

**Official Proceedings  
Pontiac City Council  
128<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, December 10, 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, G. Williams and K. Williams.

Members Absent: Waterman.

Mayor Waterman was absent.

Clerk announced a quorum.

19-599        **Excuse Councilperson Patrice Waterman for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried.**

19-600        **Motion to add the 10<sup>th</sup> Council Rules and Procedures to the agenda as item #23.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried.**

Motion for another Moratorium for the Medical Marihuana Applications. Moved by Councilperson Miller, no second. Motion Fails.

19-601        **Motion to add a special meeting regarding an update on the Medical Marihuana Court Hearing on Thursday, December 12, 2019, at 12:00 noon to the agenda as item #22.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

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

No: Pietila

**Motion Carried.**

19-602        **Motion to add MDOT Woodward Loop discussion to the agenda as item #24.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

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

19-603        **Motion to add Ottawa Towers Contract to the agenda as item #25.** Moved by Councilperson Pietila and second by Councilperson G. Williams.

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

19-604        **Approval of the agenda as amended.** Moved by Councilperson Pietila and second by Councilperson G. Williams.

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

19-605        **Approval of meeting minutes of December 3, 2019.** Moved by Councilperson G. Williams and second by Councilperson Taylor-Burks.

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

### **Subcommittee Reports**

Received Law/50<sup>th</sup> District – December 3, 2019

**President Kermit Williams opened up public hearing to establish an Industrial Facilities Tax Exemption Certificate for Challenge Manufacturing Company, LLC at 6:22 p.m.**

Two individuals addressed the body during the public hearing.

1. Minister Kathalee James 1579 Marshbank Dr., Pontiac, MI  
Minister James spoke about the need to track the hiring of Pontiac residents.
2. H. Bill Maxey 1053 Oxford Rd., Pontiac, MI  
Mr. Maxey spoke about the need to track Pontiac residents hiring. He also talked about a letter of understanding for job training and scholarships. Where is the Contract Compliance Enforcement

December 10, 2019 Approved Minutes

Officer? He would like to see an Executive Order outlining requirements for companies seeking tax incentives.

**Council President closed public hearing at 6:28 p.m.**

**President Kermit Williams opened up public hearing to consider an Application for an Industrial Facilities Tax Exemption Certificate for Challenge Manufacturing Company, LLC at 6:48 p.m.**

Three individuals addressed the body during the public hearing.

1. Billie Swazer 1619 Marshbank Dr., Pontiac, MI  
Ms. Swazer spoke against a 12 year tax abatement. She also stated that Ms. Riley is the Contract Compliance Officer.
2. Carlton Jones 1323 Oaklawn Dr., Pontiac, MI  
Mr. Jones talked about opportunities for citizens. The need to develop talent for all types of employment and the OU Pontiac Initiative.
3. Minister Kathalee James 1579 Marshbank Dr., Pontiac, MI  
Minister James spoke in support of the project.

**Council President closed public hearing at 6:53 p.m.**

**Special Presentation**

Pontiac Sun Time Bank

Presentation Presenter: Mary Hogan and Edith Carter

City's Blight Program Update

Presentation Presenter: Jane Bais-DiSessa, Deputy Mayor

Pro Tem Randy Carter requested a spreadsheet identifying all properties from 2015 to date.

Council President Kermit Williams asked what was the cost and how many properties are owned by Oakland County?

**\*\*Council will like Blight Program brought back on January 14, 2020\*\***

Phoenix Center Update Regarding RFP Bids for Public/Private Partnership

Presentation Presenter: Mayor Deirdre Waterman

19-606      **Suspend the rules and defer item #13 and #14 (Challenge Manufacturing) for one week. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.**

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

No: Carter and Miller

**Motion Carried.**

**19-607 Adoption of an Ordinance to Amend Chapter 74 Article III Preservation of Historic Buildings Ordinance to include Language and Historic District Commission Powers that are in Accordance to the Michigan Zoning Enabling Act 110 of 2006 and to Repeal Sections 74-51 through 74-62.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

**Ordinance Passed.**

**\*\*Ordinance is attached as Exhibit A after minutes\*\***

**19-608 Resolution for “Junior Grand Marshall” Shalom Byrd.** Moved by Councilperson Taylor-Burks and second by Councilperson Carter.

WHEREAS, It is the sense of this legislative body to honor an outstanding, young adult of remarkable character, who is inspirational and who serves as a role-model to others; and,

WHEREAS, Shalom Byrd has the unique distinction and privilege of representing the City of Pontiac as the 2019 Junior Grand Marshal and is the winner of the Fran Anderson Making a Difference Scholarship; and,

WHEREAS, Shalom Byrd is a Pontiac resident and attends International Technology Academy; and,

WHEREAS, Shalom Byrd is an exceptional student who has a passion for serving the “underprivileged and underrepresented;” and,

WHEREAS, Shalom Byrd has received the Student of the Month Award, Academic Achievement Award, inducted into the National Honors Society and Achievement in Math and Science Award; and,

WHEREAS, Shalom Byrd is a member of Midnight Golf, Kids Standard Publication and has been bestowed with the honor and responsibility of acting as trip planner and adviser for her senior class, is associated with Project Upward Bound, is an Alpha Kappa Alpha Teen, a Leaders of the Future activist, and Kids Standard Publication president; and,

WHEREAS, Shalom Byrd also sings in the choir at Trinity Missionary Baptist Church, volunteers at Nicks Corner on Thanksgiving and is a Gleaner’s Food Bank volunteer; and,

WHEREAS, Shalom Byrd is a rising star who mentors children in reading, writing and mathematics; and,

WHEREAS, Shalom Byrd's contributions of leadership, selflessness and commitment to our community are invaluable and inevitably will contribute to making the community a better place.

NOW, THEREFORE BE IT RESOLVED that the Pontiac City Council, and members of this great community, honor and salute the personal accomplishments and achievements of Junior Grand Marshal, Shalom Byrd for a job well done and for truly representing the City of Pontiac. Congratulations.

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

No: None

**Resolution Passed.**

**19-609 Resolution to approve No-Haz Contract with Oakland County with a "no-fee" option.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

WHEREAS, the northern cities, villages, and townships in Oakland County are committed to protection of the natural environment and preventing toxic materials from entering our waterways and landfill resources; and

WHEREAS, the improper handling and disposal of toxic and poisonous household chemicals also poses a health risk to our citizens; and

WHEREAS, recognizing there is a need to provide regular and easily accessible household hazardous waste collection services to North Oakland County residents; and

WHEREAS, collection events for household hazardous waste have become widely accepted as the best way to provide citizens with a safe method of disposal of these toxic and poisonous household chemicals, and for the communities to realize the economies of scale, and

WHEREAS, Oakland County, through its Waste Resource Management Division, has joined these northern Oakland County communities in creating the North Oakland Household Hazardous Waste Consortium (NoHaz), and

WHEREAS, the NoHaz Consortium has developed a household hazardous waste collection program, and

WHEREAS, a NoHaz Interlocal Agreement has been drafted to address necessary legal, liability, and responsibility issues for both the County and the participating communities, and identifies Oakland County's role in administering and managing the NoHaz program, and,

WHEREAS, the NoHaz Interlocal agreement establishes a NoHaz advisory board to assist and advise Oakland County in the development of the NoHaz program.

Now Therefore be it Resolved: That our community, City of Pontiac, hereby approves the attached NoHaz Interlocal Agreement and authorizes its signature, and

Be it Further Resolved: That we will not charge residents to participate in NoHaz events in 2020.

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

No: Carter and Miller

**Resolution Passed.**

**19-610 Defer items #11 (budget amendment) and #12 (Clean Net of Greater Michigan) until December 23, 2019.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

19-611      **Resolution to approve the submission of the Community Development Block Grant (CDBG) Program Year (PY) 2020 application with the proposed allocations to the Oakland County and Home Improvement Division.** Moved by Councilperson Carter and second by Councilperson G. Williams.

WHEREAS the City Council has received the Community Development Department recommendations for projects for the CDBG PY 2020; and  
WHEREAS the City Council held a public hearing on the proposed allocations for PY 2020 on December 3, 2019, and  
WHEREAS the Community Development Department has recommended that the 2020 CDBG funding allocation of \$799,257.00 be allocated as follows:

- \$265,000.00 Senior Centers for the replacement of parking lots for the City's Senior Centers (Robert Bowen's and Ruth Peterson);
- \$234,257.00 for Sidewalk Repairs throughout the City of Pontiac;
- \$250,000.00 for Rehabilitation Multi-Unit Residential for the Pontiac Housing Commission's RAD project, Carriage Circle; and
- \$50,000.00 for Public Services General - House Keeping to assist Senior Citizens to "age in place" and continue an independent lifestyle.

NOW BE IT THEREFORE RESOLVED that the Pontiac City Council approve the submission of the CDBG PY 2020 application with the proposed allocations to the Oakland County Community and Home Improvement Division.

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

19-612      **Motion to approve a Resolution to revisit the 2020 Community Development Block Grant Funds on February 18, 2019. (Agenda add-on)** Moved by Councilperson G. Williams and second by Councilperson Taylor-Burks.

Be It Resolved, that the Pontiac City Council wants to revisit our Community Development Block Grant (CDBG) Funds Year 2020 on February 18, 2019 in the amount of \$799, 257 not to be contracted prior to this date mention above.

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

**19-613          Defer for one week the resolution to approve Zoning Map Amendment request for 3111 Center Point Parkway, also known as parcel # 64-19-06-427-007, to amend site zoning from C-4 Suburban Commercial to M-1 Light Manufacturing.** Moved by Councilperson Miller and second by Councilperson G. Williams.

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

No: None

**Motion Carried.**

Councilperson Pietila was absent during the vote.

**19-614          Defer resolution to approve the vacating of Campus Drive between Center Point Parkway and Opdyke Road abutting parcel # 19-03-201-002, 19-03-202-001, 19-03-200-022, 19-03-200-023 and 19-03-226-004.** Moved by Councilperson Miller and second by Councilperson G. Williams.

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

No: None

**Motion Carried.**

**19-615          Resolution to approve request to revise the Pontiac Fee Schedule, as part of the approved City of Pontiac 2019-2020 Budget to add a Fifty [\$50.00] Dollar fee for historic District Commission Administrative review and two hundred Seventy Five [\$275.00] Dollar fee for each Redevelopment Liquor License Application review.** Moved by Councilperson G. Williams and second by Councilperson Taylor-Burks.

Whereas, the City Planning Division request to revise the City of Pontiac Fee Schedule; 1) Historic District Commission Administrative review fee, and 2) Redevelopment Liquor License Application review fee, following the Planning Division's assessment of neighboring community's Fee Schedules. Now, Therefore, Be It Resolved, that the City Council for the City of Pontiac approve the Planning Division recommendation to revise the Fee Schedule, as part of the approved City of Pontiac 2019/2020 Budget to add a Fifty [\$50.00] Dollar fee for each Historic District Commission Administrative review and a Two Seventy Five [\$275.00] Dollar fee for each Redevelopment Liquor License Application review.

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

No: None

**Resolution Passed.**

**19-616          Defer Planning Commission Appointments until the second week of January along with other Planning Commission Appointments.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried.**

19-617        **Motion 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 Pontiac Youth Recreation and Enrichment Center (PYREC) for fiscal year 2019/2020 to allocate a total of \$51,456.09 (includes fringe benefits), from the Youth Recreation Fund's (208) fund balance to Youth Recreation Fund - Recreation Facility Department (756) Personnel Accounts. The breakout of these funds into accounts is as follows; \$34,666.67 to Salaries and Wages account 208-756-702.00, \$2,652 to F.I.C.A – City Contribution account 208-756-715.000, \$9,320.50 to Medical Insurance account 208-756-716.000, \$438.36 to Life Insurance account 208-756-717.000, \$2,333.33 to MERS Employer Contribution account 208-756-718.500, \$1,866.67 to Workers Compensation Insurance account 208-756-719.000, and lastly \$178.56 to Dental Insurance account 208-756-719.001. The total funds amount of \$51,456.09 are to be used to restore the Pontiac Youth and Empowerment Center's (PYREC) Youth Recreation Assistant Manager position to a full-time status. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.**

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

19-618        **Motion to schedule a special meeting Thursday, December 12, 2019 at 12:00 noon for an update on the Medical Marihuana Court Hearing. (Agenda add-on) Moved by Councilperson G. Williams and second by Councilperson Taylor-Burks.**

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

19-619        **Motion to approve the 10<sup>th</sup> Council Rules and Procedures Amendments. (Agenda add-on) Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.**

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

**\*\*The Amended 10<sup>th</sup> Council Rules are attached as Exhibit B after minutes\*\***

19-620        **Motion to schedule a special meeting on January 27, 2020 at 3:00 p.m. for the MDOT Woodward Loop Discussion. (Agenda add-on) Moved by Councilperson Taylor-Burks and second by Councilperson G. Williams.**

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



19-621        **Motion to add a resolution for Ottawa Towers Contract Extension for Phoenix Center Maintenance.** Moved by Councilperson Pietila and second by Councilperson G. Williams.

Whereas, The City of Pontiac has contacted Ottawa towers and requested an extension of the current operations and maintenance agreement for the Phoenix Center, and;

Whereas, The Ottawa Towers has agreed to extend the current services at the same cost as originally agreed upon and extend those services until March 31, 2020, and;

Now, Therefore, Be It Resolved that the Pontiac City Council authorized the Mayor or deputy Mayor to sign the attached contract extension with Ottawa Towers for the operations and maintenance of the Phoenix Center Garage for the cost of \$9,810 per month.

Ayes: G. Williams, K. Williams, Carter, Miller and Pietila

No: Taylor-Burks

**Resolution Passed.**

Five (5) individuals addressed the body during public comment.

Mayor Waterman, Councilman George Williams, Councilwoman Mary Pietila, Councilwoman Doris Taylor-Burks, Councilwoman Gloria Miller, Council Pro-Tem Randy Carter and Council President Kermit Williams made closing comments.

Council President Kermit Williams adjourned the meeting at 9:31 p.m.

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GARLAND S. DOYLE  
INTERIM CITY CLERK

**CITY OF PONTIAC  
ORDINANCE NO. 1**

AN ORDINANCE TO AMEND CHAPTER 74 ARTICLE III PRESERVATION OF HISTORIC BUILDINGS ORDINANCE TO INCLUDE LANGUAGE AND HISTORIC DISTRICT COMMISSION POWERS THAT ARE IN ACCORDANCE TO THE MICHIGAN ZONING ENABLING ACT 110 OF 2006 AND TO REPEAL SECTIONS 74-51 THROUGH 74-62.

THE CITY OF PONTIAC ORDAINS:

~~74-63~~ Article III. Preservation of Historic Buildings

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~~74-64~~74-63 PURPOSE AND INTENT

Historic preservation is hereby declared to be a public purpose and the Historic District Commission of the City of Pontiac may hereby regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. The purpose of this Ordinance is to:

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1. Safeguard the heritage of the City of Pontiac by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of Pontiac and of the State of Michigan.

The City of Pontiac may by Ordinance establish one or more historic districts. The historic district(s) shall be administered by the Historic District Commission and pursuant to this Ordinance.

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~~74-65~~74-64 DEFINITIONS

1. "Alteration" means work that changes the detail of a resource but does not change its basic size or shape.
2. "Certificate of Appropriateness" means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
3. "Commission" means the Historic District Commission of the City of Pontiac.
- ~~3-4.~~ "Demolition" means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

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- 4.5. **"Demolition by Neglect"** means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- 5.6. **"Denial"** means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
- 6.7. **"Fire Alarm System"** means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
- 7.8. **"Historic District"** means an area, or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
- 8.9. **"Historic Preservation"** means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
- 9.10. **"Historic Resource"** means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the city of Pontiac, state of Michigan, or the United States.
- 10.11. **"Notice to Proceed"** means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
11. **"Open Space"** means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.
12. **"Ordinary Maintenance"** means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for the purposes of this Ordinance.
13. **"Proposed Historic District"** means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
14. **"Repair"** means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this Ordinance.
15. **"Resource"** means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

16. "Smoke Alarm" means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.
17. "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

#### **74-6674-65 THE HISTORIC DISTRICT COMMISSION**

- a) City Council may establish by ordinance a commission to be called a Historic District Commission. The Commission may be established at any time, but not later than the time the first historic district is established. Each member of the Commission shall reside within the city limits. The Commission shall consist of seven (7) members. Members shall be appointed by the Mayor. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the Commission, interim appointments shall be made by the City Council within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan. The commission shall have no less than three members who are property owners within the historic districts. Any member who has three unexcused absences during the course of one year will be considered to have resigned from the Commission and the Mayor may make an interim appointment to complete the unexpired term of such position. A member may be removed from the Commission by the Mayor for misfeasance, malfeasance, or nonfeasance in the office after having the opportunity to be heard before the City Council, and upon an affirmative vote of majority of the seated Council.
- b) The Mayor may prescribe powers and duties of the Commission, in addition to those prescribed in this Ordinance, that foster historic preservation activities, projects, and programs in the local unit.
- c) Coordination between the county historic commission and the city historic commission shall be maintained. The overall historical preservation plan of the city shall be submitted to the county historic commission for review, and county plans submitted to the city's historic district commission. Day-to-day activities of legal commissions concerning alteration and restoration decisions need not be submitted to the county but only those plans which have other than strictly local significance.
- d) To the extent any Historic District Commission(s) were created under prior legislation authorizing such creation, they shall remain in full force and effect and be governed and have the authorities established herein.

**74-6774-66 ACCEPTANCE OF GIFTS OR GRANTS**

The City Council may accept state or federal grants for historic preservation purposes; may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities.

**74-6874-67 ESTABLISHING ADDITIONAL, MODIFYING, OR ELIMINATING HISTORIC DISTRICTS**

1. The City Council may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the City Council shall follow the procedures as stated in Section 399.203 (1-3) of Public Act 169 of 1970, as amended. To conduct these activities, the City Council may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.
2. In considering elimination of a historic district, a committee shall follow the procedures set forth in Section 399.203 (1-3) of Public Act 169 of 1970, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:
  - a. The historic district has lost those physical characteristics that enabled the establishment of the district.
  - b. The historic district was not significant in the way previously defined.
  - c. The historic district was established pursuant to defective procedures.

**74-6974-68 HISTORIC DISTRICT STUDY COMMITTEE AND THE STUDY COMMITTEE REPORT**

Before establishing a historic district(s), the Mayor shall appoint a Historic District Study Committee. A majority of the persons appointed to the Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations. The Study Committee shall do all of the following:

- A. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office of the Michigan Historical Center.
- B. Conduct basic research of each proposed historic district and historic resources located within that district.
- C. Determine the total number of historic and non-historic resources within a

proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office of the Michigan Historical Center.

- D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
1. The charge of the Committee.
  2. The composition of Committee membership.
  3. The historic district(s) studied.
  4. The boundaries of each proposed historic district in writing and on maps.
  5. The history of each proposed historic district.
  6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  7. Transmit copies of the preliminary report for review and recommendations to the local planning body, the State Historic Preservation Office of the Michigan Historical Center, the Michigan Historical Commission, and the State Historic Preservation Review Board.
  8. Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.
- E. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.
- F. After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:
1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Council as to the establishment of a Historic District(s). If the recommendation is to establish a Historic District(s), the final report shall include a draft of the proposed ordinance(s).
  2. After receiving a final report that recommends the establishment of a Historic District(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Council shall not

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pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

- G. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

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#### **74-7074-69 HISTORIC DISTRICT COMMISSION MEETINGS, RECORDKEEPING & RULES OF PROCEDURE**

1. The Historic District Commission shall meet at monthly or more frequently at the call of the Commission.
2. The business that the Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.
- 4.3. At least four (4) members of the Historic District Commission shall constitute a quorum for the transaction of business. The passage of any resolution, motion, or other action by the commission shall be a majority vote.
- 5.4. The Commission shall keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.
- 6.5. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.

#### **74-7174-70 DELEGATION OF MINOR CLASSES OF WORK**

The commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, or to another delegated authority. The Commission shall provide to its delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. The Commission shall review the Certificates of Appropriateness issued by the delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

#### **74-7274-71 ORDINARY MAINTENANCE**

Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the Ordinance was enacted.

#### 74-7374-72 REVIEW BY THE COMMISSION

The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the City Council or unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

- a) The historic district commission shall approve or disapprove the plans submitted under this article and, if approved, shall issue a certificate of approval which is to be signed by the chairman and the relevant plans, if any, shall be stamped by the commission signifying its approval thereof, and such certificate and plans shall be transmitted to the building and safety engineering division and/or the planning commission if applicable.
- (b) No work shall begin until the certificate of approval is filed, but in the case of rejection, the certificate is binding on the building and safety engineering division or other duly delegated authority and no permit shall be issued in such case. If the historic district commission disapproves the application, it shall state its reasons for doing so and shall transmit a record of such action, together with the reasons therefor, in writing to the building and safety engineering division and the applicant. The commission may advise the applicant in a transmittal of the changes in the proposed plans which are necessary to obtain commission approval. The applicant may make modifications to any plans disapproved and shall have the right to resubmit his application thereafter for commission approval.
- (c) After the certificate of approval has been issued and the building permit, if any, granted to the applicant, the designated building inspector shall from time to time inspect the construction, alteration, repair, moving or demolition approved by such certificate and shall take action as is necessary to force compliance with the plans as approved.
- (d) The failure of the historic district commission to act within 30 days after the date a properly completed application has been filed with the planning and community renewal division, unless an extension is agreed upon mutually by the applicant and the commission, shall be deemed to constitute approval.

#### 74-7474-73 DESIGN REVIEW STANDARDS AND GUIDELINES

1. In reviewing plans, the Commission shall follow the U.S. Secretary of Interior's *Standards for Rehabilitation* and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the Commission may be followed if they are equivalent in guidance to the Secretary of Interior's *Standards* and guidelines and are established or approved by the State Historic Preservation Office of the Michigan Historical Center.
2. In reviewing plans, the Commission shall also consider all of the following:
  - A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
  - B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
  - C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.



- D. Other factors, such as aesthetic value, that the commission finds relevant.
- E. Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

**74-7574-74 PERMIT APPLICATIONS FOR CONSTRUCTION, REPAIR, MOVING, DEMOLITION AFFECTING EXTERIOR APPEARANCE OF HISTORIC SITES, STRUCTURES, OR OBJECTS LOCATED WITHIN HISTORICS DISTRICTS**

A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings. Upon receipt of a complete application, the inspector of buildings shall immediately refer the application, along with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance. A commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

- 3. The Commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the inspector of buildings. A permit shall not be issued until the Commission has acted as prescribed by this Ordinance.
- 4. If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City of Pontiac, the state of Michigan, or the nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.
- 5. The failure of the Commission to act on an application within sixty (60) calendar days after the date a complete application is filed with the Commission, unless an extension is agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval.
- 6. The Commission may charge a reasonable fee to process a permit application.

#### 74-7674-75 DENIALS

If a permit application is denied, the decision shall be binding on the inspector or other authority. A Denial shall be accompanied by a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

#### 74-7774-76 NOTICE TO PROCEED

Work within a historic district shall be permitted through the issuance of a Notice to Proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

- A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
- B. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
- D.C. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
- E.D. Retaining the resource is not in the interest of the majority of the community.

#### 74-7874-77 APPEAL OF A COMMISSION DECISION

1. An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the State Historic Preservation Review Board.
2. Any citizen or duly organized historic preservation organization in the City of Pontiac, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

#### 74-7974-78 WORK WITHOUT A PERMIT

When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness. If the owner does not comply or cannot comply with the order of the court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The costs of the work done shall be charged to the owner, and may be levied by the City of Pontiac as a special assessment against the property. When acting pursuant to an order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

#### 74-8074-79 DEMOLITION BY NEGLECT

Upon a finding by the Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the Commission may do either of the following:

1. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by the City of Pontiac as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

#### **74-8174-80 REVIEW OF WORK IN PROPOSED DISTRICTS**

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in Section 12 of the Ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

#### **74-8274-81 EMERGENCY MORATORIUM**

If the City Council determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Council may by resolution declare an emergency moratorium on all such work for a period not to exceed six (6) months. The City Council may extend the emergency moratorium for an additional period not to exceed six (6) months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

#### **74-8374-82 PENALTIES FOR VIOLATIONS**

1. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00.
2. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

#### **74-174-83 ACQUISITION OF HISTORIC RESOURCES**

If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the City Council. Upon recommendation of the Commission, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

#### **74-8374-84 HISTORIC DISTRICT BOUNDARY**

The historic district commission shall designate certain properties located within historic districts as historic sites after due consideration of such property's:

- (a) Quality of significance in American, state and/or city history, architecture, archaeology, engineering and culture;
- (b) Integrity of location, design, setting, materials, workmanship, feeling and association;
- (c) Relationship to events that have made a significant contribution to the broad patterns of our history;
- (d) Association with the lives of persons significant in our past;
- (e) Distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and
- (f) Potential for restoration.

The following described properties are hereby designated as historic districts:

(1) Franklin Boulevard Historic District: Lots 12 through 19 and lots 22 through 61 of Assessor's Plat No. 41; lots 32 through 42, the north 117.92 feet of lot 43, lot 44 exc. the south 48 feet, and lots 57 through 64 of Assessor's Plat No. 112; lots 25 through 31 and lots 37 through 40 of Assessor's Plat No. 115; lots 1 through 20 of Assessor's Plat No. 129; lots 1 through 5, the north 125 feet of lot 6, lot 7 exc. the south 55 feet, lot 8 exc. the east 10 feet of the south 55 feet, lots 9 and 10 exc. the south 45 feet, and lots 11 through 48 of Forest Lawn Addition; and lots 1 through 8 of Johnson Addition; City of Pontiac, Oakland County, Michigan, as recorded in the Oakland County Records.

(2) Fairgrove Avenue Historic District: Oakland County Agricultural Society's Addition, lots 3 through 11, north 95 feet of lot 12, lots 13 through 31, east 45 feet of lot 32, the easterly 47.4 feet of lot 99 and lots 100 through 102; Assessor's Plat No. 26, lot 9; Assessor's Plat No. 27, lot 12.

(3) Modern Housing Corporation Addition Historic District: Modern Housing Corporation Addition, lots 130 through 414, 613, 618 through 622, 624 through 634, and 638 through 645.

(4) Seminole Hills Historic District: Seminole Hills Subdivision, lots 21 through 35, and 37 through 556; Crofoot's Western Addition, block 4, lots 1, 2, 3, 6, 7, 10, 11, 14, 15 and 18; and Roberts Subdivision, lots 1 through 36.

(5) Pontiac Commercial Historic District: Original plat, lots 1 through 5, 17 through 22 excluding the north 10.5 feet of lot 22, the north 30 feet of lot 28, lots 36 through 69, the north 30 feet of lot 77, lots 79 through 95, 118, 119 and 131 through 141; Assessor's Plat No. 28, lots 14, 21, and 22; Assessor's Plat No. 46, lots 1, 2, 3, 48, 49 and 50, excluding the southerly 12 feet of said lots 48 and 49; Assessor's Plat No. 112, lots 11 through 19; Assessor's Plat No. 113, lots 1 through 8 and 26 through 30; Assessor's Plat No. 119, lots 79 and 80; and Huron Addition, lots 1 through 5.

(6) Horatio N. Howard House Historic District: Stockwell and Tregent's Addition, block 1, east 170 feet of lot 13, exc. south 44 feet.

(7) Wisner House Historic District: Assessor's Plat No. 4, lot 7 exc. beginning at the northeast corner of lot 249, Assessor's Plat No. 140, City of Pontiac, Michigan, thence south 45 degrees 11 minutes 10 seconds east 181.55 feet; thence north 43 degrees 56 minutes 40 seconds east along the northerly line of lot 246, Assessor's Plat No. 140, 20 feet; thence north 45 degrees 11 minutes 10 seconds west 91.7 feet; thence north 28 degrees 39 minutes 10 seconds west 52.5 feet; thence north 35 degrees 21 minutes 10 seconds west 41 feet to the point of curve to the left, having a radius of 23.23 feet a central angle of 100 degrees 30 minutes 50 seconds, thence around the arc of curve a distance of 40.75 feet to the point of tangency of such curve; thence south 44 degrees 08 minutes west 47.95 feet; thence north 88 degrees 20 minutes east along the northerly line of lot 249, Assessor's Plat No. 140, 40.05 feet to the point of beginning, also exc. a strip of land lying northeasterly of a line 60 feet southwesterly of and parallel to the centerline of Oakland Avenue as now established for Oakland Avenue widening.

(8) St. Vincent DePaul Church Complex Historic District: Assessor's Plat No. 134, lot 50 and the north 220 feet of lot 51.

(9) First United Methodist Church Historic District: Assessor's Plat No. 130, lots 16, 17, 18 and also all that part of vacated Judson Street lying adjacent.

(10) Central School Historic District: Assessor's Plat No. 142, lot 3, exc. that part lying westerly of the easterly line of Perimeter Road as now laid out.

(11) Cook Nelson, American Legion Post No. 20 Historic District: Assessor's Plat No. 136, lots 3 through 9.

(12) Oakhill Cemetery Historic District: Assessor's Plat No. 19, lots 1 and 2, exc. that part lying south of the north line of permanent right-of-way of Pontiac Clinton Drain No. 2; Assessor's Plat No. 20, lot 15; and Assessor's Plat No. 145, lots 2, 3, and 4.

(13) Eastern Michigan Asylum Historic District: Those parts of the south half of Section 19 and the north half of Section 30, Township 3 North, Range 10 East, City of Pontiac, Oakland County, Michigan, more particularly described as follows:

Commencing at the southwest corner of said Section 19; thence south 89 degrees 15 minutes 33 seconds east 500.00 feet to the point of beginning; thence south 0 degrees 13 minutes 24 seconds east, 1200.00 feet; thence south 89 degrees 15 minutes 33 seconds east 1350.00 feet; thence south 0 degrees 13 minutes 24 seconds east 500.00 feet; thence south 89 degrees 15 minutes 33 seconds east 1600.00 feet; thence north 23 degrees 13 minutes 36 seconds east 924.20 feet; thence north 43 degrees 47 minutes 15 seconds west 2100.00 feet; thence north 47 degrees 53 minutes 39 seconds east 1000.00 feet to a point on the southwesterly right-of-way line of the Grand Trunk Western Railroad, said point lying northwesterly along said railroad right-of-way line 3700.00 feet from the point of intersection of said railroad right-of-way line with northerly right-of-way line of Johnson Avenue (99 feet wide); thence north 43 degrees 47 minutes 15 seconds west 1022.11 feet along said railroad right-of-way line; along a curve to the right, radius equal to 973.14 feet, arc distance 211.98 feet, long chord bearing south 21 degrees 46 minutes 23 seconds east 210.77 feet; thence north 79 degrees 46 minutes 59 seconds west 1531.00 feet; thence south 0 degrees 00 minutes 14 seconds east 754.13 feet; thence north 86 degrees 45 minutes 45 seconds west 564.40 feet; thence south 0 degrees 08 minutes 40 seconds east 595.43 feet; thence south 19 degrees 40 minutes 35 seconds 148.12 feet; thence south 53 degrees 48 minutes 53 seconds east 235.87 feet; thence south 0 degrees 19 minutes 40 seconds east 515.69 feet; thence north 89 degrees 15 minutes 33 seconds west 55.42 feet to the point of beginning.

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### *The 10<sup>th</sup> Pontiac City Council Rules and Procedures*

All meetings of the city council will be held in compliance with state statutes, including the Open Meetings Act, 1976 PA 267 as amended, and with these rules.

#### **Meeting Times**

The city council meetings will be held every *Tuesday* of each month beginning at 6:00 p.m. at City Hall in the Council Chambers for formal meetings *and for* Study Session meetings unless otherwise rescheduled by resolution of the council. The *Tenth* Council has decided to implement Study Sessions and Formal Meetings. These meeting will alternate week to week.

#### **Formal Meeting**

During the formal meetings the City Council proceed through the formal agenda and take action on agenda items.

#### **Special meetings**

A special meeting shall be called by the mayor or any two members of council. A 24 hours written notice to each member of the council served personally or left at the councilmember's usual place of residence is required. However, any special meeting at which all council members are present or have given written consent shall be a legal meeting for such purposes, without such written notice. Special meeting notices shall state the purpose of the meeting. No official action shall be transacted at any special meeting of the council unless the item has been stated in the notice of such meeting.

#### **Posting requirements for regular and special meetings**

- a. Within 10 days after the first meeting of the council following the election, a public notice stating the dates, times and places of the regular monthly council meetings will be posted at the City Clerk's Office and on the City's web page.
- b. For a rescheduled regular or special meeting of the council, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting at the City Clerk's Office and on the City's web site. Special meeting notices shall also state the purpose of the meeting.
- c. The notice described above is not required for a meeting of the council in emergency session in the event of a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the members of the council determine that delay would be detrimental to the city's efforts in responding to the threat.

## **Minutes of regular and special meetings**

The clerk shall attend the council meetings and record all proceedings and resolutions of the council in accordance with the Open Meetings Act. In the absence of the clerk, the deputy clerk shall perform the clerk's duties.

At a minimum, the minutes shall indicate the date, place, type (regular or special), and time of meeting; the names of all elected city officials present at roll call; the name and time of arrival of any elected official not present at roll call; the name and time of departure of any elected official before adjournment; the maker and supporter of all motions and resolutions which are voted upon by the council; an indication of how each council member present voted on a motion or resolution; the call of the chair as to the passage or failure of the motion or resolution; and the time of adjournment. For public comment, only the number of individuals speaking need be included in the minutes. For a public hearing, the name of the person addressing the council and *the topic of the comments*.

A copy of the minutes of each regular or special council meeting shall be available for public inspection at the City Clerk's Office during regular business hours.

## **Conduct of meetings**

### **Meetings to be public**

All regular and special meetings of the council shall be open to the public. Citizens shall have a reasonable opportunity to be heard in accordance with such rules and regulations as the council may determine, except that the meetings may be closed to the public and the media in accordance with the Open Meetings Act.

All official meetings of the council and its committees shall be open to the public, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

### **Agenda preparation**

An agenda for each regular council meeting shall be prepared by the city clerk with the following order of business: The agenda will be as follows for the Formal Meetings.

## **Formal Meetings**

1. Call to order
2. Invocation
3. Pledge of Allegiance *to the Flag of the United States*
4. Roll Call
5. Authorization to Excuse Members from the Meeting
6. Amendments to and *approval* of the agenda  
*Motions to amend the agenda are not debatable.*
7. Approval of the Minutes
8. Subcommittee Report (As needed)
9. Special Presentation (If any)

*Any presentations with prepared materials must be presented in print to the Council members. Specifically any power point presentations must be in printed form and distributed to the Council members prior to the beginning of the presentation.*

10. Public Hearings (If any)
11. Recognition of Elected Officials (If any)
12. Agenda Address (2 Minute Limit)
13. Agenda Items
14. Public Comment (3 Minute Limit)
15. Mayor, Clerk and Council Closing Comments (3 Minute Limit)
16. Adjournment

The Agenda will be as follows for **Study Session Meetings**

#### **Study Session**

1. Call to order
2. Roll Call
3. Authorization to Excuse Members from the Meeting
4. Approval of the Agenda
5. Approval of the Minutes
6. Public Comment
7. Review of all agenda items
8. Adjournment

All items presented to the city council for action shall be placed on the first possible agenda by the city clerk. The deadline to submit an item to the clerk to place on the agenda shall be noon on the *Thursday* before a Study Session Meeting. The clerk shall distribute the agenda by email no later than 5:00 p.m. on Friday. Complete agenda packets, excluding confidential information, shall be posted on the City's web site concurrent with distribution of the agenda packet to the council members.

Any councilmember shall have the right to add items to the regular agenda before it is approved.

#### **Agenda distribution**

The clerk is responsible for the agenda distribution, which is emailed to each councilmember forty-eight (48) hours or more prior to each council meeting. In addition, the clerk posts each agenda to the city website 48 hours prior to each meeting for public access. Agendas for special meetings shall be distributed with the notice of special meeting and posted on the City's website.

#### **Quorum**

A majority of the entire elected or appointed and sworn members of the council shall constitute a quorum for the transaction of business at all council meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date with appropriate public notice. The council may adopt an ordinance to prescribe penalties.

#### **Attendance at council meetings**

Council is empowered by Article III – Legislative Branch, Section 3.107 of the charter to adjourn a meeting if a quorum is not present and compel attendance in a manner prescribed by its ordinance. In the event that the member's absences continue for more than five consecutive regular meetings of the council, the council may declare the seat vacant in accordance with Section 3.119 of the charter.

***Role of the Mayor (Charter 4.101 "The Mayor or the Deputy Mayor shall attend all meetings of the Council and respond to questions from Council members and Citizens, make reports and present***

*proposals.”) The Mayor shall not speak on Council agenda items unless the Mayor is asked a question on that item.*

### **Presiding officer**

The presiding officer shall be responsible for enforcing these rules of procedure and for enforcing orderly conduct at meetings. The council president is ordinarily the presiding officer. If the Council President is absent, The Council President Pro Tem will preside over the meeting. In the absence of both the Council President and the Council President Pro Tem at the same meeting, the council member presiding over the meeting shall rotate by District, starting with District one. In the event of a resignation or other permanent absence, that the position shall be filled by nomination and affirmative vote of the majority of Council members serving.

### **Disorderly conduct**

The president may call to order any person who is being disorderly by speaking out of order or otherwise disrupting the proceedings, failing to be germane, speaking longer than the allotted time or speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

### **Closed meetings**

#### **Purpose**

Closed meetings may be held only for the reasons authorized in the Open Meetings Act, which are the following:

- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent when the named person requests a closed meeting.
- b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
- c. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- d. To consult with the municipal attorney or another attorney regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the council.
- e. To review the specific contents of an application for employment or appointment to a public office when a candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting.
- f. To consider material exempt from discussion or disclosure by state or federal statute.

### **Calling closed meetings**

At a regular or special meeting, the councilmembers elected or appointed and serving, by a two-thirds roll call vote may call a closed session under the conditions outlined in the Open Meetings Act. The roll call vote and purpose(s) for calling the closed meeting shall be entered into the minutes of the public part of the meeting at which the vote is taken.

### **Minutes of closed meetings**

A separate set of minutes shall be taken by the clerk or the designated secretary of the council at the closed session. These minutes will be retained by the clerk, shall not be available to the public, and shall only be disclosed if required by civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

### **Discussion and voting**

#### **Rules of parliamentary procedure**

The rules of parliamentary practice, as contained in the *most recent edition of Robert's Rules of Order Newly Revised*, shall govern the council in all cases to which they are applicable, provided they are not in conflict with these rules, city ordinances or applicable state statutes. *The Parliamentarian shall be a Professional Registered Parliamentarian with the National Association of Parliamentarians.* The chair shall preserve order and decorum and may speak to points of order in preference to other councilmembers. If a point of order is given, it should not exceed two (2) minutes.

#### **Conduct of discussion**

During the council discussion and debate, no *councilmember* shall speak until recognized for that purpose by the chair. After such recognition, the *councilmember* shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another *councilmember*. *Councilmembers* should address their remarks to the chair, maintain a courteous tone and avoid interjecting a personal note into debate.

*The Council members may decide by majority vote to limit or determine the time to be devoted to the discussion of a pending motion or item for discussion.*

#### **Interruptions of Votes**

*Interruptions during the taking of a vote are permitted only before any councilmember has actually voted.*

#### **Rule against Explanation by Councilmembers During Voting**

*A councilmember has no right to "explain their vote" during voting, which would be the same as debate at such a time.*

#### **Changing One's Vote**

*A member has a right to change their vote up to the time the result is announced. After that the member can make the change only by the unanimous consent of the remaining councilmembers present.*

#### **Ordinances and resolutions**

A vote on all ordinances and resolutions shall be taken by a roll call vote and entered in the minutes unless it is a unanimous vote. If the vote is unanimous, it shall be necessary only to so state in the minutes, unless a roll call vote is required by law or by council rules.

#### ***Abstentions***

***Except as otherwise specified in the City Charter or in matters relating to a direct financial conflict of interest no Councilmember shall abstain from voting on any question.***

#### **Roll Call**

In all roll call votes, the names of the members of the council shall be called in rotating alphabetical order.

#### ***Disposition of Agenda Items***

***When an agenda item has been rejected by a vote of Council vote it may not be returned to the agenda unless the Councilmembers request, by majority vote, to give it further consideration.***

***Disposition of Agenda Item: An item may be not be returned for at least 30 days and by a Councilmembers request, by majority vote to give it further consideration.***

#### **Citizen participation**

Each regular and special council meeting agenda shall provide reserved time for citizen participation. During citizen participation, each individual shall address the City Council in an orderly and dignified manner and shall not engage in conduct or language that disrupts, makes fun of, or otherwise impedes the orderly conduct of the Council Meeting. In addition, members of the audience shall not engage in disorderly or boisterous activity including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language, cheering, whistling, ***clapping***, or any other acts that disturb, disrupt, or impede, or otherwise interfere with the orderly conduct of the City Council Meeting.

#### **Agenda Address**

The Council has included in its agenda a time for Agenda Address. Agenda Address will allow the audience to comment on agenda items on the agenda of the City Council Meeting. The individuals addressing the body will have 2 minutes to complete the Agenda Address. All individuals wishing to participate in the Agenda Address will have to fill out an Agenda Address Card, which will be located in the City Clerk's Office. The Agenda Address Card shall require the person to identify himself or herself, a method of contact, and the subject matter of their comments and such other information the Council President may require. The Agenda Address Card has to be completed and turned in to the Clerk's Office by ***Tuesday*** at 4:30 p.m. to be considered for the following council meeting. Individuals who have submitted an Agenda Address Card to speak must be present in the City Council Chambers when their name is called or they will lose their turn to speak.

#### **Public Comment**

The Council has included in its agenda a time for Public Comments. The Public Comment portion of the agenda will allow individuals to comment on non-agenda items. The individuals addressing the body will have 3 minutes to complete public comment. All individuals wishing to participate during public comment will have to complete the Public Comment Sign-In Sheet, which will be located in the City Council Chambers on a clipboard.

The Public Comment Sign In-Sheet shall require the person to identify himself or herself, a method of contact, and the subject matter of their comments and such other information the Council President may require. The Public Comment Sign-In Sheet will be picked up before the call of order of the meeting. If your name is not on the Public Comment Sign-In Sheet once picked up, you will not be allowed to speak during Public Comment. Individuals who have submitted their information on the sign in sheet to speak must be present in the City Council Chambers when their name is called or they will lose their turn to speak. *A person having been called on to speak may not yield their time to another person.*

*At the time of Public Comment on the agenda, the chair has the flexibility to determine that the time should be limited to less than three minutes for each speaker.*

*During Public Comment speakers shall not expressly advocate a vote for or against a candidate or ballot issue. (Sec. 57 Michigan Campaign Finance Act)*

*During Public Comment, council members shall not respond to any speaker. Responses to public comments are appropriate during closing comments prior to the adjournment of the meeting.*

*City of Pontiac employees cannot give public comments while on the clock and while receiving compensation from the City of Pontiac.*

*Only individuals signed up for public comment can be provided 3 minutes to speak, no add ons.*

## Miscellaneous

### Suspension of rules

The rules of the council may be suspended for a specified portion of a meeting by an affirmative vote of two-thirds of the members present except that council actions shall conform to state statutes and to the Michigan and United States Constitutions.

### *Annual Review of the Rules*

*Each January the Councilmembers shall review these Rules and they may be revised by a majority vote of the councilmembers.*

## Committees

### Standing and special committees of council

The city shall have the following standing committees:

Finance/Human Resource Committee: Responsible for meeting with the Finance Director to review periodic financial reports; responsible for reviewing the proposed budget. This committee will meet once a month or as needed.

Public Safety Committee: Responsible for meeting with the Mayor and representatives of the City's police, fire, and emergency medical transport service providers. This committee will meet once a month or as needed.

Community Development Committee: Responsible for meeting with the Mayor and Community Development Director concerning the operations and functions of the Community Development Department. This committee will be meeting once a month or as needed.

Public Works/Parks and Recreation Committee: Responsible for meeting with the Mayor and Public Works Director concerning the operations and functions of the Public Works Department. This committee will meet once a month or as needed

Information Technology Subcommittee: Responsible for meeting with the Mayor and the IT Department concerning the operations and function of the IT Department. This committee will be meeting as needed.

Law and 50<sup>th</sup> District Court Subcommittee- Responsible for meeting with Judges or Court Reps concerning the operations and functions of the 50<sup>th</sup> Court. This committee will be meeting as needed.

Forensic Audit Subcommittee- This committee will meet as needed.

Real Estate Subcommittee-This committee will meet as needed.

Cable Subcommittee-This committee will meet as needed.

Committee members will be appointed by the president. They shall be members of the council. The president shall fill any committee vacancies. The committee member shall serve for a term of one year and may be re-appointed. Committees shall be comprised of at least three council members and one alternate who may attend if a regular member is unable to attend. Committees can discuss policy with department heads. Committees cannot make final decisions, but may recommend actions to the Council. Committees may determine their own meeting schedule. Committee meetings at which department heads will be present shall be scheduled at a time mutually acceptable to both the committee and the department head.

Committees shall present both oral and written reports. The committee shall designate a member to prepare the written report for the committee. The written report shall indicate the date and time of the committee meeting, all persons present, and the subject matter of discussion with some detail. If a committee is making a recommendation to the Council as a body, then at least two of the three members of the committee must be noted as being in support of the recommendation.

Special committees may be established for a specific period of time by the president or by a resolution of the council, which specifies the task of the special committee and the date of its dissolution. Special committees shall present reports in the same manner as standing committees.

***Only the Pontiac City Council can give Public Service Announcements (PSA's) in the Council Chambers.***

***Effective            April 24, 2018***

***Amended           November 27, 2018***

***Amended           December 4, 2018***

***Amended           December 10, 2019***