

# PONTIAC CITY COUNCIL

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



**Patrice Waterman, District 1**  
**Don Woodward, District 2**  
**Mary Pietila, District 3**  
**Gloria Miller, District 5**  
**Dr. Doris Taylor Burks, District 6**

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

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

## **SPECIAL MEETING**

**July 29, 2019**

**10:00 A.M.**

**107<sup>th</sup> Session of the 10<sup>th</sup> Council**

**Call to order**

**Roll Call**

**Authorization to Excuse Councilmembers**

**Amendments to and Approval of the Agenda**

**Veto Statements from the Mayor**

1. Statement from the Mayor Regarding Veto of Resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 (Resolution 19-364)
2. Statement from the Mayor Regarding Veto of Resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government (Resolution 19-369)

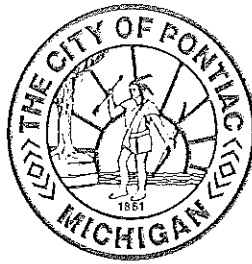
**Resolutions**

3. Resolution to Override Mayor's Veto of Resolution 19-364 the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030
4. Resolution to Override Mayor's Veto of Resolution 19-369 to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government
5. Resolution to authorize the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable division

**Public Comment**

**Adjournment**

**MAYOR'S  
STATEMENT ON  
VETO OF  
RESOLUTION 19-364**



DR. DEIRDRE WATERMAN  
MAYOR  
CITY OF PONTIAC

**Statement of Mayor Waterman's veto regarding Resolution to Appeal SEP 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel # 64-14-16-402-030.**

On July 16, 2019 the City Council approved an appeal of the Planning Commission decision to grant a Special Designated Distributor License at parcel # 64-14-16-402-030, also known as 1124 Joslyn Avenue for the applicant, A&S Kajy Enterprise, Inc.

I am vetoing this item, not only due to this uncertainty but also for several other reasons. The Planning Commission has used the same criteria obligated by this Zoning Ordinance in the past to reject other applicants who did not meet the criteria and City Council has upheld those rejections.

In this case it is uncertain why this applicant was not held to the same standards as other applicants in the past. It even more troubling when viewed in the context that the Council President went to extraordinary means to prevent any discussion on this matter.

The Planning Division reviewed the requirements set forth in Section 2.515 of the Zoning Ordinance and Section 10.188 of the Pontiac Municipal Code and determined that the proposed sale of packaged liquor does not comply with the City of Pontiac Zoning Ordinance.

The sale of packaged alcoholic beverages is prohibited to be located less than 500 feet from the property of a place of worship, park, playground, daycare facility, pre-school, or K thru 12 school. St Paul Community Lutheran Church and Bible Fellowship Christian Church are located within 500 feet of 1124 Joslyn Avenue.

No more than two properties which sale packaged alcoholic beverages are permitted within one mile. Currently, three retail stores [Joslyn Market, Trademark Liquor and King Liquor] sell packaged alcoholic beverages within one mile of Joslyn Beverage located at 1124 Joslyn Avenue.

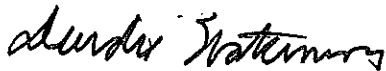
On April 3, 2019 a Public Hearing was held, the Planning Commission voted 5-0 to deny the request to sell packaged liquor at 1124 Joslyn Avenue.

At City Council meeting on July 16, 2019, the Planning Manager was not recognized to present the Planning Division's technical review and Planning Commission's reasons to deny the Special Exception Permit request to sell packaged liquor at 1124 Joslyn Avenue.

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<https://www.facebook.com/pontiacmayor/>

In addition, there seemed to be a rush to judgement with Council President, chairing the meeting, censoring any discussion about this agenda item and refusing to allow anyone to speak about the issue or their concerns. As Mayor, I even attempted to indicate there was a point of order in question but was not recognized and indeed was shouted down by the Council President and City Clerk, who proceeded to the vote despite all objections.

It is also noted that, although this was just the 1<sup>st</sup> action item of many on the evening's agenda, both Councilwoman Patrice Waterman and Councilwoman Mary Pietila left the meeting seemingly deciding not to participate in the vote.

A handwritten signature in cursive script that reads "Deirdre Waterman". The signature is written in dark ink and is positioned above a horizontal line.

Mayor Deirdre Waterman

**MAYOR'S  
STATEMENT ON  
VETO OF  
RESOLUTION 19-369**



DR. DEIRDRE WATERMAN  
MAYOR  
CITY OF PONTIAC

**Statement of Mayor Waterman's veto regarding Resolution 19-369 of July 16, 2019 to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government.**

It is incumbent upon me to veto this resolution which instructs the City Attorney to amend City Ordinance 2287 in a manner that the City Attorney has informed Council would be improper from him to do. Although the City Attorney cited both State law and the City Charter, unbelievably, Council proceeded to vote for this resolution anyway. As I am bound to uphold the State and Local laws and the Charter and have always had the benefit of the citizens who elected me at heart, I have issued this veto although the very non-compliance with law and Charter make this resolution null and void anyway and therefore, non-implementable and unenforceable.

We will continue to administer the Cable division and only hope that the City Council will cooperate in improving and upgrading this service to the citizens.

*Deirdre Waterman*

Mayor Deirdre Waterman

**RESOLUTION  
TO OVERRIDE  
MAYOR'S VETO OF  
RESOLUTION 19-364**

Pontiac City Council Resolution



**WHEREAS**, on July 16, 2019, the City Council adopted a Resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 (Resolution 19-364); and,

**WHEREAS**, section 3.112(f) of the Home Rule Charter of the City of Pontiac, Michigan (Charter) requires the City Clerk to present the resolution to the Mayor; and,

**WHEREAS**, on July 22, 2019, the Clerk presented Resolution 19-364 to the Mayor; and

**WHEREAS**, section 3.112 (f) of the Charter allows the Mayor to veto the resolution; and,

**WHEREAS**, the Mayor issued a veto of Resolution 19-364; and,

**WHEREAS**, pursuant to Charter section 3.112(f), the City Council wishes to reconsider Resolution 19-364 the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 over the Mayor's veto. Five affirmative votes are required by Charter section 3112(f).

**NOW THEREFORE, BE IT RESOLVED**, by the Pontiac City Council that the Council hereby adopts Resolution 19-364 the resolution to approve Appeal 19-03 Special Exception Permit application to sell packaged liquor at 1124 Joslyn Avenue from A&S Kajy Enterprise, Inc., parcel #64-14-16-402-030 over the Mayor's veto.



**RESOLUTION  
TO OVERRIDE  
MAYOR'S VETO OF  
RESOLUTION 19-369**

Pontiac City Council Resolution



**WHEREAS**, on July 16, 2019, the City Council adopted a Resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government (Resolution 19-369; and,

**WHEREAS**, section 3.112(f) of the Home Rule Charter of the City of Pontiac, Michigan (Charter) requires the City Clerk to present the resolution to the Mayor; and,

**WHEREAS**, on July 22, 2019, the Clerk presented Resolution 19-369 to the Mayor; and

**WHEREAS**, section 3.112 (f) of the Charter allows the Mayor to veto the resolution; and,

**WHEREAS**, the Mayor issued a veto of Resolution 19-369; and,

**WHEREAS**, pursuant to Charter section 3.112(f), the City Council wishes to reconsider Resolution 19-369 the resolution to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of City government over the Mayor's veto. Five affirmative votes are required by Charter section 3112(f).

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

**#5**

# **RESOLUTION**

## Pontiac City Council Resolution



**WHEREAS,** on July 16, 2019, the Pontiac City Council passed resolution 19-369, to instruct the City Attorney to amend City of Pontiac Ordinance 2287 and place the Cable Division and Appointment of the Cable Director under the legislative branch of the City government; and,

**WHEREAS,** on July 24, 2019, Mayor Deirdre Waterman vetoed the resolution and provided a statement which states in part that the resolution is “null and void, non-implementable and unenforceable;” and,

**WHEREAS,** section 4.204 of the Pontiac City Charter expressly states that the Council may engage independent legal counsel on a temporary basis and may obtain the opinion or advice of independent legal counsel in any matter pending before it.

**NOW, THEREFORE BE IT RESOLVED** that the Pontiac City Council hereby authorizes the legal engagement of the law firm of Clark Hill PLC, to provide advice and or a legal opinion regarding the Cable Division.