Dollars (\$7,700,000.00) to UDM prior to or concurrent with the closing of the Ottawa Towers Deal; and
3. The current budget for the Ottawa Towers for maintenance and cleanup shall continue in the amount of \$700,000.00 per year for 8 years; and

Upon approval of these preliminary requirements, the City and UDM shall enter into negotiations with respect to these items and other revitalization projects to create jobs and attract businesses and people to the City, al to generate additional taxes. This public-private partnership will benefit the City currently and well into the future.

Respectfully Submitted,
**LUMBERG FREEMAN GLEESON
HICKS & KHALIL PLLC**

A handwritten signature in black ink, appearing to read 'H. Freeman', written over a horizontal line.

H. William Freeman



CITY OF PONTIAC
RFP RESPONSE
ARCTARIS OPPORTUNITY ZONE INITIATIVE

OFFICE OF ECONOMIC DEVELOPMENT
Matthew A. Gibb
mgibb@pontiac.mi.us
(248) 464-0307

EXECUTIVE SUMMARY

The City of Pontiac is one of the Midwest's most dynamic opportunities. Its location and connection to talent have bolstered a rapidly growing investment portfolio that has seen Amazon, United Shore, Williams International and others capture long term revenue and growth through strategic development. As the City continues to climb out of the recession of the last decade, it continues to realize improved housing and job opportunities, and has built a much-improved credit rating and solidly performing budget. The heart of the City's Downtown falls within a dynamic Opportunity Zone where a cross section of eligible and qualified projects is available to purchase, develop and own.

Despite this positive outlook, the City continues to struggle to raise its core demographics, including household incomes, market rate housing and rate of employment. As the City offers excellent upside value to property and business investment, it is also burdened by legacy obligations brought on by its former emergency management. These challenges, however, have given rise to a targeted economic development opportunity that provides support to the City's low and moderate income community and much needed budgetary relief for the City.

This proposal will offer an opportunity for Arctaris to generate revenue for its investors while meeting a substantial economic development need within the community. A public private partnership that uses Arctaris OZ fund sources to acquire the Ottawa Towers, resolve all pending settlement obligations of the City, and restore the vibrancy and revenue generation of the Phoenix Center.

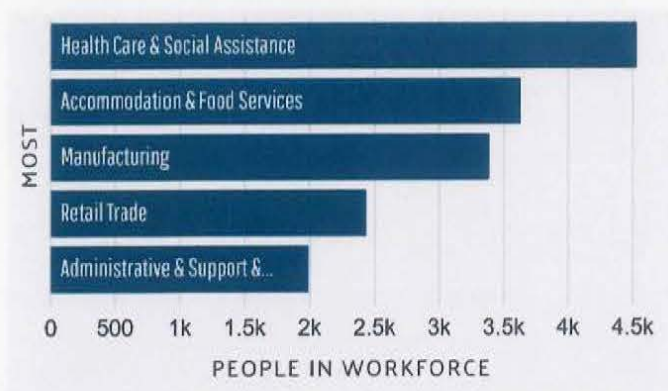
A. ORGANIZATIONAL INFORMATION

This proposal is submitted by:	CITY OF PONTIAC 47450 Woodward Ave. Pontiac, MI 48342
This project will be coordinated by:	OFFICE OF ECONOMIC DEVELOPMENT Matthew Gibb, Special Legal Counsel mgibb@pontiac.mi.us (248) 464-0307
Other persons involved:	Mayor Dierdre Waterman Dan Ringo, Director DPW Vince DeLeonardis, President AUCH Dave DiCuccio, President IDS

B. REGIONAL OZ OVERVIEW AND FOCUS AREAS

Pontiac, in the center of Oakland County, is home to and within minutes of more than 50% of the global Fortune 500. General Motors continues to be an anchor of its economy, but recent investments have seen Amazon build more than one million square feet of distribution space with Williams International planning to match that investment with its own million plus square foot manufacturing facility, adding on to its already significant presence.

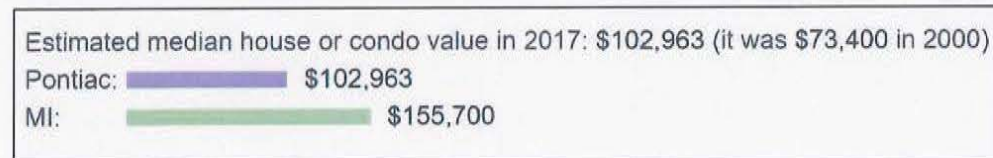
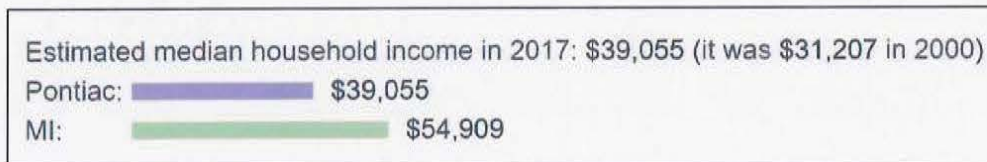
United Shore is building the largest pedestrian bridge in Michigan to unify its two Pontiac locations, and is hiring at a rate of 150 new employees per week. Ultimate Soccer, the regions largest sports venue added the Detroit Medical Center as a partner and expanded by more than 20%. Companies are choosing Pontiac, and the job base is growing.



KEY EMPLOYERS

McClaren Health Care
 St. Joseph Mercy Health
 FANUC Robotics
 Posco Daewoo
 Gonzalez Production
 Irvin Automotive
 General Motors
 United Shore
 FM Sylvan

There are few areas in the Midwest that have seen dramatic increases in household income and market value. Pontiac continues to break the post-recession trends.



Pontiac has long established relationships with Oakland University, Baker College, Oakland Community College and the strong regional K-12 districts. The City is home to leading non-profits, including Lighthouse, Grace Centers of Hope and United Way.

The history of Pontiac reveals a rich culture, bolstered by decades of hard work in manufacturing and technology. The focus for the future, and for this proposal is summed up within the Congress for New Urbanism Study,

"So what is the challenge with Pontiac? The urban fabric is here, the pioneering entrepreneurs are here, the market demand is here. What is missing is a coherent, continuous, pedestrian-friendly framework for businesses, shops, restaurants and citizens to flourish. When its leaders, residents, and property owners understand that the physical environment is crucial for its renaissance, and when these pieces are woven together, Downtown Pontiac will become a thriving community."

CNU LEGACY CHARRETTE
VISION FOR REVITALIZED
AND TRANSIT-READY
DOWNTOWN PONTIAC



The CNU Study, along with the Pontiac Moving Forward Plan have laid the benchmarks for several key new investments; the Strand Theater, Lafayette Lofts, Allie Cat Café, the Pontiac Little Arts Theater, and more.

PRIORITY FOCUS AREA: THE PHOENIX CENTER

Site Context: Large underutilized parking garage and public plaza closing off the southern end of Saginaw

Development Proposals: Make use of the Center as a civic asset. In time, demolish sections, reconnect Saginaw and infill with mixed uses

Development Approach: Public/Private venture

Please see CNU Study Attached

Short-term

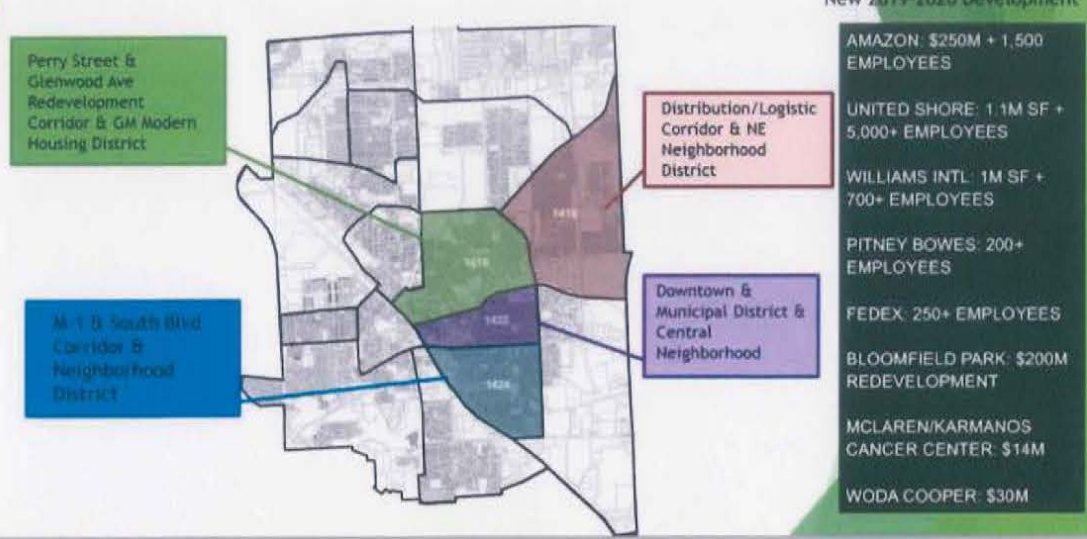
- Maintain upkeep of the building and study its structure
- Place civic and recreational facilities on the roof
- Improve access with temporary steps and linear walkway
- Activate frontages and introduce liner structures

Long-term

- In stages remove sections of the Center and reinstate urban grid with infill buildings
- Reconnect Saginaw as an unobstructed North-South Main Street
- Review the parking requirements for Downtown

C. INVESTABLE PROJECT AREAS & PAST INVOLVEMENT WITH SIMILAR PROJECTS

Pontiac...4 Opportunity Zones



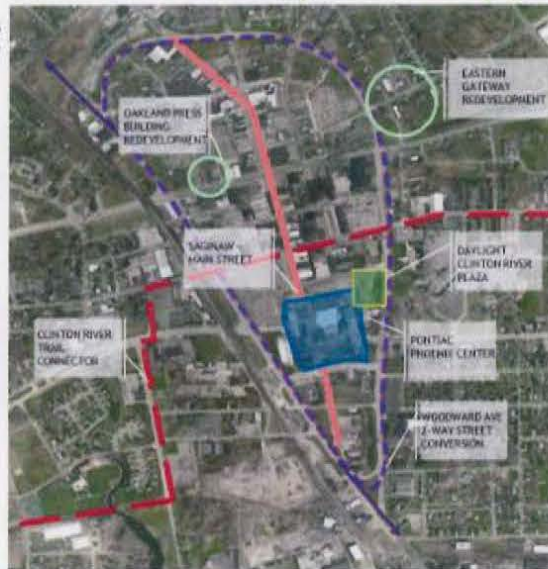
Investment & Development Opportunities

One of Multiple Opportunities
29 N Saginaw



- 25,000 sq ft
- Mixed use residential / retail / office
- Approx 12 residential units
- Approx 6 retail office units
- \$5,000,000.00 construction budget

Revenue \$480,705
Net Income \$340,050



Public /Private Opportunities

Daylight Clinton River Plaza



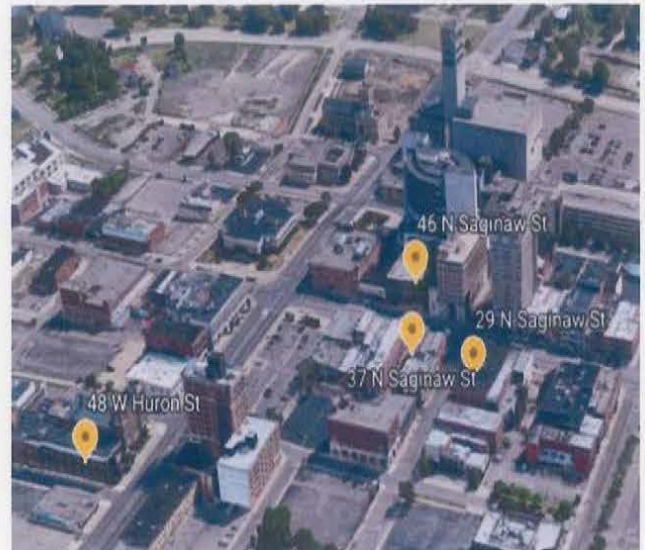
Phoenix Center Plaza



Additional options

48 W Huron

- Mixed use office warehouse
- Approx 60,000 sq.ft. in total
- \$2.2MM purchase
- \$1,000,000.00 renovation budget.
- Approx 3.5 acres of land.



Eastern Gateway Redevelopment M-59-Huron & Woodward Ave



- 19 Parcels "GATEWAY TO DOWNTOWN"
- 1.5 Miles from Amazon's New Development
- 8 Acres in the Opportunity Zone
- 3 Hard Corners of Woodward & M-59 Frontage
- 49,400 SF Former YMCA Building



D. COMMUNITY IMPACT GOALS

Pontiac completed a comprehensive economic recovery plan, attached hereto, that set forth the goals the City has for the impact of this sought after investment. The plan's strategies link the where and what we want to grow through a set of achievable

projects that can make a significant impact and build tremendous momentum towards the overall economic recovery effort of Pontiac. Based on research and input from the Plan's Advisors and Steering Committee, the following set of six strategies rose to the surface as the most tactical starting point for Pontiac's economic recovery effort. It is expected that these projects will stimulate other projects.

The Plan Strategies are listed below:

1. Strengthen Neighborhood and Advocacy Groups
2. Develop a Marketing Plan
3. Grow Business Support Services
4. Expand Business Entrepreneurial + Incubator Services
5. Establish an Arts Collaborative
6. Increase Access to Job Skills Training Programs

E. PROGRAM SIZE AND MATCHING CAPITAL SOURCES

There are several OZ opportunities for the fund to consider, but the City is prioritizing an investment in the Phoenix Center. There is presently a settlement agreement that was approved by the City in October 2018 that remains pending against the budget and commitment of the City. This agreement requires work to be performed on the Phoenix Center for the benefit of the Ottawa Towers, and that work is currently estimated at \$16.8 million. The owners of the Ottawa Towers desire to be bought out of its position.

There is an opportunity to invest in the OZ Area consisting of the Phoenix center and Towers. The investment would be in excess of \$25 million, and would allow an investment to obtain long term ownership of the towers, with the further agreement of the City to convey an interest in the 2600 space parking garage.

MATCHING CAPITAL:

The City has presently allocated \$7,000,000.00 towards its commitment to resolve the Phoenix Center settlement and/or enter a public private partnership to create a joint investment.

INVESTMENT CONCEPT:

Arctaris investment would be used to acquire the interest in the following property:

51111 Woodward

31 Judson

600 Motor St (Jefferson School)

25 S Sanford St (Perdue School)

31 N Astor (longfellow School)

The properties have a total acquisition cost of \$20,000,000.00. The City would commit its allocated general fund reserve in the amount of \$5,000,000.00.

PHOENIX SHARED USE:

The Arctaris investment would also result in ownership of the garage, provided the City would retain a perpetual license to maintain and use the amphitheater for public benefit.

The City would further commit to the use of TIF, Corridor Improvement, application to the Michigan Strategic Fund, and its own budget to fund future improvements.

Prior project experience. The City is well versed in completing incentive and partnered investments in the City. They have approved Renaissance Zones, Industrial Development Districts, applied obsolete property rehabilitation act credits, and more. Of significance for the Funds consideration is the project known as Village at Bloomfield.

The City creatively crafted a brownfield TIF such that it could take advantage of look back expenses from the prior failed development. This tactic, though complex, was used by the city to generate an additional \$14 million of unreimbursed capital into the new plan and allowed Redico to complete site work and attract Henry Ford Health, Menards, Aldi and a variety of other beneficial retailers. The project also brought several hundred units of market rate housing.

F. ATTACHMENTS

Attached please find the following supporting documents:

1. Pontiac Moving Forward – Plan for Economic Recovery
2. Congress for New Urbanism – Vision for Revitalized and Transit Ready Downtown
3. Memorandum to Council – Attachment of Offer



CITY OF PONTIAC CITY COUNCIL

**RESOLUTION TO SUPPORT NEGOTIATIONS IN RESPONSE TO A
PROPOSAL FOR THE PHOENIX CENTER**

AT A REGULAR meeting of the Pontiac City Council of the City of Pontiac, Michigan, held at Pontiac City Hall on _____, 2020, the following resolution was offered by _____ and supported by _____.

WHEREAS, The City of Pontiac is considering all options for the resolution and discharge of its binding obligations under a Settlement Agreement for the repair and restoration of the Phoenix Center, including possible public private partnership(s); and

WHEREAS, the City has allocated a portion of its General Fund balance to meet the obligations contained within the Settlement Agreement, including use as consideration for potential contractual agreement(s) that may provide a means to discharge the City's obligations while preserving its credit rating and fund balances; and

WHEREAS, the City acknowledges that any potential public private partnership that will resolve its obligations may require transfer of its interest in the Phoenix Center to a party entering into such a contract and is willing to negotiate the terms of such transfer; and

WHEREAS, the City has heard the proposal of _____ and reviewed documentation of the proposal, including an analysis of the potential terms, financial impact and likelihood of successful completion, and agrees that all due diligence and negotiation should be completed forthwith to determine whether an agreement may be reached in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby support the negotiation of terms, conditions and funding for a contract of public private partnership with _____ in accord with the proposal made to the City on _____. The Mayor shall present the results of that negotiation to City Council for its consideration and possible adoption at its earliest convenience.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this ____ day of _____, 2020.

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 _____, 2020.

GARLAND DOYLE, City Clerk

Dated: _____, 2020

DRAFT



CITY OF PONTIAC CITY COUNCIL

**RESOLUTION IN SUPPORT OF THE CITY'S REPOSE TO THE OFFER
FROM OTTAWA TOWERS WITH A CONDITIONAL ACCEPTANCE**

AT A REGULAR meeting of the Pontiac City Council of the City of Pontiac, Michigan, held at Pontiac City Hall on _____, 2020, the following resolution was offered by _____ and supported by _____.

WHEREAS, The City of Pontiac is considering all options for the resolution and discharge of its binding obligations under a Settlement Agreement for the repair and restoration of the Phoenix Center, including the purchase of all assets owned by its party opponent in the Agreement(s); and

WHEREAS, the City has allocated a portion of its General Fund balance to meet the obligations contained within the Settlement Agreement, including use as consideration for potential contractual agreement(s) that may provide a means to discharge the City's obligations while preserving its credit rating and fund balances; and

WHEREAS, the City acknowledges that any potential public private partnership that will resolve its obligations may require transfer of its interest in the Phoenix Center to a party entering into such a contract and is willing to negotiate the terms of such transfer; and

WHEREAS, the City has heard the proposal of Charles Stephens when read into the record by Council President Williams, and has reviewed documentation of the proposal, including an analysis of the potential terms, financial impact and likelihood of successful completion, and agrees that all due diligence and negotiation should be completed forthwith to determine whether an agreement may be reached in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED that the City Council does hereby support the submission of a response in the form of a conditional acceptance to the offer of sale made by Charles Stephens to include terms in accord with the report presented to the Economic Development Subcommittee on September 9, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this ____ day of _____, 2020.

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 _____, 2020.

GARLAND DOYLE, City Clerk

Dated: _____, 2020

DRAFT



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable City Council President, City Council Members, and Attorney Monique Sharpe, Legislative Counsel

FROM: Mayor Deirdre Waterman

DATE: September 17, 2020

RE: **Mayoral Communication Regarding Report From The Real Estate Subcommittee Meeting on September 9, 2020.**

EXECUTIVE COMMUNICATION OF INACCURATE AND INCOMPLETE MEETINGS MINUTES FROM CITY COUNCIL REAL ESTATE SUBCOMMITTEE

On September 9, 2020, the City Council Real Estate Subcommittee held a properly-called meeting to discuss various real estate matters, including potential public private partnerships for the Phoenix Center. Consistent with past practice, Legislative Counsel Monique Sharpe took minutes to record those events. Those proposed minutes were subsequently included in the City Council Agenda for the City Council meeting held on September 15, 2020.

I attended this meeting along with 2 of our city attorneys, John Clark (wasn't present for the 3rd presentation) and Matt Gibb. Although there may have been discussion about a subsequent proposal(s) to be submitted, at no time was there, nor should there have been, open discussion about submitting an inaccurate and/or incomplete official record of this meeting. This, of course, is an ethical principle that, I am sure, everyone on this email chain recognizes.

Accurate record keeping of the actions and functions of our official city body is imperative for the truthful and transparent operation of government. Accordingly, I am bringing this observation to the attention of City Council and to Attorney Sharpe in the hopes that this will be rectified and that there are assurances that this breach of public confidence and standards does not repeat in the future.