

**Official Proceedings
Pontiac City Council
81st Session of the Tenth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, April 23, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

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

Members Absent: Carter and Woodward.

Mayor Waterman was absent.

Clerk announced a quorum.

19-138 **Excuse Councilperson Randy Carter and Don Woodward for personal reasons.**
Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

Councilman Randy Carter arrived at 6:02 p.m.

19-139 **Motion to amend agenda to remove item #13 (presentation for youth recreation program) and remove for one month item #7 (capital improvements bonds) and item #8 (issuance of bond anticipation notes) from the agenda.** Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

Mayor Waterman arrived at 6:05 p.m.

19-140 **Approval of the Agenda with amendments.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Motion Carried.

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

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

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

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

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

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

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

Whereas, the Pontiac City Charter does not provide for the role of “Interim Finance Director”; and, Whereas, the Pontiac City Council has not created a position for “Interim Finance Director.”
Now, Therefore, Be It Resolved, that the Pontiac City Council does not approve the position of Interim Finance Director.

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

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

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

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

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

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

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

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

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

No: None

Resolution Passed.

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

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

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

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

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

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

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

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

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

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

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

Ayes: None

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

Resolution Failed.

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

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

No: None

Motion Carried.

Councilwoman Mary Pietila was absent during the vote.

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

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

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

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

No: None

Resolution Passed.

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

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

No: None

Motion Carried.

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

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

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

Now, Therefore, Be it Resolved, that the City Council of the City of Pontiac approves the contract increase with Matthew Neale, Esq., Miller, Canfield, Paddock and Stone P.L.C. not to exceed \$25,000 and authorizes the Mayor to sign the final contract.

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

No: None

Resolution Passed.

Council President Kermit Williams left the meeting and turned it over to Pro-Tem Randy Carter.

19-151 **Suspend the Rules to vote on Items #9 & #10.** Moved by Councilperson Pietila and second by Councilperson Tylor-Burks.

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

No: None

Motion Carried.

19-152 **Resolution to Authorize Mayor to sign Grant Award Agreement from the Michigan Department of Treasury-Revenue Sharing and Grants Division, Entitled Downtown Pontiac Phoenix Center Tunnel LED Lighting Upgrades, for the Maximum amount of \$164,020.00.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

WHEREAS, the State of Michigan Department of Treasury has given preliminary notice of its intent to award a Financially Distressed Cities, Villages, and Townships (FDCVT) grant in the amount of \$163,020 toward reimbursement of expenditures required to implement Downtown Pontiac Phoenix Center Tunnel LED Lighting Upgrades, and

WHEREAS, the State of Michigan requires each municipality's governing body to adopt a resolution authorizing participation in the proposed project prior to finalizing the award of grants from the State of Michigan's FDCTV grant program, and

WHEREAS, the City of Pontiac acknowledges that it:

1. Has filed its annual financial report (F65) or audit per the Uniform Budgeting and Accounting Act or the Uniform System of Accounting Act,
2. Has filed its financial plan (deficit elimination plan) per the Glenn Steil State Revenue Sharing Act, as applicable, and
3. Is not delinquent in making payments that are due on loans issued pursuant to the Emergency Municipal Loan Act, and
4. Does not have a payment due and owing to the state

And thus is eligible to participate in a FDCVT grant funded project;

NOW, THEREFORE, BE IT RESOLVED THAT the Pontiac City Council hereby authorize participation in the Downtown Pontiac Phoenix Center Tunnel LED Lighting Upgrades and on behalf of the City of Pontiac, authorizes Mayor Deirdre Waterman to provide this resolution indicating its approval to the State of Michigan, and to submit and execute documents requested by the State of Michigan relating to the FDCVT requirements.

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

No: None

Resolution Passed.

19-153 **Resolution to Authorize Mayor to sign Grant Award Agreement from the Michigan Department of Treasury-Revenue Sharing and Grants Division, Entitled Downtown Pontiac ADA Accessibility and Sidewalk Infrastructure Improvements, for the Maximum amount of \$200,000.00.**
Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

WHEREAS, the State of Michigan Department of Treasury has given preliminary notice of its intent to award a Financially Distressed Cities, Villages, and Townships (FDCVT) grant in the amount of \$200,000 toward reimbursement of expenditures required to implement Downtown Pontiac ADA Accessibility and Sidewalk Infrastructure Improvements, and

WHEREAS, the State of Michigan requires each municipality's governing body to adopt a resolution authorizing participation in the proposed project prior to finalizing the award of grants from the State of Michigan's FDCTV grant program, and

WHEREAS, the City of Pontiac acknowledges that it:

1. Has filed its annual financial report (F65) or audit per the Uniform Budgeting and Accounting Act or the Uniform System of Accounting Act,
2. Has filed its financial plan (deficit elimination plan) per the Glenn Steil State Revenue Sharing Act, as applicable, and
3. Is not delinquent in making payments that are due on loans issued pursuant to the Emergency Municipal Loan Act, and
4. Does not have a payment due and owing to the state

And thus is eligible to participate in a FDCVT grant funded project;

NOW, THEREFORE, BE IT RESOLVED THAT the Pontiac City Council hereby authorize participation in the Downtown Pontiac ADA Accessibility and Sidewalk Infrastructure Improvements and on behalf of the City of Pontiac, authorizes Mayor Deirdre Waterman to provide this resolution indicating its approval to the State of Michigan, and to submit and execute documents requested by the State of Michigan relating to the FDCVT requirements.

April 23, 2019 Approved Minutes

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

No: None

Resolution Passed.

Presentation

City of Pontiac Census Count Update – **Presentation Presenter: Co-Chair, Rev. Rodney Tolbert, Liberty Missionary Baptist Church**

Communication to the Mayor

Documents requested from the Mayor during the Budget Goal Session on April 16, 2019 will be back on next week agenda.

Communication from Mayor

City Credit Card Statements will be back on agenda next week.

Received Check Register for the week ending March 29, 2019.

Finance Department Report Regarding Mileage Reimbursement Policies for City Employees and of Pontiac Elected Officials will be on next week agenda.

Received Proclamation in Honor of Pastor Leland and Dr. Yvonne Matlock.

Communication from Office of the City Clerk

Received Interim City Clerk Conflict of Interest Disclosure Statement/Affidavit for Medical Marijuana Facility Permit Applications.

President Pro-Tem Randy Carter adjourned the meeting at 8:00 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK