

APPROVED JUNE 18, 2014 <sup>1</sup>

1 CITY OF PONTIAC  
2 RECEIVERSHIP TRANSITION ADVISORY BOARD MEETING  
3 MAY 21, 2014  
4 1:00 p.m.  
5  
6 Meeting before the RTAB  
7 Board at 47450 Woodward Avenue, Pontiac, Michigan, on  
8 Wednesday, May 21, 2014.  
9  
10 BOARD MEMBERS PRESENT:  
11 ("Eric Cline", edited out)  
12 Keith Sawdon  
13 Robert Burgess  
14 Edward Koryzno - The Chairperson  
15 OTHERS PRESENT:  
16 ("Eric Cline", edited in)  
17 Joseph Sabota  
18 Nevrus Nazarko  
19 Linda Hasson  
20 Darryl Fowlkes  
21 Claudia Filler  
22 Mayor Deirdre Waterman  
23 Billie Sweezer  
24 Hubert Price  
25 Linda Watson  
26 Renee Beckly  
27  
28 REPORTED BY: Mona Storm, CSR# 4460  
29  
30  
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SR140521.txt  
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1 Pontiac, Michigan  
2 Wednesday, May 21, 2014  
3 1:01 p.m.

4 THE CHAIRPERSON: It's 1:00 p.m. and I will  
5 call the City of Pontiac Receivership Transition  
6 Advisory Board Meeting for Wednesday, May 21st, 2014 to  
7 order.

8 Mr. Cline, roll call.

9 MR. CLINE: Yes. Edward Koryzno.

10 THE CHAIRPERSON: Here.

11 MR. CLINE: Robert Burgess.

12 MR. BURGESS: Here.

13 MR. CLINE: Keith Sawdon.

14 MR. SAWDON: Here.

15 MR. CLINE: Louis Schimmel.

16 THE CHAIRPERSON: I spoke to Mr. Schimmel  
17 earlier this week and he had a family emergency and  
18 advised me that he would be unable to attend today.

19 Next item is approval of the agenda.

20 Entertain a motion to approve the agenda.

21 MR. BURGESS: I so move.

22 MR. SAWDON: I think we need to add an item  
23 to the agenda before we approve it.

24 THE CHAIRPERSON: All right.

25 MR. SAWDON: I saw that there was action on

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1 the DTE agreement so I think we need to add that to the  
2 agenda before we --

3 THE CHAIRPERSON: Okay. Yes, action on the  
4 Master Streetlight Agreement.

5 MR. SAWDON: Yes, for DTE.

6 THE CHAIRPERSON: Since that was an issue  
7 raised by the City Administrator, I would suggest that  
8 we add it as Item Number 10, under City Administrator  
9 Items.

10 MR. SAWDON: Okay.

11 THE CHAIRPERSON: And that would be DTE  
12 Master Streetlight Agreement.

13 Any other additions?

14 Seeing none, all in favor of the agenda --  
15 amended agenda, say, "Aye".

16 BOARD MEMBERS: Aye.

17 THE CHAIRPERSON: Opposed, same sign.

18 The agenda's approved. I might add, if  
19 you're interested in speaking at public comment, it's  
20 necessary for you to sign the sheet that's located on  
21 the table with the agendas. There's a two-minute limit  
22 for public comment. And if you have not signed up, you  
23 will not be recognized.

24 Next item is approval of the draft minutes  
25 for the April 16th, 2014 Transition Advisory Board

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1 Meeting.

2 MR. SAWDON: I'll make that motion.

3 MR. BURGESS: Second.

4 THE CHAIRPERSON: And move to support it to  
5 approve the draft minutes. Any comments?

6 Seeing none, all in favor of the motion, say,  
7 "Aye".

8 BOARD MEMBERS: Aye.  
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9 THE CHAIRPERSON: Opposed, same sign.  
10 The minutes for April 16th, 2014 TAB meeting  
11 have been approved.  
12 Old business. There is no old business.  
13 New business, first item is the approval of  
14 resolutions and ordinances for City Council Meetings.  
15 First item, April 10, 2014, regular council meeting.  
16 MR. BURGESS: So move.  
17 MR. SAWDON: I'll second.  
18 THE CHAIRPERSON: Okay. It's been moved and  
19 supported to entertain a motion to approve all City  
20 Council Resolutions from the April 10, 2014 meeting.  
21 Any discussion?  
22 Seeing none, all in favor of the motion, say,  
23 "Aye".  
24 BOARD MEMBERS: Aye.  
25 THE CHAIRPERSON: Opposed, same sign.

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1 The motion to approve the resolutions from  
2 the April 10, 2014 meeting has been approved.  
3 Next item, the April 17, 2014 Regular Council  
4 Meeting. I'll entertain a motion to approve all City  
5 Council Resolutions from the April 17th, 2014 meeting.  
6 MR. BURGESS: So move.  
7 MR. SAWDON: Second.  
8 THE CHAIRPERSON: Been moved and supported.  
9 Any discussion?  
10 Seeing none, all those in favor of the

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11 motion, say, "Aye".

12 BOARD MEMBERS: Aye.

13 THE CHAIRPERSON: Opposed, same sign.

14 The motion to approve the April 17th, 2014

15 meeting minutes are approved.

16 Next item is the April 24th, 2014 regular

17 meeting. I'll entertain a motion to approve all City

18 Council resolutions from the April 24th, 2014 meeting.

19 MR. BURGESS: So move.

20 MR. SAWDON: Support.

21 THE CHAIRPERSON: Any discussion?

22 Seeing none, all in favor of the motion, say,

23 "Aye".

24 BOARD MEMBERS: Aye.

25 THE CHAIRPERSON: Opposed, same sign.

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1 Resolution from the April 24th, 2014 meeting

2 have been approved.

3 Next item is the April 29, 2014 study

4 session. Since no action was taken at this meeting, no

5 board action is necessary.

6 Next item, the May 1st, 2014 regular meeting.

7 I'll entertain a motion to approve all City Council

8 resolutions from the May 1st, 2014 meeting with the

9 exception of Resolution 14-168, the GERS ordinance

10 amendment-IRS Compliance and Resolution 14-169, GERS

11 ordinance amendment-420 transfer.

12 MR. BURGESS: So move.

13 MR. SAWDON: Support.

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14 THE CHAIRPERSON: Any discussion?  
15 Seeing none, all those in favor of the  
16 motion, say, "Aye".  
17 BOARD MEMBERS: Aye.  
18 THE CHAIRPERSON: Opposed, same sign.  
19 The motion to approve all City Council  
20 resolutions from the May 1st, 2014 meeting with the  
21 exception of Resolution 14-168 and Resolution 14-169  
22 has been approved.  
23 Supplemental motion, I'll entertain a motion  
24 to postpone further consideration of Resolution 14-168,  
25 the GERS Ordinances Amendment-IRS Compliance and

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1 resolution 14-169, a GERS ordinance amendment-420  
2 transfer until after the July Receivership Transition  
3 Advisory Board meeting.  
4 MR. BURGESS: So move.  
5 MR. SAWDON: Support.  
6 THE CHAIRPERSON: It's been moved and  
7 supported. Any discussion from the Board members?  
8 MR. SAWDON: When will -- when will we be  
9 getting data on that?  
10 THE CHAIRPERSON: Mr. Sabota, I believe the  
11 Board has a concern that there has been not been a  
12 sufficient financial analysis performed on this -- on  
13 these -- this particular agenda item. So can you  
14 provide some background, please.  
15 MR. SABOTA: I do share the Board's concern

16 that there is insufficient financial data supporting  
17 the decision made by the City Council. Obviously, we  
18 will need to supply some sort of additional information  
19 to the Board than supplied with the agenda packet. We  
20 will be working on that over the next several weeks to  
21 try and get that information to the Board as  
22 expeditiously as possible.

23 THE CHAIRPERSON: Any questions for  
24 Mr. Sabota?

25 MR. SAWDON: If we have particular questions

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1 that we like to make sure the data is answered, can we  
2 just send those to you and you can forward them on?

3 THE CHAIRPERSON: Yes, I will forward -- send  
4 those to Mr. Cline.

5 MR. SAWDON: Okay.

6 THE CHAIRPERSON: And we'll --

7 MR. SAWDON: Because I do have a lot of  
8 questions.

9 THE CHAIRPERSON: Certainly. Any additional  
10 discussion?

11 All right. Seeing none, all those in favor  
12 of the motion, say "Aye".

13 BOARD MEMBERS: Aye.

14 THE CHAIRPERSON: Opposed, same sign. The  
15 motion to postpone further consideration of Resolution  
16 14-168 and Resolution 14-169 until the July meeting is  
17 approved.

18 Next item is the May 18 -- May 8th, 2014  
Page 8

19 regular meeting. Entertain a motion to approve all  
20 City Council resolutions from the April 24th, 2014  
21 meeting.  
22 MR. SAWDON: I think that's a typo. I think  
23 you mean May 8th.  
24 MR. CLINE: Yes.  
25 THE CHAIRPERSON: I'm sorry.

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1 MR. CLINE: That should be May 8th.  
2 THE CHAIRPERSON: May 8th.  
3 MR. SAWDON: I'll make that motion.  
4 MR. BURGESS: Second.  
5 THE CHAIRPERSON: Moved and supported to  
6 approve all resolutions from the May 8th, 2014 meeting.  
7 Any discussion?  
8 Seeing none, all those in favor of the  
9 motion, say "Aye".  
10 BOARD MEMBERS: Aye.  
11 THE CHAIRPERSON: Opposed, same sign.  
12 The motion to approve all Council resolutions  
13 from the May 8th, 2014 meeting is approved.  
14 The next series of items are from the City  
15 Administrator. Item 1, 2015-16 budget process is  
16 information only and no board action is necessary.  
17 Mr. Sabota?  
18 MR. SABOTA: For an update for events that  
19 occurred after the agenda deadline, I attempted to  
20 present the 2015-16 budget to the City Council at the

21 regular meeting on May the 15th, which was the deadline  
22 established by ordinance and was halfway through my  
23 presentation and was not allowed to continue by the  
24 Council President.

25 The Council chose to hold a special meeting

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1 yesterday on Tuesday at noon. That special meeting was  
2 held as a study session, off camera, despite the  
3 Mayor's pleas to have the budget meeting be held on  
4 camera. During the discussion, the first hour of the  
5 meeting Council members were concerned about how they  
6 would be able to increase their own compensation, how  
7 they can get some additional staff and then finally, at  
8 about an hour into that meeting, we actually began some  
9 earnest discussion about some funding and policy  
10 issues.

11 So it was a lot of venting that was done,  
12 probably productive for that to occur, and then a  
13 series of discussions did begin. I do anticipate  
14 Council furthering discussions at the regular meeting  
15 on Thursday the 22nd, on Thursday the 29th, at which  
16 time we fully anticipate the Council establishing the  
17 public hearing on the budget for the following  
18 Thursday, which would be June the 5th, where adoption  
19 is anticipated.

20 THE CHAIRPERSON: Any questions from the  
21 board members for Mr. Sabota?

22 Thank you.

23 Next item is the 2013-14 budget update. This

24 is information only and no board action is necessary.  
25 Mr. Sabota?

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1 MR. SABOTA: We are still awaiting the final  
2 settlement with the final charge-backs from the Oakland  
3 County Treasurer's office. Once that comes in, we'll  
4 know exactly where we're at this fiscal year.

5 THE CHAIRPERSON: And the budget charge-back  
6 number is?

7 MR. SABOTA: We have \$700,000 left.

8 THE CHAIRPERSON: All right. Any questions  
9 for Mr. Sabota?

10 MR. SAWDON: What does that exactly mean?

11 MR. SABOTA: It's possible that, as a result  
12 of properties not being auctioned, that the City could  
13 be anticipating a charge-back from unsold property from  
14 two years ago. We have been averaging well over 1.7,  
15 \$1.8 million for the past couple of years. I think  
16 we're at about \$900,000 this fiscal year. So we have  
17 another 700-, \$750,000 within our budget.

18 MR. SAWDON: All right. Thank you.

19 THE CHAIRPERSON: Any other questions?

20 Thank you, Mr. Sabota. Next item, Phoenix  
21 Center Litigation. I'll entertain a motion to approve  
22 the request to increase the authorized level of  
23 expenditure to Monaghan, P.C. for Phoenix Center  
24 Litigation from 80,000 to \$150,000.

25 MR. SAWDON: I'll make that motion for

1 discussion.  
2 MR. BURGESS: Second for discussion.  
3 THE CHAIRPERSON: All right. It's been moved  
4 and supported. Mr. Sabota.  
5 MR. SABOTA: We do have the additional funds  
6 available. This is sort of in the transition between  
7 the Mayor and myself. And the request was made right  
8 at the transition time from our attorney of Monaghan,  
9 P.C. has concurred with the request. This should get  
10 us through the trial through the end of July and funds  
11 are available from the parking fund for this.  
12 MR. SAWDON: That was my question.  
13 THE CHAIRPERSON: All right. Thank you. All  
14 those in favor of the motion, say "Aye".  
15 BOARD MEMBERS: Aye.  
16 THE CHAIRPERSON: Opposed, same sign.  
17 The motion to approve the increase in  
18 authorized level of expenditure to Monaghan, P.C. for  
19 Phoenix Center Litigation to \$150,000 is approved.  
20 Item number 4, Approval of Program  
21 Application for Giddings and Walton Intersection.  
22 I'll entertain a motion to accept the MDOT  
23 grant and approve the project as outlined by the City  
24 Administrator, with the understanding that the  
25 Notre Dame Preparatory and Marist Academy will pay all

1 of the City's matching and engineering costs.

2 MR. BURGESS: So move.

3 MR. SAWDON: Support.

4 THE CHAIRPERSON: Mr. Sabota?

5 MR. SABOTA: This was started, apparently,  
6 when Mr. Schimmel was still here. I'm not sure when  
7 the first bit of paperwork went in but we received a  
8 notification from MDOT within the last month that the  
9 grant application had been approved. So now the City  
10 must formally accept. We do have the written  
11 confirmation from Notre Dame Prep that they're willing  
12 to cover all costs.

13 Notre Dame Prep just recently constructed a  
14 new elementary school at that intersection. So there  
15 was an obvious need to approve the safety for the  
16 students and the traffic in that area.

17 THE CHAIRPERSON: Any further questions from  
18 the board members for Mr. Sabota?

19 MR. SAWDON: No.

20 THE CHAIRPERSON: Thank you, Mr. Sabota.  
21 It's been moved and supported. All those in favor of  
22 the motion, say "Aye".

23 BOARD MEMBERS: Aye.

24 THE CHAIRPERSON: Opposed, same sign.

25 The motion passes to accept the MDOT grant

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1 and approve the project as outlined by the City.

2 Administrator that the Notre Dame Preparatory and  
3 Marist Academy will pay all the City's matching and  
4 engineering costs.

5 Next item, Item Number 5 approval of  
6 Purchasing Agent/Fiscal Analyst, I'll entertain a  
7 motion to authorize the City Administrator to extend an  
8 offer of employment to Gary Chyla for the position of  
9 Purchasing Agent/Fiscal Analyst, per the terms outlined  
10 in the employment agreement. I hope I pronounced that  
11 correctly.

12 MR. SABOTA: I'll check to see if he's Polish  
13 or not. So I'll find out.

14 MR. SAWDON: Support.

15 THE CHAIRPERSON: It's been moved and  
16 supported. Mr. Sabota.

17 MR. SABOTA: The applicant has passed all  
18 background investigations. So he is eligible for hire  
19 in the City of Pontiac and we strongly recommend his  
20 approval. He has over 20 years of purchasing  
21 experience with the City of Detroit in the Department  
22 of Public Works. The majority of our purchasing will  
23 be done through Department of Public Works. So this  
24 seems to be a good fit for him.

25 THE CHAIRPERSON: And if I'm not mistaken,

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1 this vacancy was created by the untimely passing of the  
2 person that held the position prior.

3 MR. SABOTA: That's correct.

4 THE CHAIRPERSON: All right. Thank you. Any  
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5 questions from the board members for Mr. Sabota?

6 MR. SAWDON: No.

7 THE CHAIRPERSON: All right. Seeing none,  
8 all in favor of the motion, say "Aye".

9 BOARD MEMBERS: Aye.

10 THE CHAIRPERSON: Opposed, same sign.

11 Motion to extend an offer for the position of  
12 Purchasing Agent/Fiscal Analyst for the terms outlined  
13 in the employment agreement is approved.

14 Next item is Item 6, Challenge Manufacturing  
15 Brownfield Request. Entertain a motion to approve the  
16 Brownfield plan for the Challenge Manufacturing site  
17 adopted by the Oakland County Brownfield Authority and  
18 to support implementation of the plan as submitted.

19 MR. SAWDON: I'll make that motion.

20 MR. BURGESS: Second.

21 THE CHAIRPERSON: It's been moved and  
22 supported.

23 Mr. Sabota.

24 MR. SABOTA: My understanding is that  
25 Challenge is going before the Michigan Strategic Fund

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1 on Tuesday for approval. And this is part of their  
2 application package. So this is a continuation of the  
3 approval of ("the lease", edited out) ("release",  
4 edited in) to the Oakland County Brownfield granted by  
5 this Board last month. So this is the approval of the  
6 plan. And there is also a rezoning request that is

7 going before City Council this week and voted on next  
8 week, which is another portion of this development.

9 So in the middle of several steps that we  
10 have to go through, we do anticipate application for  
11 some tax abatements as well within the next couple of  
12 months.

13 THE CHAIRPERSON: Any questions from the  
14 board for Mr. Sabota?

15 Thank you, Mr. Sabota. All in favor of the  
16 motion, say, "Aye".

17 BOARD MEMBERS: Aye.

18 THE CHAIRPERSON: Opposed, same sign.

19 The motion is approved for the Challenge  
20 Manufacturing site.

21 Next item is Item 7, the Bloomfield Park  
22 Brownfield Request. Entertain a motion to approve the  
23 Brownfield plan for the Bloomfield Park site adopted by  
24 the Oakland County Brownfield authority and to support  
25 implementation of the plan as submitted.

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1 MR. BURGESS: So move.

2 MR. SAWDON: Support.

3 THE CHAIRPERSON: It's been moved and  
4 supported.

5 Mr. Sabota.

6 MR. SABOTA: As the returning board members  
7 will recall, back in October, this was released to the  
8 Oakland County Brownfield authority. The main reason  
9 is Oakland County is trying to actively market this

10 site to potential investors. And when the previous  
11 Brownfield plan was abolished by Mr. Schimmel,  
12 potential developers were concerned that there wasn't  
13 enough, in terms of an incentive, that would be offered  
14 for the developer of the facility and the site was  
15 acquired. So this is a very basic Brownfield plan,  
16 which does not begin to capture within three years.

17 However, the Oakland County Brownfield  
18 Authority made it clear in their acceptance and  
19 authorization of this plan that, as soon as a real  
20 development comes into this particular site, that plan  
21 must be amended.

22 So this is really for marketing purposes,  
23 more so than having any sort of financial impact on the  
24 industry, at least for the next three years.

25 THE CHAIRPERSON: Any questions from the

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1 board members for Mr. Sabota?

2 MR. SAWDON: No.

3 MR. BURGESS: No.

4 THE CHAIRPERSON: Seeing none, all those in  
5 favor of the motion, say, "Aye".

6 BOARD MEMBERS: Aye.

7 THE CHAIRPERSON: Opposed, same sign.

8 Motion to approve the Brownfield plan for the  
9 Bloomfield Park site is approved.

10 Next item is Number 8, approval to apply for  
11 Edward Byrne Memorial Justice Assistance Grant Program

12 Fund and Related Intergovernmental Agreement between  
13 the County of Oakland and the City of Pontiac.

14 I'll entertain a motion to authorize the City  
15 to apply for a Justice Assistance Grant and to further  
16 approve the Intergovernmental agreement with Oakland  
17 County to execute the grant, should funding be  
18 received.

19 MR. BURGESS: So move.

20 MR. SAWDON: Support.

21 THE CHAIRPERSON: It's been moved and  
22 supported. Mr. Sabota.

23 MR. SABOTA: This is a situation where both  
24 the grant application and the intergovernmental  
25 agreement are combined. The grant, if received, will

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1 be received directly by the Oakland County Sheriff and  
2 administered by the Oakland County Sheriff, no cost to  
3 the City.

4 The proceeds from the grant will be used to  
5 fund overtime for the County Sheriff to investigate  
6 major and violent crimes. So there is definitely a  
7 need in the community based on the crime statistics.  
8 So we hope that this will prove fruitful, in terms of  
9 catching any criminals or potentially mitigating any  
10 further crime of a violent nature from occurring in the  
11 City of Pontiac.

12 THE CHAIRPERSON: Any questions for  
13 Mr. Sabota?

14 MR. SAWDON: No.  
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15 THE CHAIRPERSON: Seeing none, all those in  
16 favor of the motion, say, "Aye".

17 BOARD MEMBERS: Aye.

18 THE CHAIRPERSON: Opposed, same sign.

19 The motion to authorize the City to apply for  
20 a Justice Assistance Grant and approve the  
21 Intergovernmental agreement with Oakland County is  
22 approved.

23 Next item is Item Number 9 and its approval  
24 of Ordinance to permit a 420 transfer, which was  
25 addressed under new business.

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1 Next item is Number 10, the additional item  
2 added during the meeting, which is the DTE Master  
3 Streetlight Agreement. I'll entertain a motion to  
4 approve the DTE Master Streetlight Agreement.

5 MR. SAWDON: I'll make that motion.

6 MR. BURGESS: Second.

7 THE CHAIRPERSON: It's been moved and  
8 supported. Mr. Sabota?

9 MR. SABOTA: I thank the TAB for bringing  
10 this item for consideration at the meeting, although  
11 this was definitely after your agenda deadline.

12 The program is very beneficial to the City of  
13 Pontiac, in that we are using capital project fund  
14 money to leverage a quarter million dollar savings in  
15 the general fund on an annual basis.

16 By approving this project today, DTE is

17 almost assured now that they will be able to complete  
18 the project by November 30th, which will allow the City  
19 to receive an additional \$200,000 -- well, \$181,000 in  
20 energy credits which could be used to offset the costs.

21 We did not anticipate those credits during  
22 the budget preparation so this will be extra money that  
23 we'll be able to use for other projects in the City.

24 Most likely, we will probably target those  
25 funds for the City-owned streetlights. This is only

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1 for the company-opened streetlights, LED conversion.

2 THE CHAIRPERSON: Any questions from the  
3 board members for Mr. Sabota?

4 MR. SAWDON: No.

5 MR. BURGESS: No.

6 THE CHAIRPERSON: Seeing none, all those in  
7 favor of the motion, say, "Aye".

8 BOARD MEMBERS: Aye.

9 THE CHAIRPERSON: Opposed, same sign.

10 The motion to approve the DTE Master  
11 Streetlight Agreement is approved.

12 Next business item is nonaction items, a  
13 monthly financial report for March of 2014.

14 MR. SABOTA: I'll let Mr. Nazarko address the  
15 financial reports.

16 THE CHAIRPERSON: And while he's on his way  
17 to the podium, I want to remind you and Mr. Nazarko  
18 that the Board expects that these financial reports  
19 will be submitted timely. They have skirted that

20 deadline for some time and this one was the most late  
21 of any to date. So we will expect that submittal to be  
22 timely in the future.

23 MR. NAZARKO: Yes, I -- I apologize for that.  
24 The reason for late submission this month is this was  
25 the fact that I was on vacation the week prior and it

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1 took me a while, three days, to reconcile with the  
2 Accounting Department.

3 The financials -- the statements that are in  
4 front of you do not have any major items or deviation  
5 from our projection presented the previous month in  
6 March of 2014. The cash flow situation, in my opinion,  
7 has stabilized and I do not foresee any shortages for  
8 the rest of the fiscal year or, for that matter, at  
9 least four months into the new fiscal year.

10 Again, I'd like to remind the Board and the  
11 audience that the cash flow always related to the fund  
12 balance is not the same thing as the fund balance. In  
13 other words, having a cash flow, positive cash flow at  
14 the present time, does not mean that we are going to  
15 have the same fund balance by the same amount.

16 However, we do anticipate to end the fiscal  
17 year on a positive fund balance as a result of a -- of  
18 an adjustment that will probably be forthcoming in  
19 regards to the payment to the pension fund.

20 As I've indicated on Page 2 of my report of  
21 the -- I'll try to look at the paragraph that I put a

22 potential payment. We have budgeted the higher amount  
23 that -- due to the Pension Board that the actual amount  
24 should be or will be. I have not got a confirmation  
25 back from the Pension -- Board of Trustees as to, you

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1 know, the -- my amount is correct. I have -- I have  
2 contacted the actuary who did the report on which we  
3 based the payment.

4 However, I believe that the amount budgeted  
5 in the amount of \$2.34 million is higher than the  
6 actual amount, should be in tune of by approximately  
7 \$900,000. That will not impact this year's, obviously,  
8 cash flow and fund balance. However, for the '14-'15  
9 year, we have budgeted a lesser amount. The budget was  
10 adopted prior to my arrival. It has an amount that is  
11 less than what it should be in -- by \$350,000,  
12 approximately, short.

13 So a portion of this year's savings, so to  
14 speak, will be transferred to the next year's budget  
15 amendment. That is forthcoming at some point in time.  
16 So that's the major other item.

17 The other one that caused the cash flow to be  
18 in a good shape that it is, is that we have major  
19 vendors that -- we have two vendors, actually, that we  
20 have not -- during the month of April, we did not  
21 receive timely invoices and they are sizable amounts.  
22 As a result of that, again, we were the beneficiary of  
23 the having a cash flow being able to support the -- the  
24 rest of the operations.

25 As the City Administrator indicated earlier,

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1 we are waiting to receive the settlement from Oakland  
2 County, although we do have an amount of \$700,000  
3 budgeted for charge-backs. I believe that the actual  
4 amount should be less than that. However, at this  
5 point, it is unclear until we get the -- the final  
6 settlement from Oakland County.

7 Again, I would like to reemphasize the fact  
8 that I believe we have budgeted properly for that  
9 charge-back -- anticipated charge-back.

10 During the month of April, we met with WRC,  
11 an outstanding receivable that has been brought before  
12 you. However, to the meeting that we had with them --  
13 at the meeting we had with them, we were able to  
14 finalize the figure once and for all. And we should  
15 even -- if we didn't receive the payment this week, we  
16 should receive it, you know, shortly thereafter.

17 Mr. Daddow was at that meeting, along with  
18 other top representatives from WRC, myself and our HR  
19 Department as well as along with the City of Detroit  
20 did participate at that meeting. And we have set all  
21 the outstanding issues on the insurance front of the  
22 insurance past claims on the insurance for former Water  
23 and Sewer Employees, now WRC.

24 The other receivables, there is no change on  
25 the school front. However, the City Administrator has

1       been in contact with the -- with the -- someone from  
2       the school system that we are -- and we -- we talked  
3       with the Mayor as well as to possible settlement on a  
4       large receivable we have from the school district in  
5       the amount of \$245,000.

6               More information, again, will be forthcoming  
7       in the next couple of months. So those were the major  
8       items that I'd like to -- I have mentioned in my  
9       reports and I'm open for any questions.

10              THE CHAIRPERSON: Any questions for  
11       Mr. Nazarko?

12              MR. SAWDON: I still don't really quite  
13       understand the difference between the pension fund  
14       transfer as budgeted and actual. Is it a new actuary  
15       report that's changed the numbers that's changed our  
16       payment; what's making that change?

17              MR. NAZARKO: I -- no, there is no -- to  
18       answer your question, the same part is that no, there  
19       is no new actuary report represented to me. However,  
20       when I scrutinized the actuary reports from which  
21       information was derived, I believe that we used the  
22       incorrect actuary report to budget for the present  
23       year.

24              MR. SAWDON: Okay.

25              MR. NAZARKO: In other words, 2011 should

1 have been for '13, '14 and 2012 for '14, '15 and they  
2 were switched.

3 MR. SAWDON: Okay. Now I understand. Thank  
4 you.

5 MR. NAZARKO: Police and Fire, to clarify  
6 that, we're talking about the police and fire pension  
7 board pension payment, not GERS'.

8 MR. SAWDON: Thank you.

9 MR. NAZARKO: You're welcome.

10 THE CHAIRPERSON: Any other questions for  
11 Mr. Nazarko? Seeing none, thank you, Mr. Nazarko.

12 Next item on the agenda is Public Comment.  
13 I'll remind the members of the audience that you'll  
14 have two minutes. Mr. Cline will be the timekeeper,  
15 using the clock here.

16 And the first individual will be  
17 Linda Hasson. Did I pronounce that correctly?

18 MR. SABOTA: Yes.

19 THE CHAIRPERSON: Good afternoon.

20 MS. HASSON: Good afternoon. I have concerns  
21 of the fact that the City Council has set us up for an  
22 obligation for the GERS after the State of Michigan's  
23 loan board had set up currently, you know, to be set  
24 aside.

25 But my concern is the fact that where's the

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1 money going to come from? We've been told in the past  
2 that we should not base things on assumptions. And I

3 feel like that now we're in the middle of a wrangle  
4 between the City Council and the TAB Board. I'm very  
5 concerned about this debt and will us taxpayers be able  
6 to be sued to fulfill this. Only dissuasion being that  
7 the Mayor and the Council have basically approved it,  
8 while you're waiting to see in July what's going to  
9 happen?

10 We're supposed to be having a better  
11 situation but I don't see that happening. I'm very  
12 concerned. Also, on May 1st, they approved a contract  
13 with Oakland County for the water. And in looking into  
14 that, I found out that there are other contracts out  
15 there for bond debt. I'm concerned that nobody's  
16 keeping track of all the debt that is being made and I  
17 think that that is something important, too, because,  
18 you know, there is supposed to be -- isn't there  
19 supposed to be a maximum?

20 But my main thing that I'm concerned about is  
21 the Council and the Mayor putting obligations,  
22 approving them, that we don't have the money for. And  
23 if I cannot get -- like I told them, I will continue to  
24 go higher and have this looked into because this is not  
25 okay to assume an obligation if we don't have the

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1 money.

2 I'm not saying that I don't want the retirees  
3 to get it but there's too much -- there's too much  
4 different levels going on here that the people are --  
5 this one don't know that, this one doesn't know that.

6 And I think that we deserve better. And we waited many  
7 years being in a deficit.

8 THE CHAIRPERSON: Okay.

9 MS. HASSON: So I would like you to do  
10 something.

11 THE CHAIRPERSON: Thank you.

12 MS. HASSON: Thank you. Next is  
13 Darryl Fowlkes.

14 THE CHAIRPERSON: Good afternoon.

15 MR. FOWLKES: How you doing? Darryl Fowlkes,  
16 City of Pontiac Chairperson. I wonder if I could ask a  
17 couple of questions real quick. Is this considered  
18 City business?

19 THE CHAIRPERSON: You -- I'm going to grant  
20 you your two minutes and then there will be Board  
21 comments after that.

22 MR. FOWLKES: I need to know because  
23 everything I say, we -- pools in together. I just need  
24 to know, is this considered taking care of City  
25 business?

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1 THE CHAIRPERSON: This is a Board meeting  
2 under a Public Act 436, so --

3 MR. FOWLKES: Well, are you taking care of  
4 City business, yes or no?

5 THE CHAIRPERSON: We are reviewing the City  
6 Council actions, so that's what the -- the RTAB is  
7 empowered to review all City ordinances and

8 resolutions.

9 MR. FOWLKES: Okay. But you still haven't  
10 answered the question. Keep putting the -- stop  
11 putting a spin on this and just answer the question.  
12 Is this considered taking care of City business or not?

13 THE CHAIRPERSON: We are reviewing City  
14 business.

15 MR. FOWLKES: That's all I want to know.  
16 Because this person over here said that this is not  
17 City business so, therefore, doesn't need to be  
18 televised throughout the City.

19 Now, also, as Chairperson of the  
20 Charter Division, we put forth a budget last year in  
21 front of Schimmel and he rejected and said there was no  
22 money available in the future budget for anything to be  
23 done for the Charter.

24 But in the last week, I've heard numbers  
25 tossed around by Sabota. He just tossed out 65,000

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1 extra dollars to go to the litigation. But, again,  
2 they're still saying there's no money for us to finish  
3 what we had to do. And according to the letter from  
4 the Governor of the State of Michigan, State, dated --  
5 last year, says, "After study by the Mayor, of City  
6 Council and a consultation with the -- with the TAB,  
7 the City shall enact changes in the current Charter  
8 through Charter Amendment or Charter Division that are  
9 consistent with applicable model charters and model."

10 Our attorney still hasn't gotten an answer on  
Page 28

11 what a model and model charter is, which means that  
12 you're still responsible for helping us finish the  
13 Charter. According to me, that's what this says.

14 If you want a copy of the new budget that we  
15 put forth, I have it right here if you want to see that  
16 so you can look at it for your next meeting.

17 Also, I wish Mr. Schimmel was here so I could  
18 ask him a question about Act 436. Because the person  
19 he left in charge is not following it completely. But  
20 if you need this, if you guys want to review it, I can  
21 give it to you. Thank you. Do you want it?

22 THE CHAIRPERSON: Sure. Thank you.

23 And the next person is Claudia Filler.

24 MS. FILLER: Good afternoon. My name is  
25 Claudia Filler. I am the president of the City of

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1 Pontiac Retired Employees Association. I'm a resident  
2 and a City retiree myself.

3 The action you took today is a totally  
4 unnecessary delay on the approval of the two ordinances  
5 involving the GERS, the ordinance for IRS compliance  
6 and the ordinance to allow a 420 transfer.

7 On May 1st, the week prior to May 1st, GERS  
8 attorney, Cynthia Billings, came to the Council and  
9 gave a very thorough explanation of what these two  
10 ordinances were. They were -- the first one was  
11 strictly a housekeeping matter that has to take place  
12 every five years. And since the City had asked for the

13 IRS's opinion on the 420 transfer, the IRS combined the  
14 two and asked for those to be acted on in a combined  
15 manner.

16 According to Ms. Billings, the 420 transfer,  
17 approval of that resolution, does not commit the City  
18 or obligate the City in any way to funding a 420  
19 transfer. It's strictly a tool in the tool chest that  
20 the City would have, if further study says that this is  
21 a mutually beneficial action for the City and for the  
22 retirees.

23 The City administration did not provide any  
24 legal opinion that challenged Ms. Billings' opinion,  
25 and yet they came and asked that -- that these two

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1 matters be separated at that meeting.

2 Ms. Billings explained to the Council when  
3 she was giving her presentation that failure to approve  
4 these resolutions will result in financial penalty,  
5 substantial financial penalty to the City. And I  
6 believe after 90 days, the penalty is \$15,000. And it  
7 keeps going up. It's just a -- a totally betrayal, I  
8 think. And I think the retirees feel that way, too,  
9 for you not to act on these simple matters.

10 We have huge matters in front of us, retiree  
11 healthcare funding, and all of the benefits that were  
12 promised to the retirees. These are huge matters. And  
13 why the Administration would not adopt a resolution  
14 that would provide a tool, a potential tool, to help  
15 fund those obligations, I just can't -- I --

16 THE CHAIRPERSON: Thank you.  
17 MS. FILLER: I'm puzzled. Thank you.  
18 THE CHAIRPERSON: Next item, Mayor Waterman.  
19 MAYOR WATERMAN: Since I last spoke to you,  
20 Gentlemen, the provisions of the organization of S334  
21 have been put into place. I wanted to report on what  
22 the Pontiac state element looked like and what has  
23 happened and transpired during this period since  
24 post-S334 organization and which, with your concurrence  
25 as well as the approval of the Treasury Department and

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1 the Governor's Office of Fiscal Stability, I was  
2 granted additional powers and a policy-making authority  
3 in terms of a number of issues that were very key to  
4 Pontiac's development in being able to afford some of  
5 its financial crisis.

6 To start with, I would talk about the  
7 transition period, the state of the City that we had.  
8 In fact, the date we last met, which was a very, very  
9 provocative informational laid session in which we told  
10 the citizens of Pontiac the good news, that it is  
11 inherent in Pontiac and what has been happening, as  
12 well as heard from the reports of nine different  
13 transition committees.

14 The transition committees that I put together  
15 that are composed of volunteers who wanted to help  
16 Pontiac move forward in several different contingencies  
17 (ph). I don't have time to disclose all that. But one

18 of the committees, Economic Development,  
19 Mr. Hubert Price was the chair of that, and now has a  
20 business directory for the City of Pontiac in which  
21 development of the City will depend on the development  
22 and support of business to have a business directory,  
23 which is now online but will be in print with the  
24 efforts of sponsors of that.

25 In addition to that, the litigation matters,

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1 Phoenix Center, Retiree Health, we talked a little bit  
2 about that. I'm going to run out of time to talk about  
3 that but my intent was to bring people to the table.  
4 We were stalemated with some portions of the account.  
5 Nothing could be agreed upon or reached unless we got  
6 people to the table. In both matters, we've done that.

7 The owner of Ottawa Towers has now sat down  
8 with us with the opposing attorneys and we began to  
9 open that dialogue. We're far away from any kind of  
10 settlement but at least we have identified points of  
11 concern of interest in which we can continue to explore  
12 and investigate. That's as much as I have time for  
13 today. There will be others and I'll continue it at  
14 another meeting.

15 THE CHAIRPERSON: Thank you, Mayor.

16 Billie Sweezer.

17 MS. SWEEZER: Good afternoon.

18 THE CHAIRPERSON: Good afternoon.

19 MS. SWEEZER: Okay. I'm here about the GERS  
20 matters. One of things was last month, according to

21 the notes that I read online, the appointments of  
22 Charlie Harrison, III and Kone Bowman were to be  
23 postponed for one month. That would mean that you  
24 would have addressed it this date but I didn't see  
25 anything that you did. Okay. And I'm also here about

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1 the ordinance for the GERS retirement system.  
2 As you know, the GERS every five years have  
3 to requalify for tax exempt status and these two  
4 ordinances are just that; to make sure that we qualify  
5 and remain in a tax exempt status and not going to -- I  
6 was one of the employees who thought the 420 transfer  
7 idea would work for us so that the City could help, it  
8 could help the City in a financial situation to be able  
9 to pay for our retirement benefits. Those benefits  
10 were promised to us and they're still due.

11 We would also ask, if you can, contact the  
12 State Attorney General and ask him to answer questions  
13 so that we can move forward on this. I hope that you  
14 pass these two and I don't want, as both a citizen, a  
15 retiree and a former employee, to see us lose our tax  
16 exempt status. I think that would be detrimental to  
17 both the City and to the thing.

18 And I hate to see our exemptions come to us  
19 because you're delaying this and delaying it. Now, you  
20 said you want to delay until after the July 2014  
21 meeting. So is that delaying it until the August  
22 meeting? So when you get Board comments, would you

23 please speak to that? Thank you.

24 THE CHAIRPERSON: Thank you.

25 Hubert Price.

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1 MR. PRICE: Thank you. Briefly, I would hope  
2 that you would consider adding time to elected  
3 officials. I don't think two minutes should be a  
4 limitation on elected -- duly elected officials,  
5 especially the Mayor, City Council, Charter Revision,  
6 our citizens. This is a very much watched program.

7 And to hear that Mr. Sabota arbitrarily and  
8 preciously eliminated this from TV, I think, is a  
9 disservice to the citizens. There are many citizens  
10 who cannot watch it on -- don't have access to  
11 Internet, don't have any other way to watch this except  
12 on TV and I think he should be overridden, if that is,  
13 in fact, the case, immediately.

14 I would urge you to put your stuff online in  
15 advance, just as you are sensitive to timelines and  
16 information, that this information, these attachments,  
17 could also be provided, hard copy and online and so I  
18 respectfully request that.

19 I think I would hope that you would have some  
20 transparency with regard to the Phoenix Plaza,  
21 particularly as it relates to auctioning the Phoenix  
22 Plaza. When you leave this meeting, drive by the  
23 Pontiac Silverdome, you will see there is no roof, they  
24 are auctioning seats, I'm told that was stopped today.  
25 The roof is gone. It's a parking lot, 127 acre parking

1 lot on a prime piece of property.

2 You sold it to an AC who did not have the  
3 money to develop it properly. I would hate to see in  
4 downtown Pontiac a site of the magnitude of  
5 Phoenix Plaza go forward with no plan. Please offer  
6 this community some transparency with regard --

7 THE CHAIRPERSON: Thank you, Mr. Price.

8 MR. PRICE: Thank you.

9 THE CHAIRPERSON: Linda Watson.

10 MS. WATSON: I'm new to this TAB Board  
11 meeting. I apologize for my shaking voice. But I'm a  
12 citizen, a retiree and I -- is this the way the TAB  
13 board works? You come in, you have agenda packages and  
14 then there's no discussion?

15 Do you meet in private prior to these  
16 meetings?

17 How often do you meet?

18 There's no room for us to give you our  
19 opinions. You've already made your decisions and then  
20 you say we can have public comments. So it's really  
21 not a very, you know, democratic way of doing business.

22 Now, as a retiree, I've been very active in  
23 being concerned about what you're doing with my money.  
24 Now, you all sit up there, you're getting paid. But  
25 the simple things that you should take care of for

1 political reasons, you're delaying it. Now, you just  
2 took -- I mean the City, not you personally. You've  
3 taken my health, you're taking my life insurance and  
4 now you're on the point of making it so that I have to  
5 pay, that I'm no longer exempt from some taxes.

6 And I think it's a political move because you  
7 want to take our funds, which is the best in the  
8 country, and put it in the State fund to sure up your  
9 retirement plan. I don't -- I don't agree with that.  
10 You all -- at some point in time, you got to stop this  
11 political maneuvering you all do.

12 THE CHAIRPERSON: Thank you, Ms. Watson.  
13 Renee Beckly, Becky.

14 MS. BECKLY: Beckly.

15 THE CHAIRPERSON: Beckly, sorry.

16 MS. BECKLY: Now I'm a little bit different  
17 than some of these other people who come up here. I  
18 cut to the core. I cut to the quick and I cut fast.  
19 First of all, \$150,000 in litigation for this Phoenix  
20 Center, this been going over a year so I'm estimating  
21 that's over a million dollars that you're paying these  
22 city lawyers. This man here, Joe Sabota, just gave  
23 himself a \$20,000 raise and I was just informed that  
24 you're getting paid up there, must be what, 80-,  
25 \$100,000, I don't know how much. I'll find out and

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1 I'll come back with that.  
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2                   Now, it's kind of like, you say you want to  
3                   save money, you're half compliant. But on the other  
4                   hand, you all getting paid big time and you're taking  
5                   money from us.

6                   And do we have to pay for anything that's  
7                   going on with this Phoenix Center, all this court cost?  
8                   Mr. Sabota getting paid and you're paid. And then  
9                   you're going to take from the retirees? So you know,  
10                  these people have to live. You all live in bed,  
11                  driving Cadillacs, Mercedes, Porsches, out of  
12                  Bloomfield, west Bloomfield, Birmingham, going to lunch  
13                  at Peabody's and all those big-time restaurants, down  
14                  in the Coach insignia. And these people struggling.

15                  Now, the republican party is not what it used  
16                  to be. You know, you guys -- look at Governor  
17                  Milliken, I respect him, he's Republican. I'm stone  
18                  Democrat. See, that's not between us and we -- he work  
19                  for Coleman Young. He didn't care -- he didn't care  
20                  about black, white, poor or rich. He cared about  
21                  Michigan and how you help Michigan as a whole.

22                  Pontiac go down, the whole State go down.  
23                  Detroit go down, the whole State go down. So you're  
24                  going to -- that's going to be on our tax bill, this  
25                  man's pay, your pay and this Phoenix Center litigation.

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1                  The man at the Phoenix Center offered to buy it and you  
2                  need parking. Why don't you keep it up and make some  
3                  money from it? You don't know business. And I'm going

4 to vote out Governor Snyder. Everybody vote out  
5 Governor Snyder and everything, Republicans, to stop  
6 this mess. Thank you.

7 THE CHAIRPERSON: Thank you, Ms. Beckly.  
8 That's the end of public comment.

9 UNIDENTIFIED MAN: What is the process used  
10 for public discussion; what is the process for being  
11 able to talk?

12 THE CHAIRPERSON: I'll address that during  
13 Board comments, sir. The Board -- do the Board members  
14 have any comments?

15 There are several questions that were raised  
16 during public comment that I want to address. First of  
17 all, the Receivership Transition Advisory Board is  
18 empowered to review what City Council -- actions City  
19 Council takes, resolutions, ordinances and what the  
20 City Administrator is empowered to do, via the final  
21 order from the emergency manager.

22 The -- the TAB is not here to be the City  
23 Council or engage the public in City Council matters.  
24 We're here to review what City Council has done and  
25 what the City Administrator has been doing.

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1 In answer to the meetings, we have monthly  
2 meetings, those are posted. There are no other  
3 meetings that take place of the Board members.

4 Thirdly, none of us are being paid to be  
5 Board members on this board. No Board member on any  
6 TAB, and there are currently three of them, is paid.

7                   Fourthly, the information that's on this  
8 agenda is available here at City Hall. The information  
9 that the Board reviews is provided by the City's  
10 administration and we've had this discussion before  
11 with Mr. Sabota and I've mentioned at prior board  
12 meetings, if you -- if you desire to see information  
13 prior to the board meeting, you're to contact  
14 Mr. Sabota or someone from his office and they will  
15 provide that information to you.

16                   In terms of the -- the public comment, it's  
17 two minutes, it's two minutes throughout all other TAB  
18 board meetings.

19                   And the GERS -- lastly I'll mention the GERS.  
20 I personally voted to postpone the GERS consideration  
21 because I want to see a financial analysis of what the  
22 City's committing to before we would approve, take any  
23 action to -- personally, I would take any action to  
24 approve committing the City to further -- further  
25 liabilities. That's all I have. Any other?

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1                   UNIDENTIFIED MALE: Can you televise these  
2 meetings?

3                   THE CHAIRPERSON: We're not interested in  
4 televising these meetings. This is a State meeting and  
5 we don't televise any of our TAB meetings, so we're --

6                   UNIDENTIFIED MAN: This is a State meeting,  
7 you said?

8                   THE CHAIRPERSON: I said -- yes, we are a

9 State-empowered Board. We're just not a City Board.

10 UNIDENTIFIED MAN: State Senate and State  
11 House on TV.

12 THE CHAIRPERSON: We choose not to televise  
13 this.

14 MS. BECKLY: Excuse me. One of the things I  
15 asked about was the Bowman --

16 THE CHAIRPERSON: The what?

17 MS. BECKLY: Kone Bowman and  
18 Charlie Harrison, III appointment, that according to  
19 your notes online said it was delayed for one month.  
20 One month.

21 THE CHAIRPERSON: We're going to consider  
22 that in June.

23 MS. BECKLY: Okay.

24 THE CHAIRPERSON: All right. Any further --  
25 anything further from the Board members?

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1 MR. SAWDON: No.

2 THE CHAIRPERSON: All right. Entertain a  
3 motion to adjourn.

4 MR. BURGESS: So move.

5 MR. SAWDON: Support.

6 THE CHAIRPERSON: Supported. All in favor  
7 say, "Aye".

8 BOARD MEMBERS: Aye.

9 THE CHAIRPERSON: We stand adjourned at  
10 1:53 p.m.

11 (Meeting was concluded at 1:54 p.m.)

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I, Mona Storm, do hereby certify that I have  
recorded stenographically the proceedings had and  
public comment taken in the meeting, at the time and  
place hereinbefore set forth, and I do further certify  
that the foregoing transcript, consisting of (45)  
pages, is a true and correct transcript of my said  
stenographic notes.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mona Storm  
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