

**Official Proceedings
Pontiac City Council
124th Session of the Tenth Council**

A Formal Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, November 26, 2019 at 12:00 p.m. by Council President Kermit Williams.

Call to Order

Invocation – Mattie Hatchett

Pledge of Allegiance

Roll Call

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

Mayor Waterman was present.

Clerk announced a quorum.

19-576 **Motion to move item #7 (resolution to approve VEBA) after approval of the minutes and allow for public comment on this item.** Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-577 **Motion to postpone items #14 & #15 for two weeks.** Moved by Councilperson Waterman and second by Councilperson G. Williams.

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

No: None

Motion Carried.

19-578 **Motion to postpone item #13 until the second week in January.** 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.

19-579 **Motion to add-on a Resolution for Agenda Items due on Wednesday, November 27, 2019 by 5:00 p.m.** 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.

19-580 **Approve the agenda as amended.** Moved by Councilperson Pietila and second by Councilperson G. Williams.

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

19-581 **Approval of meeting minutes for November 19, 2019.** Moved by Councilperson Pietila and second by Councilperson Waterman.

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

Four (4) individuals addressed the body during public comment regarding VEBA.

19-582 **Resolution to approve VEBA documents; and authorize Mayor and Irwin Williams, Acting Finance Director to execute the City of Pontiac VEBA Declaratory Trust Agreement: and pursuant to the terms of the Settlement Agreement to appoint an Individual to serve as a trustee under the City of Pontiac VEBA Declaratory Trust Agreement; and to authorize the Mayor to execute the City of Pontiac Retiree Group Health Insurance Plan and direct Miller Canfield to submit all IRS documents; and authorize a trustee of the City of Pontiac's VEBA Trust to authorize Miller Canfield to submit the City of Pontiac VEBA Trust Application for Recognition of Exemption Under Section 501 (a) (Form 1024); and authorize payment of all necessary IRS filing fees with the above referenced submissions.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, the City of Pontiac's ("City") attorneys, Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield"), presented a letter relating to effectuating the terms of the settlement agreement entered into between the City and a class of retirees as to City funding for retiree health benefits in the United States District Court for the Eastern District of Michigan Case No. 2:12-cv-12830, which was given final approval by the court on November 19, 2018 ("Settlement Agreement");
WHEREAS, the letter includes a proposed City of Pontiac VEBA Declaratory Trust Agreement and corresponding City of Pontiac Retiree Group Health Insurance Plan ("VEBA Documents");
WHEREAS, the City Council has reviewed and discussed the VEBA Documents; and
WHEREAS, to effectuate the terms of the Settlement Agreement, the following resolutions are hereby adopted:
THEREFORE, BE IT RESOLVED, that the VEBA Documents are approved in their proposed substantive form;

BE IT FURTHER RESOLVED, that Dr. Deirdre Waterman, Mayor of the City of Pontiac and the acting Finance Director of the City of Pontiac are authorized to execute the City of Pontiac VEBA Declaratory Trust Agreement on behalf of the City;

BE IT FURTHER RESOLVED, that pursuant to the terms of the Settlement Agreement, the City Council appointed Linda Watson to serve as a trustee under the City of Pontiac VEBA Declaratory Trust Agreement.

BE IT FURTHER RESOLVED that Dr. Deirdre Waterman, Mayor of the City of Pontiac is authorized to:

1. Execute the City of Pontiac Retiree Group Health Insurance Plan; and
2. Execute and authorize Miller Canfield to submit to the Internal Revenue Service (a) the City of Pontiac General Employees' Retirement System Application for Determination for Terminating Plan (Form 5310); (b) the City of Pontiac Reestablished General Employees' Retirement System Application for Determination for Employee Benefit Plan (Form 5300); and (c) a private letter ruling request related to the terms of the Settlement Agreement;

BE IT FURTHER RESOLVED that the filing fees associated with the above referenced submissions to the Internal Revenue Service are authorized to be paid to the Internal Revenue Service by the City.

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

No: None

Resolution Passed.

19-583 **Resolution to name Claudia Fuller a Trustee of the City of Pontiac VEBA Trust.**

Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Be It Resolved that Claudia Filler, a Trustee of the City of Pontiac VEBA Trust, is authorized to execute and authorize Miller Canfield to submit the City of Pontiac VEBA trust Application for Recognition of Exemption Under Section 501 (a) (Form 1024) with the Internal Revenue Service.

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

No: None

Resolution Passed.

Subcommittee Reports

Received Department of Public Works (DPW) on November 21, 2019

Received Finance on November 12, 2019

Special Presentations

Pontiac Transportation Museum

Presentation Presenters: Rick David and Terry Connolly

Low-Income Tax Credit Development for Carriage Circle

Presentation Presenter: Ahmad Taylor, Executive Director, Pontiac Housing Commission

****Council stated that they will issue support letter for Carriage Circle****

Recognition of Elected Officials – Mattie Hatchett, Library Board

Agenda Address – Claudia Filler and Billie Swazer

19-584 **Resolution honoring Eugene Jackson.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, it is the sense of this legislative body to pay proper tribute to individuals of remarkable character whose lives have been dedicated to uplifting, inspiring and empowering the community; and, Whereas, it is feelings of the deepest regret that the Pontiac City Council mourns the passing of Eugene Jackson aka “Gene” a giving and loyal member of this community; and, Whereas, Eugene Jackson was born on March 12, 1946 in Rutherford, Alabama to the late Rosie Lee and Willie Jackson; and, Whereas, Eugene Jackson with two of his brothers, migrated from Florida to Michigan, where he obtained employment with General Motors and where he subsequently retired some 30 years later; and, Whereas, Eugene Jackson was a self-taught visionary who was driven by a fearless entrepreneurial spirit; and, Whereas, Eugene Jackson put his ambitious nature to work and created a food truck called the “Muncho Man” which could often times be found at Beaudette Park, also known as the “Mill Damn”; and, Whereas, Eugene Jackson was truly guided by his own principal, “a man will take a risk, if you never take a risk, you are not a man”; and, Whereas, Eugene Jackson was so successful with Munch Man, that in 1988, he not only expanded the business by purchasing a block property on Auburn Avenue in the City of Pontiac which is the current location for Gene’s Rib Shack, but he and his wife Debra, became the first African-American couple to own and operate a liquor store in Pontiac; and, Whereas, in 2004, Eugene Jackson received the Outstanding Business Award from the City of Pontiac; and, Whereas, Eugene Jackson was a selfless leader who always assisted people in need and provided job opportunities to those who requested a second chance; and, Whereas, Eugene Jackson enjoyed working on cars, watching his favorite show, “Sanford and Son,” telling stories and sharing life lessons which included his own personal experiences. Now, Therefore Be It Resolved, that the Pontiac City Council and members of this great community will greatly miss Eugene Jackson aka “Gene”, as his life was a portrait of service, a legacy that will long endure the passage of time and will remain as a comforting memory to all those whose lives he touched; we give our sincerest condolences to the family and friends of Eugene Jackson aka “Gene.”

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

No: None

Resolution Passed.

19-585 **Resolution to authorize the agreement between SRT Consulting, LLC and the City for SRT Consulting, LLC to serve as the Professional Expert-Financial Advisor to the City Clerk under Ordinance 2357(b) City of Pontiac Medical Marihuana Facilities Ordinance and authorize the Mayor to sign the agreement not to exceed \$120,000.00.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Be It Further Resolved that the Pontiac City Council authorizes the agreement between SRT Consulting, LLC and the City of Pontiac for SRT Consulting, LLC to serve as the Professional Expert-Financial Advisor to the City Clerk under Ordinance 2357 (b) City of Pontiac Medical Marihuana Facilities Ordinance and authorize the Mayor to sign the agreement not to exceed \$120,000.00.

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

No: None

Resolution Passed.

19-586 **Resolution to authorize the agreement between Kesto Law, P.L.L.C. and the City for Kesto Law, P.L.L.C. to serve as the Professional Expert-Legal Advisor to the City Clerk under Ordinance 2357(b) City of Pontiac Medical Marihuana Facilities Ordinance and authorize the Mayor to sign the agreement not to exceed \$10,500.00.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Be It Further Resolved that the City Council authorizes the agreement between Kesto Law, P.L.L.C. and the City for Kesto Law, P.L.L.C. to serve as the Professional Expert-Legal Advisor to the City Clerk under Ordinance 2357(B) City of Pontiac Medical Marihuana Facilities Ordinance and authorize the Mayor to sign the agreement not to exceed \$10,500.00.

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

No: None

Resolution Passed.

****Discussion regarding Custodial Services for the City of Pontiac****

19-587 **Motion to call for the vote to extend current cleaning contract with Krystal Cleaning until December 18, 2019.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: Pietila

Motion Carried.

19-588 **Motion to extend current cleaning contract with Krystal Cleaning until December 18, 2019.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-589 **Resolution to schedule two public hearings on December 10, 2019. A public hearing to establish an Industrial Development District for Challenge Manufacturing Company, LLC 2501 CenterPoint Parkway, parcel 19-03-200-021. A public hearing to consider an Application for Industrial Facilities Tax Exemption Certificate for Challenge Manufacturing Company, LLC 2501 CenterPoint Parkway, parcel 19-03-200-021.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, Challenge Manufacturing Company LLC has submitted an Application for an industrial Facilities Tax Exemption Certificate to expand the automotive supplier production and operation facility at 2501 CenterPoint Parkway; and

Whereas, Application has been sent to the Office of the City Clerk for certification, and

Whereas, before acting on said Application, the City must establish an Industrial Development District for parcel 64-19-03-200-021 as provided in PA 198 of 1974. The legal description for the parcel is attached; and,

Whereas, the Plant Rehabilitation and industrial Development Act [Industrial Facilities Tax Exemption Certificate] 198 of 1974, as amended, MCL 207.554 requires that before adopting a resolution establishing an Industrial Development District, the governing legislative body conduct a public Hearing.

Now, Therefore, Be It Resolved, that the Pontiac City Council, direct the Interim City Clerk to schedule two Public Hearing on December 10, 2019 in accordance with the Pant Rehabilitation and Industrial Development Act [Industrial Facilities Tax Exemption Certificate] 198 of 1974, as amended, MCL 207.554. The first public hearing will be to establish the Industrial Development District. Immediately following would be the Public Hearing on Industrial Facilities Tax [IFT] Exemption Certificate Application. The Interim City Clerk is instructed to notice the public, property owner and applicable taxing jurisdictions for both Public Hearings.

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

No: Carter and Miller

Resolution Passed.

Council President Kermit Williams and Councilwoman Patrice Waterman left the meeting. Council President Pro-Tem Randy Carter proceeded over the meeting.

Communication from the Mayor

Received Phoenix Center Update

Four (4) individuals addressed the body during regular public comment.

19-590 **Resolution for Agenda Items for the next Council Meeting to be received no later than Wednesday, November 27, 2019 at 5:00 p.m. (Agenda Add-on.)** Moved by Councilperson Taylor-Burks and second by Councilperson G. Williams.

November 26, 2019 Approved Minutes

Whereas, effective April 24, 2018, the 10th Pontiac City Council Rules and Procedures were adopted; and,
Whereas, effective November 27, 2018, the 10th Pontiac City Council Rules and Procedures were amended; and,

Whereas, items to be included for the Council Agenda should be provided to the City Clerk in writing no later than 5:00 p.m. on the Thursday prior to the regularly scheduled Tuesday, Pontiac City Council Study Session; and,

Whereas, the City Clerk shall distribute the agenda by email no later than 5:00 p.m. on Friday and have the agenda posted on the city website 48 hours prior to each meeting for public access; and,

Whereas, the City will be closed on Thursday, November 28, 2019 and Friday, November 29, 2019 in observance of Thanksgiving.

Now, Therefore, Be it Resolved, that the agenda items for the December 3, 2019 City Council Study Session will need to be provided to the City Clerk no later than 5:00 p.m. on Wednesday, November 27, 2019.

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

No: None

Resolution Passed.

Mayor Waterman, Interim City Clerk Garland Doyle, Councilwoman Mary Pietila, Councilman George Williams, Councilwoman Doris Taylor-Burks, Councilwoman Gloria Miller and President Pro-Tem Randy Carter made closing comments.

Council President Pro-Tem Randy Carter adjourned the meeting at 3:20 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK