

**Official Proceedings
Pontiac City Council
194th Session of the Tenth Council**

Call to order

A Study Session of the City Council of Pontiac, Michigan was called to order electronically on Tuesday, October 20, 2020 at 6:10 p.m. by Council President Kermit Williams.

Roll Call

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

Mayer Waterman was present.

Clerk announced a quorum.

Amendments to the Agenda.

20-449 **Motion to move items 7 (An Ordinance to Amend the City of Pontiac General Employees' Retirement System and Provide a Date of Termination), 8(Resolution for Phoenix Center Mediation Date), 9 (Resolution to recognize first responders "our heroes" by City Council and the Mayor), 10 (Resolution to reduce the spread of COVID -19 by requesting that RFP's for both the replacement of the chairs in the Council Chambers along with cleaning the ventilation ducts in Council Chambers, be issued immediately. Additionally, this resolution request that the purchase orders for both the chairs in Council Chambers and the cleaning of the ventilation ducts be included and submitted to Oakland County in the CARES cost reimbursement for Pontiac and the replacement of the chairs and the cleaning of the ducts be completed before December 31, 2020), 12 (Resolution to approve the Budget Amendment for Finance Director), 13 (Resolution to ratify Mayoral appointment of Darrin Carrington as Finance Director), 14 (Resolution to approve the Inter-local Agreement for Cares between Oakland County and City of Pontiac) & 17 (Resolution to accept the Oakland County 2020-2021 ATPA Sub-Recipient Agreement with the City of Pontiac and authorizes the Mayor to sign document as presented) above item 5 (The City Attorney requests a closed session pursuant to MCL 15.268(h) to discuss information exempt from disclosure pursuant to MCL 15.243(1)(g), specifically an attorney-client privileged memorandum regarding to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained). Moved by Councilperson Waterman and second by Councilperson Pietila.**

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Waterman, Williams & Carter

No: None

Motion Carried

Motion to postpone other items for one week. Moved by Councilperson Waterman and second by Councilperson Taylor-Burks. Motion withdrawn by Waterman and second withdrawn by Taylor-Burks.

October 20, 2020 Approved Minutes

20-450 **Motion to postpone other items except for items 5 & 6 for one week.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Shramski, Taylor-Burks, Waterman, Williams, Carter, Miller & Pietila

No: None

Motion Carried

Approval of the Agenda

20-451 **Motion to approve the amended agenda.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller, Pietila & Shramski

No: None

Motion Carried

Approval of the Minutes

20-452 **Approval of minutes for September 29, 2020.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Ayes: Waterman, Williams, Carter, Miller, Pietila, Shramski & Taylor-Burks

No: None

Motion Carried.

20-453 **Approval of minutes for October 6, 2020.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Miller, Pietila, Shramski, Taylor-Burks & Waterman

No: None

Motion Carried

20-454 **Approval of minutes for October 13, 2020.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks, Waterman & Williams

No: None

Motion Carried

Subcommittee Report

Public Safety – September 2020

20-455 **Motion to suspend the rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Shramski.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Waterman, Williams & Carter

No: None

Motion Carried

Resolution

City Council

20-456 **Resolution to recognize first responders “our heroes” by City Council and the Mayor.** Moved by Councilperson Pietila and second by Councilperson Carter.

WHEREAS, it is the sense of this body to pay proper tribute to individuals of great character and whose lives exemplify the highest ideals of humanity; and,

WHEREAS, on September 28, 2020, Oakland County Deputies and Waterford Regional Fire Station 6, were dispatched to the 100 block of Parkdale Avenue in the City of Pontiac for a 10-month-old infant who was unconscious and not breathing; and,

WHEREAS, Lieutenant James Todd, and Waterford Regional Firefighter Paramedics Kenneth Estell and CJ Waldron arrived at the scene and within a split-second, determined that time was of the essence and there was no time to wait for EMS, so they loaded the child into the backseat of a patrol car and continued performing CPR while Deputy John Dean drove the patrol car to McLaren Oakland Hospital; and,

WHEREAS, Deputies Samuel James, Colin Cavanaugh, Brandon Nolin, Ahmed Alzayadi and Brian Blackburn also took immediate action by assisting with traffic and clearing a path for the patrol car to arrive at the hospital expediently and safely; and,

WHEREAS, as a consequence of the life-saving measures, quick thinking, proficiency, training and collaboration between Oakland County Deputies and the Waterford Regional Firefighters, the infant was resuscitated; and,

WHEREAS, these First Responders are truly heroes in every sense of the word as they are motivated by selflessness, moral and physical courage as they risked their own lives to save the life of another in the midst of a global crisis, the COVID-19 pandemic.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Pontiac and the members of the Pontiac City Council on behalf of the citizens of Pontiac, recognize and salute our First Responders for their contributions of leadership, self-sacrifice, and heroism to the community.

Ayes: Pietila, Shramski, Taylor-Burks, Waterman, Williams, Carter & Miller

No: None

Resolution Passed

20-457 **Motion to suspend the rules to vote.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Shramski, Taylor-Burks, Waterman, Williams, Carter, Miller & Pietila

No: None

Motion Carried

Ordinance

20-458 **An Ordinance to Amend the City of Pontiac General Employees' Retirement System and Provide a Date of Termination (First Reading).** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Miller, Pietila & Shramski

No: None

Motion Carried

20-459 **Motion to suspend the rules to vote on items 10 & 14.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Carter, Miller, Pietila, Shramski, Taylor-Burks, Waterman & Williams

No: None

Motion Carried

Resolution

City Council

20-460 **Resolution to reduce the spread of COVID -19 by requesting that RFP's for both the replacement of the chairs in the Council Chambers along with cleaning the ventilation ducts in Council Chambers, be issued immediately. Additionally, this resolution request that the purchase orders for both the chairs in Council Chambers and the cleaning of the ventilation ducts be included and submitted to Oakland County in the CARES cost reimbursement for Pontiac and the replacement of the chairs and the cleaning of the ducts be completed before December 31, 2020.** Moved by Councilperson Taylor-Burks and second by Councilperson Shramski.

WHEREAS, on April 14, 2020, the Pontiac City Council in an attempt to reduce the spread of the COVID-19, passed a resolution authorizing the Mayor to contract with Restoration 1 in an amount not to exceed \$15,000.00 for the cleaning, sanitizing and disinfecting of City Hall, 50th District Court, Ruth Peterson Senior Center and Bowens Senior Center.

WHEREAS, to date, the deep cleaning, sanitizing and disinfecting of City Hall, 50th District Court, Ruth Peterson Senior Center and Bowens Senior Centers have not been cleaned; and

WHEREAS, during budget discussions and amidst the peak of the COVID-19 pandemic, the City Council and the Executive discussed and agreed to remove the fabric seats in Council Chambers and replace them with vinyl seats; thereby, allowing for proper routine cleaning and disinfecting; and

WHEREAS, to date, the seats have not been removed or replaced; and

WHEREAS, during budget discussions, there was further discussion regarding issuing RFP's for ventilation cleaning of the Council Chambers; and,

WHEREAS, due to COVID-19, the Michigan Legislature passed legislation allowing for public bodies to meet virtually until December 31, 2020; and,

WHEREAS, COVID-19 more specifically CDC social distancing guidelines, mandate that Council Chambers be limited to 14 people; and,

WHEREAS, due to the increased costs incurred by the City due to COVID-19, the City of Pontiac upon signing the Interlocal Agreement with Oakland County, is entitled to CARES reimbursable expenses of up

to One Million, Five Hundred and Thirty-Three Thousand, One Hundred and Eighty-Seven (\$1,533,187.50) Dollars and Fifty Cent; and,

WHEREAS, both the replacement of the vinyl chairs and the cleaning of the ventilation ducts in Council Chambers are reimbursable expenses as verified by the Office of the Oakland County Executive; and,

WHEREAS, the City of Pontiac can make several submissions to Oakland County for reimbursement until the deadline of November 30, 2020.

NOW THEREFORE BE IT RESOLVED, the Pontiac City Council is requesting that RFP's for both the replacement of the chairs in the Council Chambers along with cleaning the ventilation ducts in Council Chambers, be issued immediately.

BE IT FURTHER RESOLVED that the purchase orders for both the chairs in Council Chambers and the cleaning of the ventilation ducts be included and submitted to Oakland County in the CARES cost reimbursement for Pontiac and the replacement of the chairs and the cleaning of the ducts be completed before December 31, 2020.

Ayes: Miller, Pietila, Shramski, Taylor-Burks, Waterman, Williams & Carter

No: None

Resolution Passed

Finance

20-461 **Resolution to approve the Inter-local Agreement for Cares between Oakland County and City of Pontiac.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, the City of Pontiac and Oakland County have entered into an agreement pursuant to the Urban Cooperation Act of 1967, 1967 Public Act 7, MCL 124.501 *et seq.*, for the purpose of County distributing a portion of its CARES Act funds to the City. County has allocated a portion of its CARES Act funds to be distributed to CVTs within Oakland County, which will be used to assist CVTs in meeting certain areas of need caused by the COVID-19 pandemic.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Pontiac approves the agreement for Cares Act Distribution between Oakland County and City of Pontiac and authorizes the Mayor to sign the agreement on behalf of the city.

Ayes: Pietila, Shramski, Taylor-Burks, Waterman, Williams, Carter & Miller

No: None

Resolution Passed

Point of Privilege to allow Former State Rep Tim Griemel to speak. Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

20-462 **Motion to suspend the rules to vote.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Williams, Carter, Pietila & Shramski

No: Miller

Motion Carried

Resolution

Finance

20-463 **Resolution to approve the Budget Amendment for Finance Director.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

WHEREAS, the City of Pontiac timely approved the FY 2020-2021 budget on June 29, 2020; and WHEREAS, the adopted FY 2020-2021 General Fund budget includes appropriations in the Finance Department for salaries for personnel using account number 101-206-702.000; and an appropriation for other professional services using account number 101-206-818.000.

WHEREAS, the appropriation for account number 101-206-702.000 is \$311,250 and the appropriation for account number 101-206-818.000 is \$140,000; and

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

WHEREAS, the proposed appropriation increase is \$81,000 for account number 101-206-702.000 to \$392,250; and the proposed appropriation decrease is \$81,000 for account number 101-206-818.000 to \$59,000; and

WHEREAS, the proposed appropriation transfer will be used to increase the Finance Director Salary from \$50,000 to \$131,000.

NOW THEREFORE, BE IT RESOLVED that the City Council authorizes the City Clerk to publish the notice of the budget amendment in the Oakland Press.

Ayes: Waterman, Williams, Carter, Pietila, Shramski & Taylor-Burks

No: Miller

Resolution Passed

20-464 **Motion to suspend the rules to vote.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Waterman, Williams, Carter, Miller, Pietila, Shramski & Taylor-Burks

No: None

Motion Carried

City Council

20-465 **Resolution for Phoenix Center Mediation Date.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

WHEREAS, the Emergency Manager seeking to cut costs, sought to demolish the Phoenix Center which triggered a lawsuit with Ottawa Towers; and,

WHEREAS, the city’s Legal Department, after several unsuccessful appeals, advised the Pontiac City Council to enter into a settlement agreement with Ottawa Towers; and,

WHEREAS, the City of Pontiac entered into a settlement agreement with Ottawa Tower II, LLC and the North Bay Drywall, Inc. Profit Sharing Plan & Trust on November 1, 2018; and,

WHEREAS, the parties participated in mediation and agreed upon the material terms of the settlement of their disputes; and,

WHEREAS, in consideration of the immediate discharge of all liens and encumbrances on the Phoenix Center, the City was required to pay Three Million Five Hundred Thousand (\$3,500,000.00) Dollars upon execution of all settlement documents in addition to Three Hundred and Fifty Thousand (\$350,000.00) Dollars in full and final reimbursement for all attorney fees and costs; and,

WHEREAS, the section entitled Maintenance, Repair and Improvements to the Phoenix Center and Tunnel, more specifically, section 6.2 of the settlement agreement, requires that in addition to the payments set forth in the Agreement, the City shall pay up to Six Million (\$6,000,000.00) Dollars over a ten (10) year period beginning as of the Effective Date of the Agreement for the maintenance and capital repair of and improvements to the Phoenix Center necessary to bring and maintain the Phoenix Center into conformance with the requirements of the International Property Maintenance Code (2015 edition), as referenced in the Michigan Building Code and the Michigan Rehabilitation Code (2015 edition).

WHEREAS, on April 28, 2020, the Pontiac City Council in an effort to comply with the Settlement Agreement as well as being good stewards and overseers of the funds of the City; passed a resolution for a budget amendment requiring that Seven Million (\$7,000,000.00.) Dollars be taken from the general fund (101) and allocated to the Phoenix Center (585-564-974.035) for parking structure repairs. Subsequently, the Council further provided that these funds be secured in the 2020-2021 fiscal year's budget.

WHEREAS, to date, there have been no repairs made to the Phoenix Center and the Executive has indicated to the Council that the City will be going back to mediation.

NOW THEREFORE BE IT RESOLVED, that the Pontiac City Council on behalf of the Citizens of Pontiac, request that the mediation date, time and location be provided to the Pontiac City Council during the Council meeting on Tuesday, October 13, 2020.

BE IT FURTHER RESOLVED, the Council further requests, that the date, time and location of any and all legal proceedings relating to the Phoenix Center be provided to the Council in writing, at least two weeks (14 days) prior to the actual date of the proceeding.

Ayes: Williams, Carter, Miller, Pietila, Shramski, Taylor-Burks & Waterman

No: None

Resolution Passed

20-466 **Motion to suspend the rules to vote.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Pietila, Shramski, Taylor-Burks & Waterman

No: Miller

Motion Carried

Resolution

Finance

20-467 **Resolution to ratify Mayoral appointment of Darrin Carrington as Finance Director.** Moved by Councilperson Pietila and second by Councilperson Waterman.

WHEREAS, pursuant to City Charter Section 4.106, the Mayor has the authority to appoint directors of each department of the executive branch; and

WHEREAS, the Director of Finance position is not currently filled; and

WHEREAS, on September 15, 2020, the Mayor introduced Director of Finance appointment Mr. Darin Carrington; and

WHEREAS, Mr. Carrington is imminently qualified to fulfill that position;

NOW THEREFORE, BE IT RESOLVED the City Council hereby approves of the appointment of Mr. Darin Carrington as the City of Pontiac Finance Director and resets the position to an annual salary of \$131,040.

Ayes: Pietila, Shramski, Taylor-Burks & Waterman

No: Carter, Miller & Williams

Resolution Passed

20-468 **Motion to suspend the rules to vote.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Ayes: Pietila, Shramski, Taylor-Burks, Waterman & Williams

No: Miller & Carter

Motion Carried

20-469 **Resolution to accept the Oakland County 2020-2021 ATPA Sub-Recipient Agreement with the City of Pontiac and authorizes the Mayor to sign document as presented.**

Moved by Councilperson Pietila and second by Councilperson Waterman.

WHEREAS, the City of Pontiac has been utilizing the Auto Theft Prevention Authority Grant through Oakland County since 2013; and

WHEREAS, the previous agreement with the Oakland County Sheriff's Office expired September 30, 2020; and

WHEREAS, the County and City may enter into a sub-recipient agreement by which the Oakland County Sheriff's Office would continue to assign a full-time Sheriff Deputy to the ATPA activities; and

WHEREAS, the Oakland County Sheriff's Office agrees to provide reimbursement to the City of Pontiac under the terms and conditions of the agreement up to 50 percent of the eligible expenditures;

NOW THEREFORE, BE IT RESOLVED that the City Council, upon the recommendation, of the Administration accepts the Oakland County 2020-2021 ATPA Sub-Recipient Agreement with the City of Pontiac and authorizes the Mayor to sign the document as presented.

Ayes: Pietila, Shramski, Taylor-Burks, Waterman & Williams

No: Carter & Miller

Resolution Passed

20-470 **Resolution to go into closed session.** Moved by Councilperson Waterman & second by Councilperson Taylor-Burks.

WHEREAS, Michigan Open Meetings Act Section B(h), MCL 15.268(h), allows a public body to go into closed session to consider material exempt from discussion or disclosure by state or federal statute; and WHEREAS, Michigan Freedom of Information Act Section 13(g) exempts from disclosure records subject to the attorney-client privilege;

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it recess into closed session to discuss an attorney-client privileged memorandum to consider the purchase or lease of real property that is exempt from disclosure by statute, specifically an attorney client privileged memorandum exempt from disclosure pursuant to MCL 15.243(1)(g).

Ayes: Shramski, Taylor-Burks, Waterman, Williams, Carter, Miller & Pietila

No: None

Resolution Passed

20-471 **Motion to come out of closed session.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Williams Carter, Pietila & Shramski

No: None

Motion Carried

20-472 **Motion to suspend the rules to vote.** Moved by Councilperson Shramski and second by Councilperson Pietila.

Ayes: Waterman, Williams, Carter, Pietila, Shramski & Taylor-Burks

No: None

Motion Carried

20-473 **Resolution to schedule a special meeting for Friday, October 23, 2020 at 7pm for a closed session related to Phoenix Center.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Williams, Carter, Pietila, Shramski, Taylor-Burks & Waterman

No: None

Resolution Passed

Public Comment

Five (5) individuals submitted public comments read by the City Clerk.

Adjournment

Council President Kermit Williams adjourned the meeting at 9:01 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK