

October 15, 2019 Approved Minutes

**Official Proceedings  
Pontiac City Council  
119<sup>th</sup> Session of the Tenth Council**

A Formal Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, October 15, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Invocation

Pledge of Allegiance

Roll Call

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

Mayor Waterman was absent.

Deputy Mayor was present.

Clerk announced a quorum.

19-507           **Motion to defer item # 7 & item #10 for one week.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Miller, Taylor-Burks, Williams and Carter

No: Pietila

**Motion Carried.**

Councilperson Waterman was absent during the vote.

19-508           **Motion to move public comment after the City Council District 2 Candidates interviews.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Pietila, Taylor-Burks, Williams and Carter

No: Miller

**Motion Carried.**

Councilperson Waterman was absent during the vote.

19-509           **Approve the agenda as amended.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

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

No: None

**Motion Carried.**

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19-510           **Approval of meeting minutes for October 8, 2019.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

**Motion Carried.**

**Subcommittee Reports**

Received Department of Public Works (DPW) – October 2, 2019

Point of Privilege – Councilwoman Gloria Miller

Recognition of Elected Officials – H. Bill Maxey – Pontiac Library Board

Agenda Address – Renee Beckley

**City Council District 2 Vacancy Interviews** – Interim Clerk Garland Doyle read the Interview and Voting Process

Candidate Coleman Yoakum was interviewed via skype.

Candidate George Williams was interviewed.

The following are the City Council Members vote on the candidates.

Council Pro-Tem Randy Carter voted – Neither

Councilwoman Gloria Miller voted – Neither

Councilwoman Mary Pietila voted – George Williams

Councilwoman Doris Taylor-Burks voted – George Williams

Councilwoman Patrice Waterman voted – George Williams

Council President Kermit Williams voted – George Williams

George Williams - 4 votes

Neither- 2 votes

Coleman Yoakum - no votes

George Williams was selected to fill the vacancy because he received the four votes required by the charter.

**\*\*Council President Kermit William recess the meeting for 5 minutes\*\***

Fifteen (15) individuals addressed the body during public comment.

**Communication**

Office of the City Clerk – Medical Marihuana Provisioning Center Application Review, Scoring and Ranking Process (**Council President Williams requested that this item be brought back.**)

Interim City Clerk Doyle stated that it is not necessary for the Building and Fire Departments to have representatives on the scoring team as requested by the City Attorney. The scoring team will only consist of the City Clerk, Planning Manager, Professional Expert-Financial Advisor and the Professional Expert-Legal Advisor.

Councilwoman Gloria Miller and Patrice Waterman left the meeting.

19-511           **Resolution to authorize the Mayor to negotiate terms of a purchase agreement for the acquisition of the property located on 235 Wesson Street and conduct due diligence for the benefit of the City at a cost not to exceed \$45,000 and that it be completed within 60 days.** (This resolution has been updated. The previous version of this resolution failed on August 13, 2019.) Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

Whereas, on or about July 22, 2019 the City of Pontiac was presented with a Real Estate Purchase and Sale Agreement (the “Purchase Agreement”) by PLTC I Realty Investment, LLC, a Michigan limited liability company, for the sale by seller and the purchase by the City of multiple parcels of land consisting of: (i) an 8 acre parcel located at 235 Wessen Street (Tax Parcel Number 14-32-178-003) upon which the Wessen Tennis Club currently operates (“Parcel A”); (ii) 2 vacant lots at the corner of Wessen and Branch Streets (Tax Parcel Number: 14-32-177-005) (“Parcel B”); (iii) a vacant lot at the corner of Houston and Branch Streets (Tax Parcel Number: 14-32-177-014) (“Parcel C); and (ii) a second vacant lot at the corner of Houston and Branch Streets (Tax Parcel Number: 14-32-177-015) (“Parcel D”) for a recited sale price of \$2,550,000 (collectively, the “Property”).

Whereas, the City Council’s Real Estate Subcommittee referred the Purchase Agreement to the Mayor’s Office for further review.

Whereas, council for the Seller has provided the City Attorney with copies of certain items of due diligence which will not be comprehensively reviewed or vetted without the approval of Council.

Whereas, the Mayor’s Office cannot, without the approval of Council: (i) determine if the purchase price proposed by the seller is appropriate; (ii) negotiate terms and conditions to the Purchase Agreement so that it may be resubmitted to Council for its consideration and execution if so approved; and (iii) undertake all necessary due diligence inspections and investigations as any purchaser of commercial property would undertake to determine the suitability of the property for the City’s contemplated use, which investigations include, without limitation: title and survey review, environmental review and appraisal.

NOW, THEREFORE, IT IS RESOLVED: the Mayor is authorized to negotiate the terms of a purchase agreement for the acquisition of the above-described property for Council’s review and consideration and to conduct or obtain, for the benefit of the City, the following items of due diligence:

- A physical inspection of all improvements located upon the Property;
- Receipt and review of a title insurance commitment (obtained at the Seller’s cost and expense) to ascertain whether the seller has good and marketable title to the Property;

- Obtain:
  - (i) a Phase I Environmental Site Assessment and Report for a cost not to exceed \$3,000.00;
  - (ii) a Phase II Environmental Site Assessment and Report for a cost not to exceed \$12,000.00; and because the property has been environmentally impacted;
  - (iii) a Baseline Environmental Site Assessment for a cost not to exceed \$3,000.00, which would be submitted to the Michigan Department of Environmental Quality of the City proceeded with the purchase of the Property;
  - (iv) a survey of the Property for a cost not to exceed \$4,580.00;
  - (v) an appraisal of the Property for a cost not to exceed \$3,500.00 to determine if the proposed purchase price tendered by the seller is appropriate; and
  - (vi) all related legal fees from the office of the City Attorney (associated with the negotiation of the purchase agreement and review of all items of due diligence) for a cost not to exceed \$15,000.00 (collectively, the “Due Diligence Expenses”).
- The aggregate cost of all Due Diligence Expenses is not to exceed \$41,080.00 and all due diligence is too completed within 60 days of the date of this Resolution.

Ayes: Williams

No: Carter, Pietila and Taylor-Burks

**Resolution Failed.**

19-512      **Resolution to direct City Treasurer to distribute \$26,770.32 of aged special assessment receivable on the 2019 Winter Tax Rolls.** Moved by Councilperson Pietila and second by Councilperson Carter.

Whereas, the Pontiac City Council believes that it is in the best interest of the City, that property owners who receive a direct benefit from the grass cutting, litter cleanup, demo and nuisance ordinance should pay for the benefit;

Now, Therefore, Be It Resolved, that the Pontiac City Council directs that the City Treasurer spread \$26,770.32 of aged special assessment receivable on the 2019 winter tax rolls.

Ayes: Pietila, Tylor-Burks, Williams and Carter

No: None

**Resolution Passed.**

Mayor Waterman arrived at 8:16 p.m.

19-513      **Resolution to direct City Treasurer to distribute \$18,422.01 of property assessment on the 2019 Winter Tax Rolls as directed by the Water Resources Commissioner** (Council President Pro-Tem Randy Carter requested a map identifying where the parcels are located.) Moved by Councilperson Pietila, no second. Motion fails.

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Mayor Waterman, Interim City Clerk Garland Doyle, Legislative Counsel Monique Sharp, Councilwoman Mary Pietila, Councilwoman Doris Taylor-Burks, Council President Pro-Tem Randy Carter and Council President Kermit Williams made closing comments.

Council President Kermit Williams adjourned the meeting at 8:43 p.m.

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GARLAND S. DOYLE  
INTERIM CITY CLERK