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.”

Call to order

Moment of Silence or Invocation

Pledge of Allegiance

Roll Call

Authorization for excused absences for councilmembers

Amendments to and approve of the agenda

Approval of the Minutes

1. July 30, 2015
2. Closed Session Minutes July 30, 2015

Mayor Report

Departmental Head Reports

Subcommittee Oral Reports

Community Announcements

Recognition of Elected Officials

Agenda Address

Agenda Items

Agreements/Contracts

(Items 3-8 were all postponed from the July 23, 2015 meeting for 2 weeks)

3. Report received from the City Administrator regarding General Liability and Property Insurance.
4. Report received from the City Administrator regarding Intervention in MPSC hearing for street lighting tariffs.
5. Report received from the City Administrator regarding Revised Freedom of Information Act policy.

Miscellaneous

6. Report received from the Mayor regarding 2015-2016 Budget Amendment.

7. Report received regarding a property transfer affidavit for Janet Currier.

Ordinances

8. Report received from the City Administrator regarding Woodcrest Commons PILOT.
Zoning
9. Report received from the City’s Associate Planner for a Planning Commission Zoning Map Amendment Recommendation.

Agenda Item Ad-on
10. Resolution to appoint Sheldon V. Albritton to the General Employees Retirement Board of Trustees.

Public Comment
Clerk and Council Closing Comments
Adjournment
A Regular Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, July 30, 2015 at 5:30 p.m. by President Patrice Waterman.

Invocation – Kermit Williams

Pledge of Allegiance

Roll Call

Members Present: Carter, Pietila, Taylor-Burks, Waterman and Williams.
Members Absent: Holland and Woodward
Mayor Waterman was present.
Clerk announced a quorum.

15-231 **Excuse absence of Councilmembers Holland and Woodward.** Moved by Councilperson Pietila and supported by Councilperson Williams.

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

15-232 **Agenda Ad-on for Quincy Stewart special presentation and Approval of the Agenda.** Moved by Councilperson Pietila and supported by Councilperson Carter.

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

15-233 **Journal of July 23, 2015.** Moved by Councilperson Pietila and supported by Councilperson Carter.

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

15-234 **Resolution to go into Closed Session.** Moved by Councilperson Pietila and supported by Councilperson Taylor-Burks.

Whereas, the City’s attorney has presented The City a letter concerning the status of the case of Margaret Guizar vs. The City of Pontiac, et al; and
July 30, 2015

Whereas, Section 8 (e), MCL 15.268, permits a public body “[to] consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on the litigation or settlement position of the public body”; and,

Whereas, the Pontiac City Council believes that an open meeting would have a detrimental financial effect on the litigating or settlement position of the City;

Therefore, Be It Resolved that the Pontiac City Council recesses into closed session for the purpose of consulting with its attorney regarding settlement strategy in the case of Margaret Guizar vs. The City of Pontiac, et al;

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

Councilman Mark Holland arrived at 5:35 p.m.

Council reconvenes at 5:48 p.m. from Closed Session.

Mayor Waterman Reported

Departmental Head Report – Joseph Sobota, City Administrator

Special Presentation – Redevelopment Ready Communities – Jennifer M. Rigterink or Stacy Esbrook and Quincy Stewart – Pontiac Musicians

Community Announcement – Mary Pietila

Recognition of Elected Officials – Rosie Richardson – Library Board, County Commissioner
David Bowman, William Carrington – Pontiac School Board Trustee and Brenda Carter – Pontiac School Board

There were 19 individuals who addressed the body during public comments.

15-235 Resolution for Pontiac Northern High School Class of 1975. Moved by Councilperson Pietila and supported by Councilperson Taylor-Burks.

Whereas, the Mighty Huskies from Pontiac Northern High School Class of 1975 commemorates its 40th Class Reunion on Friday, August 14-15, 2015, at the Pontiac Marriott at Centerpoint; and
Whereas, our graduation ceremony was held on the picturesque grounds of Meadowbrook Hall at Oakland University on a beautiful sunny day, June 2, 1975, where four hundred (400) bright eyed graduating seniors took their first step into adulthood; and,
Whereas, our beloved senior principal assigned to the class of 1975 was none other than the incomparable Dr. Edward G. Dauw whom we all loved and adored; and,
Whereas, our president was, Nina Singleton; our vice president, Alicia Rayner, our historian, Kathy Sinkler, with student council consisting of Machele Abrams, Demetra Ivory, Sue
July 30, 2015

Jeziorski, Michele McClean, Debra Graham, JoAnne Ardelan, Karen Baxter, Bob Craner, Sharon Hubbard, Sandy Barefoot, Linda Crain, and Brian Anthony; and,
Whereas, our winning senior basketball team consisted of the amazing Mitchell Green (deceased), Rodney Henderson, Raymond Threlkeld, Jim Hayward, Tommy Taylor and Felix Brooks; and,
Whereas, our homecoming king was the handsome Larry Rodges; our homecoming queen, the beautiful Machele Abrams with Mario Mendoza and Karen Baxter serving on the homecoming court. Those truly were “The Days My Friend. We Thought They’d Never End”, which was the theme of our graduating class; and,
Whereas, the 40th class reunion committee respectfully requests the Pontiac City Council acknowledge the Mighty Huskies in commemoration of the 40th class reunion of the class of 1975 from Pontiac Northern.
Now, Therefore, Be It Resolved, that the Honorable Mayor and Pontiac City Council mandates August 14th and 15th as the weekend of the Mighty Huskies from Pontiac Northern High School in the City of Pontiac in celebration of their 40th class reunion.

Ayes: Carter, Holland, Pietila, Taylor-Burks, Waterman and Williams
No: None
Resolution Adopted.

15-236 Council scheduled a public hearing for the OPRA application at 391 E. Wilson Street, Pontiac, Michigan. Moved by Councilperson Holland and supported by Councilperson Taylor-Burks.

Be It Further Resolved that the Pontiac City Council will hold a public hearing on August 13, 2015 at 5:30 p.m. at a regular council meeting for the Obsolete Property Rehabilitation Exemption Application.

Ayes: Carter, Holland, Pietila, Taylor-Burks, Waterman and Williams
No: None
Resolution Adopted.

City Clerk Sherikia L. Hawkins, Councilman Randy Carter, Councilwoman Doris Taylor-Burks, Councilman Mark Holland, Councilman Kermit Williams, Pro-Tem Mary Pietila and President Patrice Waterman made closing comments.

President Patrice Waterman adjourned meeting at 8:30 p.m.

SHERIKIA L. HAWKINS
CITY CLERK
Memorandum

To: Pontiac City Council

From: Joseph M. Sobota, M.P.A., City Administrator

Date: July 13, 2015

Re: General Liability and Property Insurance

The City’s insurance agent has presented the City with a quotation from the Michigan Municipal Risk Management Authority (MMRMA), the City’s current general liability and property insurer.

The City is a long time member of the MMRMA. The premium from last year to this year decreased by about $6,882. The insurance coverage is $394,883. The member loss fund deposit is $400,000. The total owed to the MMRMA is $794,883. This year, the City will be receiving a $656,021 rebate. Thus, if the City agrees to renew with the MMRMA, the total cash outflow for the City for the 2015-16 fiscal year will be $138,862.

The City has properly budgeted for this expenditure across all funds.

Coverage for both insurance programs begins July 1. In anticipation that the City Council and the TAB will approve the coverage by August 19, the MMRMA will extend coverage to the City beginning July 1.

If your Honorable Body agrees and wishes to renew the insurance coverage, City Council is requested to pass the following resolution no later than August 7, 2015:

Whereas, the Huttenlocher Group, the City's insurance agent has presented the City with a proposal for general liability and property insurance for coverage beginning July 1, 2015;

and,

Whereas, the City Administrator and the Finance Director have reviewed the proposal and are recommending that the proposal is accepted, and has certified available funding;

Now, therefore, be it resolved, that the City Council approves the proposal from the Michigan Municipal Risk Management Authority for a total premium of $794,883.
D. Contribution for MMRMA Participation

City of Pontiac

Period: July 01, 2015 To July 01, 2016

Coverages per Member Coverage Overview: $394,883

Stop Loss Coverage: $0

Member Loss Fund Deposit: $400,000

TOTAL ANNUAL CONTRIBUTIONS: $794,883

E. List of Addenda

This document is for the purpose of quotation only and does not bind coverage in the Michigan Municipal Risk Management Authority, unless accepted and signed by both the authorized Member Representative and MMRMA Representative below.

Accepted By: Proposal No: Q000001924
City of Pontiac MMRMA

Member Representative

Date

MMRMA Representative

Date 7-1-15
Memorandum

To: Pontiac City Council
From: Joseph M. Sobota, M.P.A., City Administrator
Date: July 13, 2015
Re: Intervention in MPSC hearings for street lighting tariffs

Last year, the City invested over $1 million to convert nearly 3,300 DTE owned street lights from mercury vapor and high pressure sodium to LED bulbs. This move was expected to save the City’s General Fund at least $250,000 per year in utility costs. In addition, the City planned to convert the balance of our City-owned street lights to LED for additional savings that have not yet been calculated.

Earlier this year, DTE has submitted a request to the Michigan Public Service Commission (MPSC) to increase the tariff rates for company owned street lights by an average of $20 per street light per year. This would reduce our estimated savings by at least $66,000 per year.

Because of our recent significant investment, in May I was approached by a representative from the Street Lighting Coalition requesting that the City of Pontiac join the coalition to object to the requested tariff increase. After reviewing all of the material provided, I decided not to join because of the potential of an “open book” for expenses of the Coalition. My concerns were finally addressed this month. The cost for the City to join the coalition is $10,000.

Members of the coalition include Dearborn, Ann Arbor, Warren, St. Clair Shores, Huntington Woods, Southgate, Belleville, Brownstown Township, Royal Oak, Eastpointe, Harper Woods, Lincoln Park, Roseville, Pleasant Ridge, Saline, Ferndale, Ypsilanti, and Milan. The Michigan Townships Association is also a member.

I have included information on the coalition in this packet.

The coalition is requesting that the City Council approve the attached resolution and also the Memorandum of Understanding. The Memorandum of Understanding has been reviewed by the City Attorney.

I am recommending that your Honorable Body pass the attached resolution no later than August 7, 2015 (separate resolution).

I am also recommending that your Honorable Body pass the following resolution no later than August 7, 2015:

Whereas, the City of Pontiac has chosen to join the Street Lighting Coalition to object to the proposed tariff increases requested by DTE; and,
Whereas, to formally join the Coalition, a memorandum of understanding must be approved; and,

Whereas, the Memorandum of Understanding has been reviewed by the City Attorney; and,

Whereas, the City Administrator has recommended that the City of Pontiac join the Coalition;

Now, therefore, be it resolved, that the City Council approves the Street Lighting Coalition Memorandum of Understanding as presented, and authorizes the City Administrator to execute the document.
Municipalities can cut their electricity bills, save energy, reduce environmental impact and improve public safety by retrofitting streetlights with high-efficiency LED fixtures.

Under existing DTE Energy street lighting tariffs, municipalities can reduce energy use 50% on average and recoup the costs of converting to LED in 3 - 5 years.

Unfortunately, DTE Energy recently proposed new street lighting tariffs that would sharply reduce, and in some cases eliminate, the cost advantage of LED streetlights compared to the older high-pressure sodium technology. The proposed increases to LED streetlight tariffs would also lengthen the payback period on recently completed LED conversions, which municipalities undertook based upon financial projections provided by DTE Energy using the existing tariffs.

The Southeast Michigan Street Lighting Coalition, including over a dozen local governments, has intervened in the Michigan Public Service Commission (MPSC) rate case filed by DTE Energy to challenge the basis of the proposed street lighting tariffs and to seek implementation of tariffs that reward energy efficiency.

To send a powerful message requesting relief from the MPSC and to encourage DTE Energy to negotiate a more favorable agreement for cities to convert to LED street lighting, municipalities throughout the DTE Energy service region are invited to join the intervention.

Join the Southeast Michigan Street Lighting Coalition intervention in MPSC rate case U-17767

For more information, and to join the MPSC rate case as an intervenor, please contact Energy Programs Manager, Jennifer Young at jennifer@regionalenergyoffice.org or (866) 960-8803, ext. 712.

When you join us, we’ll help you to:

- Sign on as an intervenor in rate case U-17767 before the MPSC;
- Pass a resolution in support for your municipality; and
- Sign our Memorandum of Understanding that solidifies your participation.

Intervenors will be requested to contribute to Coalition costs allocated according to their count of DTE-owned streetlights.
To: Municipal Street Lighting Coalition members  
From: Rick Bunch, Coalition director  
Date: May 28, 2015  
Subject: summary of Coalition testimony filed with MPSC

The Coalition filed expert and municipal testimony on May 22, and we are submitting additional supporting statements from some of our municipal members. Following is a summary of key points from our testimony. I will be happy to send you a full copy of the testimony at your request; it is lengthy, detailed and technical.

First, though, let me share that DTE has verbally committed to us not to self-implement the proposed tariffs in early June. There will be a small, inflation-indexed across-the-board increase in rates in the short term, but otherwise the tariffs will not change until fully approved by the MPSC.

Summary of Coalition testimony

We ask the Commission to separate Municipal Street Lighting tariffs from the rest of DTE's general rate case, and instruct DTE to revise and resubmit the tariffs after a consultative process involving our Coalition, MPSC staff and others.

Several factors make litigation a mutually unsatisfactory method for developing a comprehensive street lighting strategy:

- We are contesting a wide range of complex issues that are likely to get lost in the much larger, general rate case and consequently not receive the depth of attention from staff, commissioners and others that is needed;
- Street lighting is undergoing a period of rapid technological and market change, creating complex opportunities to install advanced lighting controls (e.g., dimmers and outage self-reporting) as well as various ancillary functions that can make LED fixtures the backbone of smart urban systems offering wi-fi, smart meter tie-ins, emergency information services, traffic monitoring and control and more. Exploring and pursuing these opportunities requires a close and collaborative working relationship among all parties, rather than arm's length litigation;

The Coalition's attorney, John Liskey, and expert witness, Douglas Jester, advise that adoption of this process need not lengthen the process or increase Coalition expenses. In fact, we would gain access to analysis and support of the expert MPSC staff who can do much of the work we would otherwise need to pay consultants for. We would most likely want to retain our expert consultants to advise us during the negotiating process but this engagement would be at a lower intensity than if we litigated the E-1 tariffs through to the end. We would also retain the right to contest any aspects of revised tariffs ultimately filed by DTE.

If MPSC does not choose to adopt our recommendation to mandate a consultative process and re-filing of revised tariffs, we are asking that current street light tariffs be frozen and that DTE's requirement that municipalities pay up-front LED conversion costs be greatly reduced and reformed. We argue that:

Page 1 of 2
• Street lighting rates should remain at current levels. The increase in LED tariffs is not justified by costs of service. DTE expects operations and maintenance of LEDs to be close to nothing, but appears actually to have budgeted higher operations and maintenance expenses than for older lighting technologies. Freezing LED rates at current levels would save municipalities about $20/fixture/year depending on wattage—or about $300/fixture over the minimum expected useful life of an LED fixture.

• Municipalities that already invested in LED conversions should not be subject to rate increases in the near future: while it may be reasonable to adjust tariffs to reflect inflation or changing fuel costs, rate changes driven by DTE's desire to completely restructure tariffs are not reasonable, especially given that municipalities relied on DTE's financial projections to make LED investments to begin with. We suggest that rates for existing LED fixtures be frozen through 2025.

• Contributions in Aid of Construction (CIAC) (the municipal cost-share for conversions) requirements should be reformed and reduced:
  - CIAC should not be required for many, or most, LED conversions. Standard lighting tariffs, like what DTE is proposing for LEDs, include recovery of capital costs such as purchase and installation. Net CIAC costs for LEDs currently average $200-$300/fixture depending on wattage; avoiding this expense could save municipalities a lot of money and allow a faster pace of conversions.

Some of our Coalition members expressed a preference to finance conversion projects themselves, rather than pay DTE's higher cost of capital. While it may be possible to negotiate such an option with DTE, we are advised MPSC cannot compel DTE to offer alternative financing methods.

• CIAC should apply only to expenses not common to most lighting projects: for example, if a customer requests DTE to convert still-functioning Mercury Vapor streetlights to LEDs as part of a planned bulk-conversion project, the customer should reimburse DTE for any remaining book value of the prematurely retired equipment—but the cost of buying and installing the LEDs themselves should be recovered through monthly rates, not charged up-front.

• Municipalities are entitled to compensation for any double-payment of LED conversion costs: it appears that municipalities may have been charged conversion costs up-front through CIAC and again in the monthly LED experimental rates. If so, they should have the option to claim reimbursement of CIAC if they agree to transition to any new MPSC-approved tariff, or have their current LED rates "grandfathered" through 2025. With a net conversion cost of $200-$300/fixture (higher in past years), recovery of these expenses could have significant fiscal benefits for municipalities.

• LED conversions should be permitted for replacement of failed fixtures, not exclusively as planned, bulk conversion projects: because CIAC should not be required for LED conversion costs, there is no remaining reason why LEDs should be installed only as part of bulk conversion projects that require dedicated financing.

• Street lighting tariffs should facilitate use of dimming and other advanced controls and ancillary features: municipalities are eager to take advantage of the many benefits that LED lighting technology makes possible, as well as to explore ancillary services that can be added to LED fixtures including wi-fi and other communication services, remote monitoring services and more.

Rebuttal testimony is due on June 15. We will keep you posted as the case develops!
Whereas, THE CITY OF PONTIAC spends approximately $480,000 per year for DTE owned street lighting;

Whereas, 3,296 streetlights in THE CITY OF PONTIAC are owned and operated by DTE Energy, which charges THE CITY OF PONTIAC for electricity, maintenance, lamp, and system costs associated with operating those fixtures;

Whereas, reducing air pollution and climate change impacts that result from electricity generation is consistent with THE CITY OF PONTIAC’s commitment to environmental quality;

Whereas, effective street lighting contributes to driver and pedestrian safety, crime deterrence, neighborhood ambiance, and reduces light trespass and light pollution;

Whereas, in the last year, the City of Pontiac spent about $1.1 million to convert all DTE owned and operated streetlights to LED, in part to save the City nearly $250,000 per year.

Whereas, conversion of street lighting fixtures from incumbent technologies such as mercury vapor and high-pressure sodium to LED can reduce electricity consumption and pollution from energy generation by 50% or more;

Whereas, LED street lighting fixtures generate a comparatively full spectrum of light that contributes to safety and ambiance, and can be directed accurately to provide lighting only where it is desired;

WHEREAS, THE CITY OF PONTIAC has already converted 3,296 of DTE Energy-owned streetlights to LED, based in part on financial projections provided by DTE Energy showing annual operating savings that will pay back conversion costs in three to five years;

Whereas, in order to realize continued energy and fiscal savings and improved lighting quality, THE CITY OF PONTIAC has planned to convert all its streetlights to LED over the course of several years;

WHEREAS, DTE Energy has recently filed with the Michigan Public Service Commission (MPSC) proposed revisions to its street lighting rates and tariffs for DTE Energy-owned fixtures that would increase annual operating expenses for LEDs by 12% to 15% depending on wattage, while simultaneously reducing annual operating expenses for high-pressure sodium fixtures by as much as 20%;

WHEREAS, DTE Energy’s proposed street lighting tariffs would significantly lengthen the payback period on good-faith investments THE CITY OF PONTIAC has already made to convert NUMBER of DTE-owned streetlights to LED;
Whereas, DTE Energy’s proposed street lighting tariffs would greatly reduce or eliminate the financial incentive for THE CITY OF PONTIAC to convert its remaining DTE Energy-owned high-pressure sodium streetlights to LED;

WHEREAS, a coalition of municipalities, called Michigan Street Lighting Coalition ("Coalition") and including the cities of Dearborn, Ypsilanti and Ann Arbor, among others, has intervened in the established public process for rate changes with the MPSC (Rate Case U-17767);

WHEREAS, additional municipalities and local governments may still join the Coalition;

WHEREAS, the cost of the intervention is being shared by the members of the Coalition with additional contributions from the Michigan Municipal League’s Legal Defense Fund and Michigan Townships Association, and that THE CITY OF PONTIAC’s allocated contribution (anticipated not to exceed $10,000) is based on the number of DTE-owned streetlights billed to THE CITY OF PONTIAC;

NOW THEREFORE BE IT RESOLVED that THE CITY OF PONTIAC join the intervention by the Coalition in Rate Case U-17767;

FURTHER BE IT RESOLVED, that THE CITY OF PONTIAC shall join the Coalition by signing the Coalition’s Memorandum of Understanding and contributing an initial amount not to exceed $10,000 to the Coalition's budget based upon 3,296 DTE-owned streetlights operated by THE CITY OF PONTIAC;

FURTHER BE IT RESOLVED that THE CITY OF PONTIAC urges other municipalities to join the intervention by the Coalition in Rate Case U-17767; and

FURTHER BE IT RESOLVED that this resolution be shared with other nearby communities.
Street Lighting Coalition
Memorandum of Understanding

It is the purpose of this street lighting coalition Memorandum of Understanding (hereinafter the "Agreement") to set forth the composition, duties, and responsibilities of the coalition (hereinafter the "Coalition") that was formed as more particularly described below for the management and control of the Coalition's members' collective efforts before the Michigan Public Service Commission (MPSC) in Rate Case U-17767 filed by DTE Energy ("rate case").

I. HISTORY

In December 2014 DTE Energy filed a rate case for review by the Michigan Public Service Commission (MPSC) that included a new fee structure for municipal street lighting. A rate case is a regulatory procedure by which the MPSC evaluates the fairness and appropriateness of proposed rates and tariffs on an annual basis. The proposed tariff appears to significantly increase rates for LED lights and reduce the rates for less efficient high pressure sodium (HPS) lamps. In the past five years, many communities across the state have, mostly at their own expense, upgraded or planned to upgrade their outdated lights to the newest, most efficient technology (LED) to save money and reduce their environmental impact. The proposed new tariff threatens to dramatically reduce the savings communities have planned for in developing these projects. Several communities (referred to individually as "Community" or "Member") have agreed that intervening in the case as a coalition will increase the individual and collective capacity of the Communities to secure fair and favorable rates for the installation, operation and maintenance of municipal street light facilities.

II. COALITION

1. Term. This Agreement shall remain in effect for a period of two (2) years. However, any Member may terminate its participation in the Coalition at any time, by giving written notice to the Coalition of the termination. The notice must specify the effective date of termination, and must be sent to the Coalition at least 60 days prior to the termination date. The Coalition will continue to operate until fewer than two Communities remain as Members.

2. Composition. The Coalition shall consist of every Community that has joined and has paid its Community Assessment, as calculated and provided for in this Agreement.

III. LEADERSHIP COMMITTEE

1. Leadership Committee. The Coalition shall be led by a Leadership Committee, which shall carry out responsibilities and make decisions for the Coalition as provided more specifically in this Agreement.
2. **Composition.** The Leadership Committee shall consist of the Mayor, City Manager, City Administrator, Township Supervisor or other elected official or their designee, of each Community as selected by that Community. Each Community shall also select an alternate. The Leadership Committee shall also consist of the Director of the Michigan Township Association (hereinafter “MTA”) or his designee.

Each Community shall be entitled to one representative as set forth above in attendance at each meeting of the Leadership Committee, provided, however, that other representatives of the Communities may attend and participate in discussions at meetings of the Coalition.

The Leadership Committee shall annually elect, by majority vote, a Chairperson, Vice-Chairperson and a Secretary to serve for a term of 1 year.

The Chairman of the Board of Directors of the Southeastern Michigan Regional Energy Office (hereinafter “SEMREO”) and/or his designee may attend and participate in discussions at meetings of the Leadership Committee unless such participation is precluded by a conflict of interest. SEMREO shall be a full voting member of the Leadership Committee except for matters that have a direct financial impact of SEMREO.

3. **Leadership Committee Meetings.** The Leadership Committee shall meet at designated times and locations mutually convenient to the greatest extent possible for all representatives. It is anticipated that regular meetings of the Leadership Committee shall occur not more often than monthly. Agendas will be distributed and circulated at least twenty-four (24) hours in advance of all meetings to all representatives of the Coalition Members by the Director of SEMREO.

A member of the Leadership Committee or of a subcommittee designated by the Leadership Committee may participate in a meeting by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting conducted in this fashion constitutes presence in person at the meeting.

4. **Responsibilities.** The Leadership Committee shall be responsible for the overall policy strategy of the MPSC rate case and issues related thereto: To the greatest extent possible, as allowed by applicable law, all decisions by the Leadership Committee shall be final. The Leadership Committee’s responsibilities shall include, by way of example and not limitation the following:

   a. Approval of the operational budget.

   b. Approval of all contracts for support and administrative services, consultants, legal representation, and accounting services.

   c. Review and approval of any proposed settlement with DTE Energy.
d. Community Assessment costs that shall be made to each Community upon their participation in the Coalition. Any rates and charges specified in any such schedule shall be subject to adjustment by the Coalition.

e. SEMREO shall generate the bills and collect the revenues for the operational costs of the Coalition. Such bills shall be payable monthly or quarterly as shall be determined by the Leadership Committee.

f. Dispute Resolution.

5. Voting. Each representative on the Leadership Committee shall have one vote on each matter voted upon by the Leadership Committee; provided however, that the Coalition representatives shall use their best efforts to arrive at a consensus on all matters considered by the Leadership Committee. A quorum constituting a majority of the voting representatives of the Coalition shall be required to conduct business. The duties set forth may be exercised by majority vote of the representatives of the Coalition present at any meeting in which there is a quorum, except that for the amendment of this Agreement or for the requirement of a revenue assessment, approval by two-thirds of the representatives of the Coalition present shall be required, together with any other approvals that may be required by law.

6. Coalition Executive Committee and Duties. The Coalition Executive Committee shall comprise four (4) Coalition Community members’ representatives or their alternates as voting members, and the Chairman of the Board of Directors of SEMREO or his designee as a non-voting member. Community members of the Coalition Executive Committee shall be selected by a majority vote of the full Leadership Committee. The Coalition Executive Committee shall meet on an as-needed basis between regularly scheduled meetings of the Leadership Committee. Three members of the Coalition Executive Committee shall constitute a quorum. Notice of all Coalition Executive Committee meetings shall be given to all Coalition members at least one (1) business days prior to its meeting. The Coalition Executive Committee shall perform the responsibilities of the Leadership Committee as may be necessary between regularly scheduled meetings of the Leadership Committee. The Coalition Executive Committee may call special meetings of the Leadership Committee on two (2) business days’ prior notice. The Coalition Executive Committee may exercise all powers and authority of the Leadership Committee between meetings including the approval of expenditures less than $5,000 and decisions regarding tactical strategy before the MPSC rate case of a time sensitive nature.

7. Subcommittees. The Leadership Committee may establish such sub-committees as the Leadership Committee deems appropriate.

IV. CASE OVERSIGHT

SEMREO shall be responsible for managing the daily activities and responsibilities associated with the rate case as may be directed by the Leadership Committee consistent with all applicable law. It is acknowledged that SEMREO may be compensated by the Coalition, as approved by the
Leadership Committee, for the performance of these duties. Invoices for services from SEMREO shall not be paid unless approved by a majority vote of the Coalition Executive Committee, which shall make the decision without participation in the review or discussion by SEMREO’s representative.

SEMREO’s responsibilities concerning the rate case will include, but shall not be limited to:

1. Administration: SEMREO will schedule, provide notice and keep minutes of Leadership Committee and Coalition Executive Committee meetings; maintain Coalition documents and records; and provide general administrative support to the Coalition.

2. Finance: SEMREO will serve as the fiduciary for the Coalition, receiving all funds, processing all invoices and requests for expenditures, and maintaining the accounts of the Coalition.

3. Contract Management: SEMREO will develop and oversee contracts with outside parties for work on behalf of the Coalition.

4. Research: SEMREO will support the Coalition’s research needs to ensure the success of the rate case, which may include collecting data from communities, preparing background for depositions, or preparing expert witnesses in collaboration with legal counsel.

Communications and Outreach: SEMREO will maintain regular communications with Members and partners on behalf the Coalition and serve as the primary media contact; SEMREO will work to engage additional communities in the work and membership of the Coalition.

V. FUNDING

In order to finance the operations of the Coalition the Community Members to this Agreement shall contribute an initial assessment in the amount reflective of the Community’s share as shown in “Exhibit A”. It is agreed that this assessment is based on a budget that should be all-inclusive of the scope of work associated with the project. However, should the Coalition need to raise additional revenue the Leadership Committee with an affirmative vote of a two-thirds majority of the member communities may assess additional costs as may be required by the Coalition. Community Members shall contribute any such additional assessment unless they terminate their participation in the Coalition by giving written notice to the Coalition of the termination within 30 days of the additional assessment vote. The Leadership Committee shall have full authority to revise its method of allocating costs.

VI. RESOLUTION

The Communities joining the Coalition and agreeing to the terms of this Agreement shall do so by the passage of a formal resolution.
The Southeastern Michigan Regional Energy Office through the Chairman of the Board shall provide written acceptance of its role and responsibilities as provided for in this Agreement.

VII. AMENDMENT

This Agreement may be amended by a majority vote of the Leadership Committee at any time.
Memorandum of Understanding
Michigan Street Lighting Coalition

This Memorandum of Understanding is executed by the authorized representatives of the Parties as indicated below.

"MEMBER":

______________________________

By: __________________________
Name, Title

Dated: _________________, 2015

"COALITION":

SOUTHEAST MICHIGAN REGIONAL ENERGY OFFICE

By: __________________________
Name, Title

Dated: _________________, 2015
Southeast Michigan Street Lighting Coalition

Attachment A

ALLOCATION OF EXPENSES TO PARTICIPATING MUNICIPALITIES

Municipalities are asked to contribute to the budget in proportion to how many DTE-owned streetlights they have, reflecting what they have at stake in the establishment of tariffs for those fixtures. Several contribution tiers have been defined:

<table>
<thead>
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<th>DTE-owned streetlights</th>
<th>Payment</th>
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<tbody>
<tr>
<td>&gt;0</td>
<td>$1,000</td>
</tr>
<tr>
<td>&gt;999</td>
<td>$2,500</td>
</tr>
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<td>&gt;3999</td>
<td>$10,000</td>
</tr>
<tr>
<td>&gt;7999</td>
<td>$16,000</td>
</tr>
</tbody>
</table>

Municipally owned streetlights are not included in this count because they are billed under an electricity-only tariff for which DTE Energy has proposed much smaller changes.
Memorandum

To: Pontiac City Council
From: Joseph M. Sobota, M.P.A., City Administrator
Date: July 13, 2015
Re: Revised Freedom of Information Act policy

The state legislature made amendments to the Freedom of Information Act which were effective July 1, 2015. The most substantive amendments addressed how cities are able to charge for such requests. Due to the amount of information available online and the fact that the City no longer has any direct role in public safety or water and wastewater operations, the number of FOIA requests received by the City is very low. Even lower are the number of requests received by the City for which the City must charge a fee (I believe we had two last fiscal year). However, if the City wished to charge a fee after July 1, the City needs a new policy adopted by the city council that conforms with the recent amendments to the Act. I recommend the attached policy is adopted.

The attached policy has been reviewed by the City Attorney.

For reference, I am also including a summary of the changes in legislation provided by the Michigan Municipal League

I am recommending that your Honorable Body pass the following resolution no later than August 7, 2015:

Whereas, due to changes in legislation, the City of Pontiac is required to adopt a new Freedom of Information Act policy; and,

Whereas, the new policy has been reviewed by the City Attorney; and,

Whereas, the City Administrator has recommended that the attached City of Pontiac Freedom of Information Act Procedures and Guidelines is adopted;

Now, therefore, be it resolved, that the City Council approves the City of Pontiac Freedom of Information Act Procedures and Guidelines as presented.
Introduction

Michigan governmental entities will face significant new regulations on how they charge for responses to Freedom of Information Act (FOIA) requests beginning July 1, 2015. New legislation approved during the Legislature's final session day of 2014 will require public bodies to establish specific written procedures and guidelines for FOIA requests, including a separate written summary informing the public on how to submit FOIA requests, how to understand the public body's responses to FOIA requests, deposit requirements, fee calculations, and avenues for challenging and appealing the public body's denial of a request. The governor signed the new legislation into law as PA 563 of 2014.

Summary of the legislation

If a public body administers or maintains an internet presence, then it is required to post the procedures, guidelines, and written summary on its website. Public bodies are also required to provide free copies of the procedures, guidelines, and written summary upon request, and are required to include a free copy, or a website link to the policies, in all FOIA responses.

The procedures and guidelines must include a standard form to detail the itemization of any fee the public body estimates or charges under FOIA. The itemization must clearly list and explain each of the six fee components authorized under the new legislation, which include several categories of labor costs associated with producing public records, whether in paper or electronic form; costs of non-paper physical media used to produce public records (e.g., DVDs, flash drives); copying costs; and postage costs.

The new legislation also:

- Allows FOIA requestors to require that the public body provide records on non-paper physical media, by email, or otherwise electronically provided, so long as the public body has the technological capability necessary to provide records on the particular media stipulated by the requestor.
- Prohibits a public body from charging more than $0.10/sheet for paper copies of public records (excluding labor costs).
- Allows a public body to charge for contractual services required to perform separation and deletion of exempt information from nonexempt information if the public body does not employ a person capable of such activity. The public body may not charge more than an amount equal to six times the state minimum hourly wage rate for such contractual services.
- Allows a public body to add up to 50 percent to the applicable labor charge to cover or partially cover the cost of employee fringe benefits.
- Allows a public body to inform a FOIA requestor that requested information is available on the public body's website, in lieu of providing the public records, so long as the records were available on the website at the time of the request.
- Requires public employees receiving verbal requests for information that is available on the public body's website, to inform the requestor of the pertinent website address.
- Requires a public body, in certain circumstances, to reduce its charges for labor costs in responding to FOIA request if the public body has not responded in a timely manner.
- Allows a public body, under certain circumstances, to require a 100 percent deposit before processing a request from individuals who have not paid the public body for public records acquired pursuant to previous FOIA requests.

- Increases mandatory punitive damages to be awarded to a plaintiff from $500 to $1,000, and mandates a new $1,000 civil fine which a court must award if it finds the public body has arbitrarily and capriciously violated the Act.

- Requires a court to impose an additional civil fine of $2,500 to $7,500 if it finds the public body willfully and intentionally failed to comply with the Act or otherwise acted in bad faith.

This publication was provided by the law firm of Miller Canfield.
Preamble: Statement of Principles

It is the policy of the City of Pontiac that all persons, except those who are serving a sentence of imprisonment, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The City of Pontiac's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The City of Pontiac acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City of Pontiac acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The City of Pontiac will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The City of Pontiac's policy is to disclose public records consistent with and in compliance with State law.

Section 1: General Policies

The City Commission acting pursuant to the authority at MCL 15.236 reaffirms the designation of Mr. Joseph M. Sobota as the FOIA Coordinator. He is authorized to designate other City staff to act on his behalf to accept and process written requests for the City’s public records and approve denials.

If a request for a public record is received by facsimile or e-mail, the request is deemed to have been received on the following business day. If a request is sent by e-mail and delivered to a City spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

All employees shall review City spam and junk-mail folders on the last business day of the month. Upon review, the employee shall submit a form to the FOIA Coordinator that certifies that the employee reviewed the junk-mail folders and that there was or was not any FOIA request contained in the folder. The FOIA Coordinator shall work with the Finance Director to develop administrative rules for handling spam and junk-mail so as to...
protect City systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The City is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other City staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the City on file for a period of at least one year.

Section 2: Requesting a Public Record

A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by City of Pontiac must do so in writing. The request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record.

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make available a FOIA Request Form for use by the public.

Written requests for public records may be submitted in person or by mail to any City office. Requests may also be submitted electronically by facsimile and e-mail. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, electronically mailed or other otherwise provided to him or her in lieu of paper copies. The City will comply with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued, or disseminated by the City of Pontiac on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

A person who makes a verbal, non-written request for information believed to be available on the City's website, where practicable and to the best ability of the employee receiving the request, shall be informed of the pertinent website address.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.
Section 3: Processing a Request

Unless otherwise agreed to in writing by the person making the request, within 5 business days of receipt of a FOIA request the City will issue a response. If a request is received by facsimile, e-mail or other electronic transmission, the request is deemed to have been received on the following business day. The City will respond to the request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the City’s website.

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available. The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request. A copy of these Procedures and Guidelines shall be provided to the requestor with the response to a written request for public records, provided however, that if these Procedures and Guidelines, and its Written Public Summary are maintained on the City’s website, then a website link to those documents may be provided in lieu of providing paper copies.

If the cost of processing a FOIA request is $50 or less, the requester will be notified of the amount due and where the documents can be obtained.

If based on a good faith calculation by the City, the cost of processing a FOIA request is expected to exceed $50, or if the requestor has not fully paid for a previously granted request, the City will require a good-faith deposit before processing the request. In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.
If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the City; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person’s right to submit an appeal of the denial to either the office of the Mayor or seek judicial review in the Oakland County Circuit Court; and
- An explanation of the right to receive attorneys’ fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of $1,000, should they prevail in Circuit Court.

• The Notice of Denial shall be signed by the FOIA Coordinator.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

The City shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

Section 4: Fee Deposits

If the fee estimate is expected to exceed $50.00 based on a good-faith calculation by the City, the requestor will be asked to provide a deposit not exceeding on-half of the total estimated fee.

If a request for public records is from a person who has not fully paid the City for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:
• the final fee for the prior written request is not more than 105% of the estimated fee;
• the public records made available contained the information sought in the prior written request and remain in the City's possession;
• the public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
• 90 days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
• the individual is unable to show proof of prior payment to the City; and
• the FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request’s increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

• the person making the request is able to show proof of prior payment in full to the City;
• the City is subsequently paid in full for the applicable prior written request; or
• 365 days have passed since the person made the request for which full payment was not remitted to the City.

Section 5: Calculation of Fees

A fee will not be charged for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.

The following factors shall be used to determine an unreasonably high cost to the City:

• The particular request incurs costs greater than incurred from the typical or usual request received by the City. See Bloch v Davison Community Schools, 2011 Mich App Lexis 771, 2011 WL 1564645
• Volume of the public record requested
• Amount of time spent to search for, examine, review, and separate exempt from non-exempt information in the record requested.
• Whether public records from more than one City department or various City offices is necessary to respond to the request.
• The available staffing to respond to the request.
• Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The City may charge for the following costs associated with processing a FOIA request:

• Labor costs directly associated with searching for, locating, and examining a requested public record.
• Labor costs associated with a review of a record to separate and delete information exempt from disclosure of information which is disclosed.
• The actual cost of computer discs, computer tapes, or other digital or similar media.
• The cost of duplication of publication, not including labor, of paper copies of public records.
• The cost of labor associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet or other electronic means.
• The actual cost of mailing or sending a public record.

Labor costs will be calculated based on the following requirements:

• All labor costs will be estimated and charged in 15 minute increments with all partial time increments rounded down.
• Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
• Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
• Overtime wages will not be included in labor costs until agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

• Computer disks, computer tapes, or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.

*If using contract or outside labor to separate and delete exempt material from non-exempt material, the public body must clearly note the name of person or firm who does the work and the total labor cost may not exceed an amount 6 times the state minimum hourly wage, which is currently $8.15.
• This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
• In order to ensure the integrity and security of the City’s technological infrastructure, the City will procure any requested non-paper media and will not accept non-paper media from the requestor.

The cost to provide paper copies of records will be based on the following requirements:

• Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed $.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
• The City may provide records using double-sided printing, if cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

• The actual cost to mail public records using a reasonably economical and justified means.
• The City may charge for the least expensive form of postal delivery confirmation.
• No cost will be made for expedited shipping or insurance unless requested.

If the FOIA Coordinator does not respond to a written request in a timely manner, the following shall be required:

• Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if any of the following applies:
  • The late response was willful and intentional.
  • The written request, within the first 250 words of the body of a letter facsimile, e-mail, or e-mail attachment conveyed a request for information.
  • The written request included the words, characters, or abbreviations for “freedom of information”, “information”, “FOIA”, “copy” or a recognizable misspelling of such, or legal code reference to MCL 15. 231 et seq or 1976 Public Act 442 on the front of an envelope or in the subject line of an e-mail, letter or facsimile cover page.
  • Fully note the charge reduction in the Detailed Itemization of Costs Form.

Section 6: Waiver of Fees
The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because such can be considered as primarily benefitting the general public.

The FOIA Coordinator will waive the first $20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- indigent and receiving specific public assistance; or
- if not receiving public assistance stating facts demonstrating an inability to pay because of indigency.

An individual is not eligible to receive the waiver if:

- the requestor has previously received discounted copies of public records from the City twice during the calendar year; or
- the requestor requests information in connection with other persons who are offering or providing payment to make the request.

An affidavit is sworn statement. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

A nonprofit organization designated to by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 200 and the Protection and Advocacy for Individuals with Mental Illness Act, or their successors, if the request meets all of the following requirements:

- is made directly on behalf of the organization or its clients;
- is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931;
- is accompanied by documentation of its designation by the State.

**Section 7: Appeal of a Denial of a Public Record**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may file an appeal of the denial with the Office of the Mayor. The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial.
Within 10 business days of receiving the appeal the Mayor will respond in writing by:
• reversing the disclosure denial;
• upholding the disclosure denial; or
• reverse the disclosure denial in part and uphold the disclosure denial in part.
• Under unusual circumstances, such as the need to examine or review a voluminous amount of separate and distinct public records or the need to collect the requested records from numerous facilities located apart from the office receiving or processing the request, the Mayor may issue not more than 1 notice of extension for not more than 10 business days to respond to the appeal.

Whether or not a requestor submitted an appeal of a denial to the Mayor, he or she may file a civil action in Oakland County Circuit Court within 180 days after the City's final determination to deny the request.

If the court determines that the public record is not exempt from disclosure, the court will award the appellant reasonable attorneys' fees, cost, and disbursements. If the court determines that the appellant prevails only in part, the court in its discretion may award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the City arbitrarily and capriciously violated the FOIA by refusing or delaying the disclosure of copies of a public record, it shall award the appellant punitive damages in the $1,000. Court shall also order that the public body pay a civil fine of $1000 to the general fund of the State treasury.

Section 8: Appeal of an Excessive FOIA Processing Fee
If a requestor believes that the fee charged by the City to process a FOIA request exceeds the amount permitted by state law, he or she may file a fee appeal directly to the Oakland County Circuit Court within 45 days of receiving notice of the required fee. If a civil action is filed appealing the fee, the City is not obligated to process the request for the public record until the Court resolves the fee dispute.

If the court determines that the City required a fee that exceeds the amount permitted, it shall reduce the fee to a permissible amount. If the appellant in the civil action prevails by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs, and disbursements.

If the court determines that City has acted arbitrarily and capriciously by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of $500.
MISCELLANEOUS
July 13, 2015

To: Honorable City Council
From: Deirdre Waterman, Mayor
RE: 2015-16 Budget Amendment
Defined Contribution Pension to Employees
Two New Staff Positions

Dear Honorable Council:

The approved and attached Budget Amendment to include the cost for the provision of a defined contribution pension to employees and two new staff members as required by order numbers S-273 and S-334 are attached for approval to amendment of the 2015-16 budget.

Sincerely,

Deirdre Waterman
Mayor

Enc: 2015-16 Budget Amendment
2015-16 Budget Amendment

Whereas, the City Council adopted the 2015-16 budget on June 18, 2015; and,

Whereas, the State Treasurer has approved amendments to Order S-273 and S-334 which require the City to provide a defined contribution pension to employees and the Mayor to hire two new employees; and,

Whereas, these costs were not included in the 2015-16 budget adopted by the City Council; and,

Whereas, the City is required to follow the Orders Issued by the Emergency Manager;

Now, therefore, be it resolved that the Pontiac City Council formally amends the 2015-16 budget as follows:

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<th>Fund</th>
<th>Revenues/Other</th>
<th>Expenditures/Other</th>
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with expenditure authorization by function as herein provided:

**General Fund**

ESTIMATED REVENUES

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<th>Source</th>
<th>Amount</th>
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<td>Licenses and Permits</td>
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<td>State Grants</td>
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<td>TOTAL ESTIMATED REVENUES</td>
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2015-16 budget amendment number 1, for staff and pension, Page 1 of 10
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<tr>
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<th>General Fund</th>
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<td>Other Functions</td>
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<td>Transfers Out and Other Uses</td>
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<td><strong>TOTAL APPROPRIATIONS</strong></td>
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<td><strong>Major Street Fund</strong></td>
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<tr>
<td><strong>ESTIMATED REVENUES</strong></td>
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<td>Transfers In and Other Sources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td><strong>3,461,000</strong></td>
<td><strong>200,000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>APPROPRIATIONS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td>3,614,078</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL APPROPRIATIONS</strong></td>
<td><strong>3,614,078</strong></td>
<td><strong>471,000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>NET OF Major Street Fund REVENUES/APPROPRIATIONS</strong></td>
<td><strong>(624,078)</strong></td>
<td><strong>3,270,181</strong></td>
<td><strong>2,646,103</strong></td>
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<tr>
<td><strong>Major Street Fund</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ESTIMATED REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Grants</td>
<td>1,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest and Rents</td>
<td>500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers In and Other Sources</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td><strong>1,000,500</strong></td>
<td><strong>471,000</strong></td>
<td></td>
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<tr>
<td><strong>APPROPRIATIONS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td>1,734,910</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL APPROPRIATIONS</strong></td>
<td><strong>1,734,910</strong></td>
<td><strong>0</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Local Street Fund

<table>
<thead>
<tr>
<th>NET OF REVENUES/APPROPRIATIONS</th>
<th>Estimated Beginning Fund Balance</th>
<th>Estimated Ending Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESTIMATED REVENUES</td>
<td>2,503,782</td>
<td>2,240,372</td>
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<td>Taxes</td>
<td>288,516</td>
<td>10,200</td>
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<td>Interest and Rents</td>
<td></td>
<td>298,716</td>
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<td>Transfers In and Other Sources</td>
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<tr>
<td>APPROPRIATIONS</td>
<td>921,984</td>
<td>921,984</td>
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<tr>
<td>Recreation and Culture</td>
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<td>0</td>
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<td>Transfers Out and Other Uses</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>NET OF REVENUES/APPROPRIATIONS</td>
<td></td>
<td>288,516</td>
</tr>
</tbody>
</table>

### Senior Activities Fund

<table>
<thead>
<tr>
<th>NET OF REVENUES/APPROPRIATIONS</th>
<th>Estimated Beginning Fund Balance</th>
<th>Estimated Ending Fund Balance</th>
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</thead>
<tbody>
<tr>
<td>ESTIMATED REVENUES</td>
<td>623,268</td>
<td>331,825</td>
</tr>
<tr>
<td>Taxes</td>
<td>(250)</td>
<td>384,556</td>
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<tr>
<td>Transfers In and Other Sources</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>APPROPRIATIONS</td>
<td>384,556</td>
<td>384,556</td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
<td>0</td>
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<tr>
<td>NET OF REVENUES/APPROPRIATIONS</td>
<td></td>
<td>384,806</td>
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### Chapter 20 Drain Fund

<table>
<thead>
<tr>
<th>NET OF REVENUES/APPROPRIATIONS</th>
<th>Estimated Beginning Fund Balance</th>
<th>Estimated Ending Fund Balance</th>
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</thead>
<tbody>
<tr>
<td>ESTIMATED REVENUES</td>
<td>(260)</td>
<td>384,806</td>
</tr>
<tr>
<td>Taxes</td>
<td></td>
<td>384,806</td>
</tr>
<tr>
<td>Transfers In and Other Sources</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>APPROPRIATIONS</td>
<td>384,806</td>
<td>0</td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>NET OF REVENUES/APPROPRIATIONS</td>
<td></td>
<td>384,806</td>
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</tbody>
</table>

### Sanitation Fund

<table>
<thead>
<tr>
<th>NET OF REVENUES/APPROPRIATIONS</th>
<th>Estimated Beginning Fund Balance</th>
<th>Estimated Ending Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESTIMATED REVENUES</td>
<td>3,801,395</td>
<td>0</td>
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<tr>
<td>Taxes</td>
<td>1,496,345</td>
<td>2,305,000</td>
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<td>Charges for Services</td>
<td></td>
<td>1,050</td>
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<tr>
<td>Interest and Rents</td>
<td></td>
<td>3,801,395</td>
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<tr>
<td>Transfers In and Other Sources</td>
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<td>0</td>
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</table>

2015-16 budget amendment number 1, for staff and pension, Page 3 of 10
<table>
<thead>
<tr>
<th>APPROPRIATIONS</th>
<th>4,805,231</th>
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<tbody>
<tr>
<td>Public Works</td>
<td>4,805,231</td>
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<tr>
<td>Transfers Out and Other Uses</td>
<td>0</td>
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</tbody>
</table>

**Sanitation Fund**

<table>
<thead>
<tr>
<th>NET OF REVENUES/APPROPRIATIONS</th>
<th>(1,003,836)</th>
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</thead>
<tbody>
<tr>
<td>Estimated Beginning Fund Balance</td>
<td>4,184,639</td>
</tr>
<tr>
<td>Estimated Ending Fund Balance</td>
<td>3,180,803</td>
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</table>

**Cable Fund**

<table>
<thead>
<tr>
<th>ESTIMATED REVENUES</th>
<th>130,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charges for Services</td>
<td>130,000</td>
</tr>
<tr>
<td>Transfers In and Other Sources</td>
<td>0</td>
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</tbody>
</table>

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>General Government</th>
<th>975,427</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers Out and Other Uses</td>
<td>0</td>
</tr>
</tbody>
</table>

**NET OF Cable Fund REVENUES/APPROPRIATIONS**

| Estimated Beginning Fund Balance | 1,032,426 |
| Estimated Ending Fund Balance    | 186,999   |

**Tax Increment Financing Authority**

**District 2**

<table>
<thead>
<tr>
<th>ESTIMATED REVENUES</th>
<th>669,520</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>136,223</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>38,000</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>395,297</td>
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<tr>
<td>Transfers In and Other Sources</td>
<td>0</td>
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</tbody>
</table>

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Debt Service</th>
<th>669,520</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers Out and Other Uses</td>
<td>0</td>
</tr>
</tbody>
</table>

**NET OF Tax Increment Financing District 2 Fund REVENUES/APPROPRIATIONS**

| Estimated Beginning Fund Balance | (568,919) |
| Estimated Ending Fund Balance    | (568,919) |
### Tax Increment Financing Authority
#### District 3

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>1,165,455</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>519,948</td>
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<tr>
<td>Transfers In and Other Sources</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL ESTIMATED REVENUES** 1,685,403

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Service</td>
<td>1,766,557</td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL APPROPRIATIONS** 1,766,557

**NET OF REVENUES/APPROPRIATIONS** (81,154)

**Estimated Beginning Fund Balance** (44,787)

**Estimated Ending Fund Balance** (125,941)

#### Tax Increment Financing Authority
#### District 4

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>0</td>
</tr>
<tr>
<td>Transfers In and Other Sources</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL ESTIMATED REVENUES** 0

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community and Economic Development</td>
<td>0</td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL APPROPRIATIONS** 0

**NET OF REVENUES/APPROPRIATIONS** 0

**Estimated Beginning Fund Balance** 0

**Estimated Ending Fund Balance** 0

### Brownfield Redevelopment Authority

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>30,828</td>
</tr>
<tr>
<td>Transfers In and Other Sources</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL ESTIMATED REVENUES** 30,828

**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community and Economic Development</td>
<td>231,828</td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL APPROPRIATIONS** 231,828

2015-16 budget amendment number 1, for staff and pension, Page 5 of 10
### Brownfield Redevelopment Authority Fund

**NET OF REVENUES/APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Estimated Beginning Fund Balance</th>
<th>Estimated Ending Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>201,000</td>
<td>0</td>
</tr>
</tbody>
</table>

### Building Department Fund

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Sources</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licenses and Permits</td>
<td>2,935,000</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>15,000</td>
</tr>
<tr>
<td>Fines and Forfeits</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>2,950,000</td>
</tr>
<tr>
<td>Transfers In and Other Sources</td>
<td></td>
</tr>
<tr>
<td><strong>NET OF REVENUES/APPROPRIATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Public Safety</td>
<td>2,889,465</td>
</tr>
<tr>
<td><strong>TOTAL APPROPRIATIONS</strong></td>
<td>2,889,465</td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
</tr>
</tbody>
</table>

### Drug Enforcement Fund

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Sources</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fines and Forfeits</td>
<td>40,000</td>
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<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>40,000</td>
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<tr>
<td>Transfers In and Other Sources</td>
<td></td>
</tr>
<tr>
<td><strong>NET OF REVENUES/APPROPRIATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Public Safety</td>
<td>68,000</td>
</tr>
<tr>
<td><strong>TOTAL APPROPRIATIONS</strong></td>
<td>68,000</td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
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</tr>
</tbody>
</table>

### District Court Fund

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Sources</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Grants</td>
<td>182,896</td>
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<tr>
<td>Charges for Services</td>
<td>788,250</td>
</tr>
<tr>
<td>Fines and Forfeits</td>
<td>998,715</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>(6,910)</td>
</tr>
<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>1,960,951</td>
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</table>
### Transfers In and Other Sources

958,312

### Appropriations

<table>
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<th>Source</th>
<th>Amount</th>
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<tbody>
<tr>
<td><strong>General Government</strong></td>
<td>2,919,263</td>
</tr>
<tr>
<td><strong>Public Works</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Transfers Out and Other Uses</strong></td>
<td>0</td>
</tr>
</tbody>
</table>

### District Court Fund

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NET OF REVENUES/APPROPRIATIONS</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Estimated Beginning Fund Balance</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Estimated Ending Fund Balance</strong></td>
<td>0</td>
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</tbody>
</table>

### PA 48 Telecommunications Fund

#### Estimated Revenues

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td><strong>State Grants</strong></td>
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<tr>
<td><strong>Transfers In and Other Sources</strong></td>
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</table>

#### Appropriations

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Works</strong></td>
<td>0</td>
</tr>
<tr>
<td><strong>Transfers Out and Other Uses</strong></td>
<td>190,000</td>
</tr>
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### Capital Improvement

#### Estimated Revenues

<table>
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<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Taxes</strong></td>
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<tr>
<td><strong>Charges for Services</strong></td>
<td>170,000</td>
</tr>
<tr>
<td><strong>Other Revenue</strong></td>
<td>60,000</td>
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<tr>
<td><strong>Transfers In and Other Sources</strong></td>
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#### Appropriations

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Government</strong></td>
<td>316,000</td>
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<tr>
<td><strong>Public Safety</strong></td>
<td>125,000</td>
</tr>
<tr>
<td><strong>Public Works</strong></td>
<td>2,430,260</td>
</tr>
<tr>
<td><strong>Transfers Out and Other Uses</strong></td>
<td>2,871,260</td>
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### Capital Improvement Fund

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td><strong>NET OF REVENUES/APPROPRIATIONS</strong></td>
<td>(332,105)</td>
</tr>
<tr>
<td><strong>Estimated Beginning Fund Balance</strong></td>
<td>547,078</td>
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<tr>
<td><strong>Estimated Ending Fund Balance</strong></td>
<td>214,973</td>
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### Parking Fund

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>(1,000)</td>
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<tr>
<td>Charges for Services</td>
<td>85,875</td>
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<tr>
<td>Fines and Forfeits</td>
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<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>84,875</td>
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**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works</td>
<td>45,000</td>
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<tr>
<td>Recreation and Culture</td>
<td>2,777,940</td>
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<td><strong>TOTAL APPROPRIATIONS</strong></td>
<td>2,822,940</td>
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**Transfers In and Other Sources**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>84,875</td>
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</tbody>
</table>

**Building Department Fund**

- **NET OF REVENUES/APPROPRIATIONS**: (2,738,065)
- Estimated Beginning Fund Balance: 14,129,038
- Estimated Ending Fund Balance: 11,390,973

### Insurance Fund

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest and Rents</td>
<td>900</td>
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<tr>
<td>Other Revenue</td>
<td>915,420</td>
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<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>916,320</td>
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**APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Government</td>
<td>47,117</td>
</tr>
<tr>
<td>Other Functions</td>
<td>1,193,676</td>
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<tr>
<td><strong>TOTAL APPROPRIATIONS</strong></td>
<td>1,240,793</td>
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**Transfers Out and Other Uses**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NET OF</strong></td>
<td></td>
</tr>
<tr>
<td>Insurance Fund</td>
<td>(324,473)</td>
</tr>
<tr>
<td>Estimated Beginning Net Assets</td>
<td>2,704,956</td>
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<tr>
<td>Estimated Ending Net Assets</td>
<td>2,380,482</td>
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### Self-Insurance Workers’ Compensation Fund

**ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>Source</th>
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</thead>
<tbody>
<tr>
<td>Interest and Rents</td>
<td>1,400</td>
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<td>Other Revenue</td>
<td>476,981</td>
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<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>478,361</td>
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**Transfers In and Other Sources**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL ESTIMATED REVENUES</strong></td>
<td>478,361</td>
</tr>
</tbody>
</table>

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2015-16 budget amendment number I, for staff and pension, Page 8 of 10
<table>
<thead>
<tr>
<th>APPROPRIATIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Functions</td>
<td></td>
</tr>
<tr>
<td>Transfers Out and Other Uses</td>
<td></td>
</tr>
<tr>
<td><strong>Self-Insurance Worker's Compensation Fund</strong></td>
<td></td>
</tr>
<tr>
<td><strong>NET OF REVENUES/APPROPRIATIONS</strong></td>
<td>(3,200)</td>
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<tr>
<td>Estimated Beginning Net Assets</td>
<td>3,200</td>
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<tr>
<td>Estimated Ending Net Assets</td>
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</table>

**TOTAL APPROPRIATIONS**

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>481,561</td>
</tr>
</tbody>
</table>

2015-16 budget amendment number 1, for staff and pension, Page 9 of 10
Section 7. Specific Appropriations.
There are no specific appropriations contained in the budget.

Section 8. Periodic Financial Reports.
The Finance Director shall provide the City Administrator, Mayor, and City Council financial reports on a monthly basis.

Section 9. Budget Monitoring and Amending.
Whenever it appears to the Mayor that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that expenditures will exceed an appropriation upon which appropriations from such fund were based, the Mayor shall present to the Finance Director recommendations to prevent expenditures from exceeding available revenues or appropriations for the fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues or both. The Finance Director is hereby authorized to amend accounts within functions in a fund and among functions in a fund during the fiscal year provided that such amendments do not change the total revenues or total expenditures for the fund as approved by the City Council. If the total revenues or the total expenditures, including transfers in and out and other sources and uses within a single fund must be changed, then the Mayor and Finance Director shall present such amendment to the City Council for approval.

Section 10. Severability.
If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 11. 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 12. Publication.
The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 13. Emergency Declaration and Effective Date.
This Ordinance is declared an emergency to allow the City to legally spend money after July 1, 2015 and shall be effective immediately upon adoption and approval by the Transition Advisory Board.
CITY OF PONTIAC CITY COUNCIL

RESOLUTION

WHEREAS, pursuant to MCL 211.27b(1)(d), the local unit shall levy up to a $200 penalty per parcel for failure to file a property transfer affidavit within 45 days of acquisition of real property; and,

WHEREAS, MCL 211.27b (5) allows the governing body of a local tax collecting unit to waive, by resolution, the penalty levied under subsection (1) (d) of the General Property Tax Act; and,

WHEREAS, the City received a request to waive the penalty from Janet Currier, President TJC Holdings, who failed to timely file property transfer affidavits for 64-14-20-334-026; and,

WHEREAS, Janet Currier, President TJC Holdings, has submitted a written request, asking that this governing body waive the penalty because she stated she was no aware of that any other filing of the deed transfer was required; and

WHEREAS, after review of the request and subsequent investigation, the City Council believes that such relief is in order;

THEREFORE, BE IT RESOLVED that the penalty levied pursuant to MCL 211.27b(1)(d) shall be reduced by $200.00 to 41.69 for parcel ID 64-14-20-334-026.

PASSED AND APPROVED BY THE CITY COUNCIL, Pontiac, Michigan, this _____ day of July 2015.

AYES: ____________________________

NAYS: ____________________________
Honorable Council Members
City of Pontiac
47450 Woodward
Pontiac, MI 48342

Monday, July 6, 2015

I am in receipt of my 2015 Summer Tax Statement for Parcel ID 64-14-20-334-026, Baldwin Avenue.

TJC Holdings acquired this property from county surplus on 4-16-14. At that time, it was not conveyed to me that I was responsible for filing the Property Transfer Affidavit with the county. Since the lot was acquired from Oakland County Surplus, it never occurred to me that any action other than filling the deed transfer was required.

In fact, we had purchased surplus lots in the past from the county and quickly added them to the main property that my husband and I own at 155 W. Rundell. I do not have a transfer affidavit on record for this transaction, so again I was completely unaware of the requirement for filing the Property Transfer Affidavit for the attached property.

I am also aware that the transfer affidavits for properties bought from the City of Pontiac are handled at the time of purchase, but the county properties are not.

This does lead to a lot of confusion on the buyer’s part.

I ask that you please consider waiving the $200 penalty for the late filing of the transfer affidavit.

Sincerely,

[Signature]
JANET CURRIER
President
TJC Holdings
248 Gunder Ct
Rochester Hills, MI 48309
2015 SUMMER TAX STATEMENT - RETURN THIS PORTION WITH YOUR REMITTANCE

AFTER DUE DATE REMIT TO: City of Pontiac Treasurer • 47450 Woodward • Pontiac, MI 48342

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>PENALTY</th>
<th>TOTAL PAID</th>
<th>BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>241.69</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PENALTY:

Make Checks Payable to: City of Pontiac DEPT. 77639 • CITY OF PONTIAC PO BOX 77639 DETROIT, MI 48277-0779

Postmarks Not Accepted

PARCEL ID NUMBER

64-14-20-334-026

WARNING: Check your Parcel I.D. No. before paying your TAXES. You are responsible if you pay on wrong parcel.

2015 SUMMER TAX STATEMENT - CITY OF PONTIAC

Office Hours: Mon. - Fri., 8:00 a.m. to 4:30 p.m. • 248-755-3272

FISCAL YEARS
City and School County General School Education 7-1-2015 to 6-30-2016 10-1-2014 to 9-30-2016 10-1-2015 to 9-30-2016

PAYABLE JULY 1, 2015 - JULY 31, 2015

NO PENALTY WILL BE ADDED UNTIL AUGUST 1, 2015 at which time a 1% penalty will be added to the unpaid taxes and 1% additional penalty on the first of each month thereafter.

POSTMARKS NOT ACCEPTED

PARCEL DESCRIPTION OF PROPERTY
T3N, R10E, SEC 20 ASSESSOR'S PLAT NO. 6 LOT 9

402 RESIDENTIAL VACANT

BEGINNING MARCH 1ST, 2016 all unpaid 2015 taxes must be paid to Andrew E. Mailler, Oakland County Treasurer, 1280 N. Telegraph, Pontiac, MI 48341, with additional penalties; Dueing the month of March, a revised statement from the City Treasurer must accompany your remittance to this County Treasurer.

24 HOUR TAX HOYLINE
Property tax information is available on the Oakland County 24 Hour Tax Hotline by dialing 248-888-0026 or toll-free number 1-888-600-3723. To access tax information you will need to enter your 10-digit parcel ID number. There is no change for this.

IMPORTANT INFORMATION - SEE REVERSE SIDE
*P.A.E. = Principal Residence Exemption

PAYABLE
JULY 1, 2015 - JULY 31, 2015

Mal< Checks Payable to: City of Pontiac DEPT. 77639 • CITY OF PONTIAC PO BOX 77639 DETROIT, MI 48277-0779

Postmarks Not Accepted

PARCEL ID NUMBER

64-14-20-334-026

WARNING: Failure to receive bill does not waive penalty.

TOTAL | PENALTY | TOTAL PAID | BALANCE
-------|---------|------------|---------|
999 | 200.00 |            |         |

TOTAL | PENALTY | TOTAL PAID | BALANCE
-------|---------|------------|---------|
241.69 |         |            |         |
SUMMER TAXES
Payable through JULY 31, 2015 without penalty. Beginning August 1, 2015 penalty of 1% will be added to the unpaid taxes and 1% additional penalty on the first of each month thereafter. We accept partial payments.

HOURS
Monday - Friday: 8:30 A.M. to 4:30 P.M.
Closed all legal holidays

PAYMENT OPTIONS
- Pay by Mail - a return envelope is enclosed for your convenience.
- Treasurer's Office - property tax payments may be made by cash, check, money order, or credit card at the counter.
- Online Services - include electronic checks and credit card options that may accessed on the City's web page: http://pontiac.mi.us/taxonline
- Check or money order only. Do not leave cash.

AFTER HOURS PAYMENTS
An after hours drop box is located at the front entrance of City Hall. Check or money order only. Do not leave cash.

SUMMER DEFERRED
Summer taxes may be deferred until February 14, 2016, if your 2014 total household income was less than $40,000 and you meet one of the following requirements:
- Senior Citizens, age 62 by Dec. 1, 2015
- Hemiplegic, Paraplegic or Quadriplegic
- Eligible serviceperson, veteran, widow or widower
- Blind person
- Totally and permanently disabled
Applications for deferral are available at the Treasurer's Office. The deadline for filing is September 15, 2015.

LATE PAYMENTS
All late 2015 summer and/or winter taxes paid AFTER THE DUE DATE must be mailed to City of Pontiac Treasurer, 47450 Woodward, Pontiac, MI 48342. (Do not use the enclosed envelope). Payments must be received on or before February 29, 2016. Postmarks will not be honored. BEGINNING MARCH 1, 2016, all unpaid 2015 taxes are to be paid to Andrew E. Meinzer, Oakland County Treasurer, 1200 N. Telegraph, Pontiac, Michigan 48341 with additional penalties. During the month of March, a revised statement from the City Treasurer needs to accompany your remittance to the County Treasurer.

CHANGE OF OWNERSHIP/ADDRESS
Report change of ownership promptly to Equalization, Assessor's Office, 250 Elizabeth Lake Rd., Suite 1000, Pontiac, MI 48341. Make sure your principal residence exemption and property transfer papers are filed with the assessor. POST OFFICE WILL NOT FORWARD A TAX BILL.

PERSONAL PROPERTY TAXES
Assessment date for Personal Property Tax and Real Property is December 31, 2014. If you were in business as of December 31, 2014 you are responsible for the 2015 Summer and Winter taxes.

24 HOUR TAX HOTLINE
Property tax information is available on the Oakland County 24 Hour Tax Hotline by dialing the toll free number 1-888-600-3773. To access tax information you will need to enter your 10-digit parcel ID number. There is no charge for this service.

RETAIN THE LOWER PORTION FOR YOUR RECORDS UNLESS A VALIDATED TAX BILL IS NEEDED. IF NEEDED, RETURN BOTH PORTIONS WITH A SELF-ADDRESSED, STAMPED ENVELOPE. OTHERWISE, DETACH UPPER PORTION AND RETURN TO CITY OF PONTIAC TAX COLLECTION WITH YOUR REMITTANCE. A RETURN ENVELOPE IS ENCLOSED FOR YOUR CONVENIENCE. (POSTAGE REQUIRED.)

Check accepted only as a conditional payment. If not honored by bank, tax is unpaid and subject to unpaid tax penalties.

CITY OF PONTIAC • 248-758-3272
www.pontiac.mi.us
Memorandum

To: Pontiac City Council

From: Joseph M. Sobota, M.P.A., City Administrator

Date: July 13, 2015

Re: Woodcrest Commons PILOT

On February 7, 2014, I received the attached notice from Oakland County Equalization that property commonly known as Woodcrest Commons no longer qualified for PILOT status (payment in lieu of taxes). Legally, the PILOT was granted under Section 110-43 of the Code of Ordinances. To properly reflect the loss of PILOT status, I am recommending that the Code of Ordinances be amended to repeal the authorization.

The City Attorney has reviewed the proposed ordinance.

At this meeting (July 16) or next meeting (July 23), City Council is requested to pass the following resolution setting the time and place for consideration by the City Council:

Resolved, that the City Council will consider An ordinance to repeal Section 110-43 of the Code of Ordinances during the City Council meeting scheduled for Thursday, [insert date] at 5:30 p.m. in the City Council Chambers.

At the meeting which the proposed ordinance is considered, Council is requested to adopt the following resolution:

Whereas, Oakland County Equalization has informed the City that Woodcrest Commons no longer qualifies for P.I.L.O.T. status; and,

Whereas, on July 16, 2015, the City Administrator has presented a proposed ordinance, which has been reviewed by the City Attorney, that will repeal the section in the Code of Ordinances that authorizes the PILOT; and,

Whereas, the City Clerk has distributed a copy of the proposed ordinance to each Council member and to the Mayor, filed a reasonable number of copies in the office of the City Clerk, and published a summary of the proposed ordinance in the [insert name of paper] together with a notice of the time and place for consideration by the Council;

Now, therefore, be it resolved, that the Pontiac City Council adopts:

An ordinance to repeal Section 110-43 of the Code of Ordinances.
Ordinance No. xxxx

An ordinance to repeal Section 110-43 of the Code of Ordinances.

Whereas, on February 7, 2014, the City of Pontiac received a copy of notice from the office of Oakland County Equalization to the Michigan State Housing Development Authority advising the Authority that certain parcels in Pontiac, collectively known as Woodcrest Commons, no longer qualify for P.I.L.O.T. status.

The City of Pontiac ordains:

Section 1. Amendments.
Sections 110-43 of the Code of Ordinances, concerning a P.I.L.O.T. for Woodcrest Commons, shall be deleted in its entirety.

Section 2. Severability.
If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Saving Clause.
A prosecution or Invoice which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or an invoice or prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. 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 5. Publication.
The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 6. Effective Date.
This Ordinance shall be effective ten days after date of adoption by the City Council and approval by the Transition Advisory Board.
February 7, 2014

Ms. Libby Carpenter, Legal Affairs Division
Michigan State Housing Development Authority
735 East Michigan Ave., P.O. Box 30044
Lansing, MI 48909

RE: Woodcrest Commons
64-14-21-426-043, 64-14-21-426-044, 64-14-21-428-029, 64-14-21-430-045 & 64-14-21-435-065

Dear Ms. Carpenter:

Enclosed herewith you will the acknowledgement of receipt of “Notification to Local Assessor of Disqualification” for the above referenced property as required under Public Act 346 of 1966. The five (5) related parcels, listed above, have been valued on the Ad Valorem Roll of the City of Pontiac for tax year 2014 as no longer qualifying for P.I.L.O.T. Status.

Thank you for your time and attention in this matter.

Very truly yours,

Mary B. Ritchie, Appraiser II
Oakland County Equalization

Enclosure

cc Joseph Sobota, City of Pontiac
City of Pontiac Building Department
January 29, 2014

Mary Ritchie
Appraiser II
Oakland County Equalization
250 Elizabeth Lake Road
Suite 1000w
Pontiac, MI 48341

RE: Removal from the Payment in Lieu of Taxes (PILOT) Program – Woodcrest Commons

Dear Ms. Ritchie:

This letter is to inform you that the above-referenced project no longer qualifies for tax exemption under Section 15a of Act 346 of the Public Act of 1966, per the MSHDA Legal Affairs Division's email dated November 7, 2013. This project can be removed from the PILOT program. The Authority no longer has an interest in this property.

Please acknowledge receipt of this letter and return it to me at the address listed below. If you have any questions, please contact me at 517-335-4154 or carpenterl3@michigan.gov.

Sincerely,

Libby Carpenter
Legal Affairs Division

Enclosure

I hereby acknowledge receipt of this notification.

Date: 2-7-14
ZONING
Date: July 31, 2015

To: Honorable Mayor and City Council

From: Gordon Bowdell, Associate Planner

Re: Auburn Ave. (14-28-482-028, 14-28-482-029)
Planning Commission Zoning Map Amendment Recommendation

Background:
At their July 1, 2015 meeting, the Pontiac Planning Commission held a public hearing and reviewed an application for a Zoning Map Amendment (rezoning), case number PF-15-43, Auburn Ave (14-28-482-028; 029) from R-1, One-Family Dwelling district to C-3, Corridor Commercial Mixed Use district. No comments were received from the public.

Following the public hearing the Planning Commission moved to recommend approval of a Rezoning for PF-15-43 to the Mayor and City Council. The Planning Commission report case PF-15-43 and meeting minutes (transcript) are attached for your review.

City Council Action Requested
In accordance with Section 6.802 of the Zoning Ordinance, the standard procedure for Rezoning is a public hearing and review by the Planning Commission with a recommendation for action to the City Council. As stated, the recommendation from the Planning Commission is approval of the Rezoning request. The motion was approved on July 1, 2015.

The recommended Zoning Map Amendment for the property is from R-1, One-Family Dwelling district to C-3, Corridor Commercial Mixed Use district. The property is located on the northwest corner of Auburn Ave. and S Anderson Ave.

The site is currently vacant and the applicant, Rodgers Landscaping, is seeking the unified C-3 zoning for the purpose of constructing a fence. No formal Site Plan Review application was submitted to the department nor is one required. No other changes/development is proposed at the site. Only the rezoning and the fence are proposed at the site.

The purpose of this correspondence is to introduce the proposed ordinance, which has been reviewed and approved by the City Attorney. In accordance with Section 6.802 upon introduction, the Clerk shall distribute a copy to each Council member and to the Mayor, and shall file a reasonable number of copies in the office of the Clerk and such other public places as the Council may designate, and shall publish a summary of the proposed ordinance in a
newspaper of general circulation in the City together with a notice of the time and place for consideration by the Council.

At the first meeting, the Council should pass a resolution setting a time and place for consideration of this proposed ordinance.

At the meeting where the proposed ordinance is considered, City Council is requested to adopt the following resolution:

Whereas, on July 1, 2015, the Planning Commission held a public hearing and reviewed an application for a zoning map amendment of the vacant land located on the northwest corner of Auburn Ave. and S Anderson Ave. (14-28-482-028; 029); and,

Whereas, on July 1, 2015, the Pontiac Planning Commission recommended that the vacant land located on the northwest corner of Auburn Ave. and S Anderson Ave. (14-28-482-028; 029) be rezoned; and,

Now, therefore, be it resolved, that the Pontiac City Council accepts the recommendation of the Pontiac Planning Commission and adopts:

AN ORDINANCE TO AMEND APPENDIX B, OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC TO AMEND ARTICLE 2, ZONING DISTRICTS AND PERMITTED USES, SECTION 2.103, ZONING MAP, TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR TWO SPECIFIC PARCELS AT THE NORTHWEST CORNER OF AUBURN AVE. AND S ANDERSON AVE. FOR REZONING.
July 6, 2015

RODGERS LANDSCAPING
517 AUBURN AVE.
PONTIAC, MICHIGAN 48342

RE: PF-15-43
ZONING MAP AMENDMENT
(AUBURN AVE.) 14-28-482-028; 029
R-1, ONE FAMILY DWELLING TO C-3, CORRIDOR COMMERCIAL

Rodgers Landscaping,

Please be advised that on Wednesday, July 1, 2015 the Pontiac Planning Commission recommended approved to the City Council and Mayor for a Zoning Map Amendment for parcels 14-28-482-028; 029 from R-1, One-Family Dwelling district to C-3, Corridor Commercial Mixed Use district.

The request will be submitted to the City Clerk for Council Review. Should you have any questions, please contact the Department of Building Safety & Planning at 248-758-2800.

Sincerely,

Gordon Bowden, Associate Planner
Department of Building Safety & Planning
City of Pontiac

cc: Michael Wilson, Building Official
Carl Wallace, Fire Marshall
John Balint, City Engineer
Oakland County Water Resources Commission
Relationship to Pontiac Master Plan (Future Land Use Map)

**Subject Parcel:** Traditional Neighborhood Residential  
**Adjacent Parcels:** Traditional Neighborhood Residential

**Master Plan/Future Land Use Plan**

The Future Land Use Plan (Chapter 8) of the Pontiac Master Plan identifies the subject parcel and the surrounding parcels as Traditional Neighborhood Residential.

This land use category is intended to plan for traditional patterns of urban neighborhoods. These areas allow a range of building styles and guidelines seek to replicate Pontiac’s traditional neighborhood development pattern.

Buildings within this category include two- and three-story duplexes and tri-plexes, row houses (attached townhouses), two-story Quad-Plax apartments and detached single family homes on a wide range of lot sizes. This designation includes most of the City’s traditional single-family neighborhoods.

These neighborhoods are meant to be built to a human scale and to prioritize people (pedestrians and bicycles). Historically, these neighborhoods were anchored by a school or a park. A range of community uses have replaced the traditional anchors and flexibility is encouraged to allow for community-generated development to create new anchors or anchor institutions.

**USES:** Only residential and civic uses are permitted in the TNR areas. Attached single family residential buildings (up to 3 attached units) will be permitted where such use does not adversely impact the established character of the neighborhood.

**Proposed Zoning District Regulations:**

**PROPOSED (C-3) CORRIDOR COMMERCIAL MIXED USE DISTRICT**

**Intent:** This district is designed to provide for a mixture of uses that are appropriate along thoroughfare and collector streets that have moderate to large traffic volumes. A wide range of uses are appropriate within this context, including retail and service commercial, office, and low-impact light industrial uses.

It is expected that most customers of establishments in this district will travel via automobile, and as there is little essential interdependence of activities, each establishment typically will have its own automobile parking area. Good traffic accessibility is essential to this district, particularly for trucks and other freight carriers. Some permitted uses in this district generate significant automobile and/or truck traffic.
DIMENSIONAL STANDARDS FOR THE C-3, CORRIDOR COMMERCIAL MIXED USE DISTRICT

<table>
<thead>
<tr>
<th>Bulk and Area Regulations</th>
<th>Required/Allowable</th>
<th>Proposed/Existing</th>
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</thead>
<tbody>
<tr>
<td>Height</td>
<td>35 feet</td>
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</tr>
<tr>
<td>Floor Area</td>
<td>None Required</td>
<td>Site Plan Required upon development</td>
</tr>
<tr>
<td>Front Setback</td>
<td>10 feet</td>
<td>Site Plan Required upon development</td>
</tr>
<tr>
<td>Side Setback – street 1</td>
<td>10 feet</td>
<td>Site Plan Required upon development</td>
</tr>
<tr>
<td>Side Setback – street 2</td>
<td>0 feet</td>
<td>Site Plan Required upon development</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>20 feet</td>
<td>Site Plan Required upon development</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>60 ft.</td>
<td>89-35 feet</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 sq. ft.</td>
<td>11,168.75 sq. ft.</td>
</tr>
</tbody>
</table>

Criteria for Amendment of the Official Zoning Map:
Section 6.804 – In considering any petition of an amendment to the official zoning map, the Planning Commission and City Council shall consider any of the following criteria that apply to the application in making findings, recommendations, and decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below:

A. CONSISTENCY WITH THE GOALS, POLICIES AND OBJECTIVES OF THE MASTER PLAN AND ANY SUB-AREA PLANS. IF CONDITIONS HAVE CHANGED SINCE THE MASTER PLAN WAS ADOPTED, CONSISTENCY WITH RECENT DEVELOPMENT TRENDS IN THE AREA SHALL BE CONSIDERED.

The proposed rezoning does not appear to meet the provisions of the Master Plan Future Land Use Map. The Master Plan identifies the parcel as Traditional Neighborhood Residential. The proposed rezoning is not consistent to the Future Land Use Map. It appears that the current zoning classification better complies with the Master Plan.

B. COMPATIBILITY OF THE SITE'S PHYSICAL, GEOLOGICAL, HYDROLOGICAL, AND OTHER ENVIRONMENTAL FEATURES WITH THE USES PERMITTED IN THE PROPOSED ZONING DISTRICT.

The proposed rezoning request appears to meet this standard. A Site Plan Review would be required prior to any construction or use of the site.

C. EVIDENCE THE APPLICANT CANNOT RECEIVE A REASONABLE RETURN ON INVESTMENT THROUGH DEVELOPING THE PROPERTY WITH ONE (1) OR MORE OF THE USES PERMITTED UNDER THE CURRENT ZONING.

The applicant is primarily seeking to construct a fence on the lot. According to the Zoning Ordinance any fence (accessory structure) may only be constructed on a lot that contains a principal building. No accessory structure or building may be constructed on a lot that does not have a principal building. The rezoning request would "tie" the vacant parcels to the primary building/use to allow the construction of a fence (accessory structure). The property is also
located on a major road (Auburn Ave.). Although a single family dwelling is permitted in the current zoning classification, because of the road frontage, the applicant may not be able to receive a reasonable return on investment through developing the property as a single family dwelling.

D. COMPATIBILITY OF ALL THE POTENTIAL USES ALLOWED IN THE PROPOSED ZONING DISTRICT WITH SURROUNDING USES AND ZONING IN TERMS OF LAND SUITABILITY, IMPACTS ON THE ENVIRONMENT, DENSITY, NATURE OF USE, TRAFFIC IMPACT, AESTHETICS, INFRASTRUCTURE AND POTENTIAL INFLUENCE ON PROPERTY VALUES.

The proposed conditional rezoning appears to comply with the standard. All the abutting property on Auburn Ave. is zoned C-3, Corridor Commercial. The proposed rezoning does appears to be compatible to surrounding uses and zoning classifications.

E. THE CAPACITY OF THE CITY’S UTILITIES AND SERVICES SUFFICIENT TO ACCOMMODATE THE USES PERMITTED IN THE REQUEST DISTRICT WITHOUT COMPROMISING THE HEALTH, SAFETY AND WELFARE OF THE CITY.

The Zoning Map Amendment appears to meet this standard. Should the proposal be approved any development would be required to submit for a formal Engineering Division and Oakland County Water Resource Commission review.

F. THE CAPABILITY OF THE STREET SYSTEM TO SAFELY AND EFFICIENTLY ACCOMMODATE THE EXPECTED TRAFFIC GENERATED BY USES ON THE SITE WILL BE ABLE TO MEET THE DIMENSIONAL REGULATIONS FOR THE REQUESTED ZONING DISTRICT.

The overall site development would be off of Auburn Rd. The street system appears to be able to accommodate the expected traffic generated from a retail development.

G. THE BOUNDARIES OF THE REQUESTED REZONING DISTRICT ARE REASONABLE IN RELATIONSHIP TO SURROUNDINGS AND CONSTRUCTION ON THE SITE WILL BE ABLE TO MEET THE DIMENSIONAL REGULATIONS FOR THE REQUESTED ZONING DISTRICT.

The subject property complies with the minimum lot requirements for a commercially zoned property. Any proposed development would be subject to a Site Plan Review.

H. IF A REZONING IS APPROPRIATE, THE REQUESTED ZONING DISTRICT IS CONSIDERED TO BE MORE APPROPRIATE FROM THE CITY’S PERSPECTIVE THAN ANOTHER ZONING DISTRICT.

The requested rezoning request appears to be appropriate. Although no use is proposed the proposed zoning district would best be compatible to the surrounding zoning districts.

I. IF THE REQUEST IS FOR A SPECIFIC USE, REZONING THE LAND IS CONSIDERED TO BE MORE APPROPRIATE THAN AMENDING THE LIST OF PERMITTED OR SPECIAL LAND USES IN THE CURRENT ZONING DISTRICT TO ALLOW THE USE.

The rezoning request seems to be more appropriate than amending the list of permitted uses.
J. **THE REQUESTED REZONING WILL NOT CREATE AN ISOLATED OR INCOMPATIBLE ZONE IN THE NEIGHBORHOOD.**

The request meets this standard. The proposed rezoning request appears to be more compatible to surrounding uses and does not appear to create an isolated or incompatible parcel.

### Department Comments/Conditions:

<table>
<thead>
<tr>
<th>Department</th>
<th>Comment</th>
</tr>
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<tr>
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<tr>
<td>Sheriff Department</td>
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<tr>
<td>Water Department</td>
<td>None Received</td>
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<tr>
<td>Engineering Division</td>
<td>None Received</td>
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<tr>
<td>Fire Department</td>
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</table>

### Planning Analysis:

The subject property is zoned R-1, One-Family Dwelling district. The applicant is requesting to change the zoning from R-1, One-Family to C-3, Corridor Commercial. The property is located on the corner of Auburn Ave. and S Anderson Ave. The surrounding property on Auburn Ave. is zoned C-3 Corridor Commercial.

The proposed rezoning is not compliant with the Master Plan Future Land Use Map. The Future Land Use Map identifies this property and surrounding property as Traditional Neighborhood Residential. Although the rezoning is not compliant with the Master Plan, the proposed rezoning appears to be compatible to the existing surrounding zoning classification and meet the remaining criteria for a Zoning Map Amendment.

The applicant is primarily seeking to construct a fence on the vacant lot. Due to Zoning Ordinance restrictions the applicant cannot erect an accessory structure (fence) without a primary structure and proper zoning for the primary use.

### Recommendations:

To **recommend approval** to the City Council and Mayor for a Zoning Map amendment for parcels 14-28-482-028 and 029 from R-1, One-Family Dwelling district to C-3, Corridor Commercial.

To **recommend denial** to the City Council and Mayor for a Zoning Map Amendment for parcels 14-28-482-028 and 029 from R-1, One-Family Dwelling district to C-3, Corridor Commercial.
Agenda Item Ad-on
WHEREAS, The Pontiac City Council wishes to appoint Sheldon V. Albritton to the General Employees Retirement System Board of Trustees and;

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

WHEREAS, Sheldon V. Albritton will be replacing General Retiree Board Member Kevin Williams and;

WHEREAS, Sheldon V. Albritton will be serving a term beginning August 26, 2015, and will be ending on March 31, 2019; and

NOW THEREFORE, BE IT RESOLVED, that the Ninth Pontiac City Council shall appoint Sheldon V. Albritton to the General Employee Retirement System Board of Trustees.
The City of Pontiac wishes to thank you for your interest in serving as a Citizen Representative on a Board or Commission. Your Candidate Questionnaire will be kept on file and entered for consideration for posted openings on any Board or Commission that you expressed an interest in for a period of two years. Please feel free to submit an updated Candidate Questionnaire at any time.

Please be advised that the information contained in this Questionnaire is not confidential, and will be reviewed by the Mayor, City Council and other appropriate personnel as vacancies or openings occur on the various Boards or Commissions. Page 2 of this Candidate Questionnaire may also be included in any City Council Meeting Agenda Packet which is published and made available for public inspection in print and on the Internet. Your address, phone numbers and e-mail, contained here on Page 1 will not be published in an Agenda Packet.

Information relative to the below boards or commissions can be found on the City's webpage at www.pontiac.mi.us.

BOARDS/COMMISSIONS ON WHICH YOU WANT TO SERVE:

- [ ] Board of Appeals
- [ ] Income Tax Board of Review
- [ ] Zoning Board of Appeals
- [ ] Board of Review
- [x] General Employee Retirement System

- [ ] Appointed by City Council
- [ ] Appointed by Mayor, Confirmed by City Council

- [ ] Tax Increment Financing Authority/Brownfield Redevelopment Authority
- [ ] Historic District Commission, No Council Confirmation
- [ ] Local Officers Compensation Commission
- [ ] Arts Commission
- [ ] Construction Code Board of Appeals, No Council Confirmation
- [ ] Planning Commission
- [ ] Housing Commission, No Council Confirmation
Sheldon V Albritton

PONTIAC RESIDENT FOR: a long time years

OCCUPATION Territory Sales Manager

INTERESTS/REASONS/QUALIFICATIONS
servicing the community

BOARDS/COMMISSIONS/COMMITTEES ON WHICH YOU HAVE SERVED (LIST MUNICIPALITIES AND DATES)
none

ELECTIVE OFFICES THAT YOU HAVE HELD
none

OTHER ORGANIZATIONS PERTINENT EDUCATION HOBBIES/INTERESTS
AGDC, Section Leadership Council, Metro Team, Community Outreach Team

ADDITIONAL INFORMATION
I am looking forward to serving

Please return completed form to: City of Pontiac, Clerk's Office, 47450 Woodward Avenue, Pontiac, MI 48342 or fax to 248.758.4744 or click the e-mail tab on the first page to send form by e-mail.

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST

In order to avoid any potential conflict of interest, I, the undersigned, agree not to be involved in any recommendations or decision making regarding any agency(ies) or entity(ies) for which I serve in the following capacity(ies) which may contract or subcontract with the City of Pontiac.

Agency: ____________________________
Capacity in Which I Serve: ____________________________
Signature: ____________________________
Date: ____________________________