

November 7, 2019 Approved Minutes

**Official Proceedings  
Pontiac City Council  
122<sup>nd</sup> Session of the Tenth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, November 7, 2019 at 12:00 p.m. by Council President Kermit Williams.

Call to Order

Roll Call

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

Mayor Waterman was absent.

Clerk announced a quorum.

19-539           **Motion to defer items #12 & #13 for two weeks.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

**Motion Carried.**

19-540           **Motion to add a resolution regarding Giamarco, Mullins & Horton, P.C. to the agenda.** Moved by Councilperson Carter and second by Councilperson G. Williams.

Ayes: K. Williams, Carter, and Miller

No: Pietila, Taylor-Burks and Waterman

Abstain: G. Williams

**Motion Failed.**

19-541           **Approve the agenda as amended.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

**Motion Carried.**

19-542           **Approval of meeting minutes for October 29, 2019.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried.**

Eleven (11) individuals addressed the body during public comment.

**Discussions**

Status Update on the Posting and recruitment for the position of Assistant City Clerk. The Interim City Clerk gave a report.

Medical Marihuana Roles and responsibilities, Application Review and Moratorium Update. The presentation was deferred for one week.

**Communication from the Mayor**

Phoenix Center Update Report

- a. Phoenix Center Request for Proposal (RFP) to lease and / or enter into a Public/Private Partnership
- b. Financing Options

19-543           **Motion to receive the Mayor’s Communications regarding the Phoenix Center Update Report.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Abstain: G. Williams

**Motion Carried.**

19-544           **Suspend the rules to vote on items # 6, #8, #9, #10, #11 and #16.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried.**

19-545           **Resolution to authorize Mayor and/or designee to sign easement agreement as requested by DTE Electric Co. for parcel #14-29-258-004 commonly known as 60 Oakland Avenue, Pontiac, MI 48342.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Whereas, the City of Pontiac has reviewed the documents provided by DTE, and;

Whereas, the Department of Public Works, Engineering Division finds that there are no concerns with the City granting the requested easement, and;

Now, Therefore, Be It Resolved, that the Pontiac City Council authorized the Mayor or deputy Mayor to sign the subject easement.

Ayes: Carter, Pietila, Taylor-Burks, Waterman, G. Williams and K. Williams

No: Miller

**Resolution Passed.**

19-546      **Resolution to authorize Mayor and/or designee to execute the termination agreement for the declaration of easement for the Pedestrian Bridge to the Silverdome parcel, and to take any and all other action reasonably necessary and prudent to consummate the termination of the easement.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, in connection with the 2009 sale of the Pontiac Silverdome Parcel to Triple Investment Group, LLC, the City, through its then Emergency Financial Manager, reserved a pedestrian bridge easement for pedestrian access to the Pontiac Silverdome Parcel over M-59, the Declaration of Easement for Pedestrian Bridge was executed on November 30, 2009 and recorded December 2, 2009 in Liber 41662, page 881, Oakland County Records (the "Easement"); and

WHEREAS, in connection with the sale of the Pontiac Silverdome Parcel by Triple Investment Group, LLC for the development of the Amazon distribution facilities to be developed and constructed on the site, there is no longer a need for pedestrian access from M-59 and consequently no further need for the existence of the Easement.; and

WHEREAS, the Office of the City Attorney was provided with a proposed agreement to terminate the Easement (the "Termination Agreement") and made certain modifications to the Termination Agreement all of which were approved by Triple Investment Group, LLC and the developer purchasing and developing the site for Amazon; and

WHEREAS, it is for the mutual benefit of the City and future owners of the site to terminate the Easement (the "Termination Agreement").

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Mayor or her designee authorized to execute the Termination Agreement, and to take any and all other action reasonably necessary and prudent to consummate the termination of the Easement.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, G. Williams, K. Williams and Carter  
No: None

**Resolution Passed.**

19-547      **Resolution to authorize Mayor to sign Local Road Improvement Matching Fund Pilot Program, Cost Participation Agreement, for the resurfacing of Mill Street, for a grant in the amount of \$262,325.00.** Move by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, the BOARD has established the Pilot Local Road Improvement Matching Fund Program, hereinafter the PROGRAM, for the purposes of improving economic development in Oakland County cities and villages. The terms and policies of the PROGRAM are contained in Attachment A. The BOARD intends the PROGRAM to assist its municipalities by offering limited funds, from state statutory revenue sharing funds, for specific, targeted road maintenance and/or improvement projects on roadways under the jurisdiction of cities and villages; and

Whereas, the BOARD shall participate in a city or village road project in an amount not to exceeding 50% of the cost of the road improvement, hereinafter referred to as the PROJECT, AND ALSO NOT EXCEEDING THE Preliminary Distribution Formula as it relates to the COMMUNITY, (Attachment B); and,

Whereas, the COMMUNITY has identified the PROJECT as the Resurfacing of Mill Street, as more fully described in Attachment C, attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of and within the COMMUNITY and are not under the jurisdiction of the Road Commission for Oakland County or state trunk lines; and

Whereas, the COMMUNITY has acknowledged and agreed to the BOARD's policies regarding the PROGRAM, Attachment A, and further acknowledge and agree that the PROJECT's purpose is to encourage and assist businesses to locate and expand within Oakland County and shall submit a report to the BOARD identifying the effect of the PROJECT on businesses in the COMMUNITY at the completion of the PROJECT. In addition, the COMMUNITY acknowledges that the program is meant to supplement and not replace funding for existing road programs or projects; and

Whereas, the COMMUNITY has acknowledged and agreed that the PROGRAM is expressly established as a pilot program and there is no guarantee that the PROGRAM will be continued from year to year. The BOARD anticipates that the most PROJECTS funded under the PROGRAM will be completed by the end of calendar year 2020. There is no obligation on behalf of the BOARD to fund either the PROJECT or the PROGRAM in the future; and

Whereas, the COMMUNITY has acknowledged and agreed that the COMMUNITY shall assume any and all responsibilities and liabilities arising out of the administration of the PROJECT and that Oakland County shares no such responsibilities in administering the PROJECT; and

Whereas, the estimated cost of the PROJECT is \$820,930; and

Whereas, said PROJECT involves certain designated and approved Local Road Improvement Matching Funds in the amount of \$262,325, which amount shall be paid to the COMMUNITY by the BOARD; and

Whereas, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

Now, therefore, in consideration of the mutual covenants set forth herein and in conformity with applicable law and BOARD resolution(s), it is hereby agreed between the COMMUNITY and the BOARD that:

1. The BOARD approves of the PROJECT, and in reliance upon the acknowledgements of the COMMUNITY, finds that the PROJECT meets the purpose of the PROGRAM.
2. The BOARD approves of a total funding amount under the PROGRAM for the PROJECT in an amount not to exceed \$262,325. The COMMUNITY shall submit an invoice to the COUNTY in the amount of \$262,325.

- a. The invoice shall be sent to:

Lynn Sonkiss, Manager of Fiscal Services  
Executive Office Building  
2100 Pontiac Lake road, Building 41 West  
Waterford, MI. 48328

3. Upon receipt of said invoice and upon execution of this Agreement, the BOARD shall pay the COMMUNITY the sum of \$262,325 from funds available in the PROGRAM.

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

No: None

**Resolution Passed.**

19-548            **Resolution to approve a Notice of Intent to Issue Capital Improvements Bonds, Series 2019 (Limited Tax General Obligation), in an amount not to exceed 19,500,000.00, for the purpose of paying all or part of the costs of acquiring, constructing, furnishing and equipping improvements to the parking deck, plaza and related improvement to the City's Phoenix Center.**  
Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

WHEREAS, the City of Pontiac, County of Oakland, State of Michigan (the "City"), intends to issue and sell its limited tax general obligation bonds in one or more series pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in the aggregate principal amount of not-to-exceed Nineteen Million Five Hundred Thousand Dollars (\$19,500,000) (the "Bonds") for the purpose of paying all or part of the costs of acquiring, constructing, furnishing and equipping improvements to the parking deck, plaza and related improvements to the facility commonly known as the Phoenix Center, together with all appurtenances and attachments thereto (the "Project"); and

WHEREAS, a notice of intent (the "Notice") to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the Notice will be published in accordance with Act 34, which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication and no petition was filed within said time.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Notice of Intent; Publication. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the Oakland Press, a newspaper of general circulation in the City.
2. Notice of Intent; Form. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.
3. Notice of Intent; Determinations. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
4. Reimbursement. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
  - (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from funds of the City subsequent to sixty (60) days prior to today.
  - (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$19,500,000.
  - (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that

evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. Authorization to Apply for Rating. Each of the Mayor and the Deputy Mayor may apply and pay the fees for bond ratings from such municipal bond rating agencies as is deemed appropriate in consultation with the Municipal Advisor of the City.

6. Municipal Advisor. Robert W. Baird & Co. is hereby confirmed as the municipal advisor to the City with respect to the Bonds (the "Municipal Advisor"). The fees and expenses of the Municipal Advisor shall be payable as a cost of issuance from proceeds of the Bonds or other available funds of the City.

7. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby confirmed as bond counsel for the Bonds, notwithstanding periodic representation in unrelated matters of other parties or potential parties to the transaction contemplated by this resolution. The fees and expenses of Miller, Canfield, Paddock and Stone, P.L.C. as Bond Counsel and other accumulated bond related fees and expenses shall be payable as a cost of issuance from proceeds of the Bonds or other available funds of the City.

8. Severability. If any one or more sections, clauses or provisions of this Resolution shall be determined by a court of competent jurisdiction to be invalid or ineffective for any reason, such determination shall in no way affect the validity and effectiveness of the remaining sections, clauses and provisions hereof.

9. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Ayes: None

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

**Resolution Failed.**

19-549 **Resolution to approve the salary pay range for the Finance Director position between \$120,000.00 and \$140,000.00.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Whereas, a proper salary range will attract qualified candidates, and

Whereas, based on a recent compensation survey of other municipalities, it is deemed that a salary range between \$120,000.00 and \$140,000.00 is representative of the current job market.

Now, therefore, the City Council authorizes the Mayor to recruit candidates for the Finance Director Position, between the salary range of \$120,000.00 and \$140,000.00.

Ayes: None

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

**Resolution Failed.**

19-550 **Resolution to direct the City Clerk to publish the notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment for the fiscal year 2019/2020 to decrease a total of \$320,035 from the General Fund's (101) fund balance and increase General Fund's – Police/Sheriff Department (301) line item for the city of Pontiac's Law Enforcement Service Agreement with the Oakland County Sheriff's Department, account 101-301-**

**818-068 Prof. Serv.-Oakland Co. Sheriff, for a total of \$320,035.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, Pursuant to Paragraph 29 of the 2019-2021 Law Enforcement Services Agreement between the COUNTY and the CITY OF PONTIAC (the “Contract”), the parties hereby agree to amend said Contract to add one (1) Patrol Sergeant position, three (3) Deputy II (no-fill) positions, one (1) Technical Assistant position and delete two (2) Part Time Non-Eligible positions in accordance with the attached Exhibit 1 (Schedule A) beginning on the effective date of this Amendment 1; and

Whereas, the attached Exhibit 1 replaces and supersedes the Schedule A attached to the Contract beginning on the effective date of this Amendment 1; and

Whereas, Amendment 1 shall take effect on December 21, 2019 and shall continue until the Contract expires or is terminated. All other provisions in the Contract not otherwise affected by the attached Exhibit 1 remain in full force and effect; and

Whereas, section 5.106 of the Charter states “after adoption of the appropriations ordinance, and upon at least one week’s notice in a newspaper of general circulation in the City, the Council by a resolution of five members, may amend such ordinance to authorize the transfer of an unused balance appropriated for one purpose to another purpose, or to appropriate available revenues not previously appropriated.”; and

Whereas, the proposed budget amendment for the fiscal year 2019/2020 is to decrease a total of \$320,035 from the General Fund’s (101) fund balance and increase General Fund’s – Police/Sheriff Department (301) line item for the City of Pontiac’s Law Enforcement Services Agreement with the Oakland County Sheriff’s Department, account 101-301-818.068 Prof. Serv.-Oakland Co. Sheriff for a total of \$320,035.

Now therefore, be it resolved that the City Council hereby authorizes the City Clerk to publish the notice of the budget amendment in the Oakland Press.

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

No: G. Williams

**Resolution Passed.**

### **Monthly Reports**

**Monthly Check Register** – The City Council adopted a resolution on February 5, 2019 for the Mayor to provide the monthly check register for the prior month, to the City Clerk, to be included in the Pontiac City Council Agenda, the first meeting of each month. The weekly check registers for September 13, 2019; October 4 and 11, 2019 are attached. (The Check registers for September 20 and 27, 2019; October 18 and 25, 2019 have not been posted on the website.)

**Staff Changes report** – The report was distributed at the meeting.

**City Credit Card Statement** – The City Council adopted a resolution on February 26, 2019 that the Mayor will provide the monthly credit card statement for the prior month to the City Clerk, to be included in the Pontiac City Council Agenda, the first meeting of each month. (The June, July, August, September and October statements have not been submitted. The City Council adopted a resolution on October 8, 2019 that suspended the use of the credit card by any city officer and or employee until the position of

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Finance Director is filled.) The statements for June, July, August, September and October were distributed at the meeting.

19-551           **Motion to receive the Mayor’s Monthly Reports.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried.**

Council President Williams adjourned the meeting at 1:50 p.m.

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GARLAND S. DOYLE  
INTERIM CITY CLERK