

August 18, 2020 Approved Minutes

**Official Proceedings
Pontiac City Council
185th Session of the Tenth Council**

Call to order

A Formal Meeting of the City Council of Pontiac, Michigan was called to order electronically on Tuesday, August 18, 2020 at 6:00 p.m. by Council President Kermit Williams.

Roll Call

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

Members absent: Doris Taylor-Burks.

Clerk announced a quorum.

Authorization to Excuse Councilmembers

20-381 **Excuse Councilperson Doris Taylor-Burks for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Carter.

Ayes: Miller, Pietila, Waterman, Williams and Carter

No: None

Motion Carried

Councilwoman Shramski left the meeting

Amendments to the Agenda

20-382 **Motion to refer Audit Report to the Finance Subcommittee.** Moved by Councilperson Carter and second by Councilperson Pietila.

Ayes: Pietila, Waterman, Williams, Carter and Miller

No: None

Motion Carried

20-383 **Motion to allow Matt Gibb to speak on Phoenix Center.** Moved by Councilperson Pietila but no second.

20-383 **Motion to add communication sent to Council President from Mike Stevens about Phoenix Center on agenda.** Moved by Councilperson Miller and second by Councilperson Carter.

Ayes: Waterman, Williams, Carter, Miller and Shramski

No: Pietila

Motion Carried

20-384 **Motion to add School Board President Mike McGuinness presentation about the opening of Pontiac Schools.** Moved by Councilperson Pietila and second by Councilperson Miller.

Ayes: Waterman, Williams, Carter, Miller and Pietila

August 18, 2020 Approved Minutes

No: None

Motion Carried

Approval of the Amended Agenda

20-385 **Motion to approve the amended agenda.** Moved by Councilperson Carter and second by Councilperson Pietila.

Ayes: Williams, Carter, Miller, Pietila and Waterman

No: None

Motion Carried

Council President Williams read the Communication he received from Mike Stevens about the Phoenix Center. The email communication is attached as Exhibit A.

Approval of the Minutes

20-386 **Approval study session meeting minutes for August 11, 2020.** Moved by Councilperson Carter and second by Councilperson Waterman.

Ayes: Carter, Miller, Pietila, Waterman and Williams

No: None

Motion Carried

Subcommittee Report

Received Public Safety for July 2020

Special Presentation

Opening of Pontiac Schools.

Presentation Presenter: Mike McGuiness, School Board President

President McGuiness stated that the first quarter of the school year would be remotely through October 30, 2020.

Census Update with Statistics & Census Events

Presentation Presenter: Mayor Waterman

Update: Parks & Recreation, Neighborhood Empowerment Projects (NEP) and Other Program Partnerships.

Presentation Presenters: Mayor Waterman, Vern Gustafsson, Planning Manager, Gavin McGuire and Russell Harris, Boys and Girls Club.

Reopening of Schools,

Presentation Presenter: Mike McGuiness, Pontiac School Board President

Councilwoman Doris Taylor-Burks arrived in meeting

Resolutions

City Clerk

20-387 **Motion to refer to the Finance Subcommittee the Resolution to Approve the Salary Change for the Part-Time Customer Service Representative (CSR)-City Clerk's Office from \$5000.00 to \$16,762. The increase is due to increasing the number of work hours for the CSR to accommodate having to allocate the majority of the Special Assistant to the Clerk time to the Medical Marihuana application review process Moved by Councilperson Pietila and second by Councilperson Waterman.**

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

No: Miller

Motion Carried

Resolutions

Finance Department

20-388 **Adoption of an Emergency Ordinance to Amend Emergency Ordinance 2346 to extend \$400 Supplemental Payment for Health to General Employees Retirement System- GERS retirees until August 31, 2021 (The Retirement Administrator has requested that a correction be made to the ordinance that both Finance and the City Attorney presented to the City Council for approval on August 6, 2020.) Moved by Councilperson Taylor-Burks and second by Councilperson Miller.**

Ordinance #2377

An ordinance to provide for a limited increase in pension payments for certain members of the General Employee Retirement System.

Whereas, the temporary increase to certain members of the GERS pension system is set to expire on August 31, 2020; and,

Whereas, the City Council desires that this temporary increase continues for at least one more year; and, Whereas, such ordinance if approved will take effect from September 1, 2020 and expire on August 31, 2021, or when the CPREA health care litigation is resolved and health insurance will be provided to retiree class, whichever comes first, and,

Whereas, the Pontiac City Council considers this an emergency.

The City of Pontiac ordains:

Section 1. Amendments.

The General Employee Retirement System ordinance shall be amended to read as follows: a.

Section 17.6 shall be amended to add the following language: Temporary Pension Increase: ***"All persons who are receiving retirement benefits as of August 1, 2020 and who enter pay status through August 1, 2021, shall be entitled to receive an increase in their monthly allowance of***

four hundred dollars (\$400.00) per month beginning September 1, 2020 through August 31, 2021, or when the CPREA litigation is resolved and health insurance will be provided to the retiree class, whichever comes first.”

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 3. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Emergency Declaration and Effective Date.

This Ordinance is declared an emergency of health and safety to allow the pension recipients to collect the increase authorized in this Ordinance on the date identified in this Ordinance and shall be effective immediately upon adoption by the City Council.

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

No: None

Council Members Waterman and Miller disclosed that they were City retirees and will benefit from the ordinance.

Emergency Ordinance Approved

Note: Council President Williams requested that it be noted that the ordinance would have passed without the two members who will benefit from the ordinance.

20-389 Adoption of an Emergency Ordinance to Amend Emergency Ordinance 2357 to extend \$400 Supplemental Payment for Health to Police and Fire retirees until August 31, 2021 (The Retirement Administrator has requested that a correction be made to the ordinance that both Finance and the City Attorney presented to the City Council for approval on August 6, 2020.) Moved by Councilperson Miller and second by Councilperson Waterman.

Ordinance #2378

An ordinance to provide for a limited increase in pension payments for certain members of the Police and Fire Retirement System (PFRS).

The City of Pontiac ordains:

Section 1. Amendments.

The Code of Ordinances shall be amended to read as follows: a. Section 92-122.2 shall be amended to add the following language: Temporary Pension Increase: **“All persons who are receiving retirement benefits as of August 1, 2020 and who enter pay status through August 1, 2021, shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning September 1, 2020 through August 31, 2021, or when the CPREA litigation is resolved and health insurance will be provided to the retiree class, whichever comes first.”**

Section 2. Severability.

If any section, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

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The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 5. Emergency Declaration and Effective Date.

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

No: None

Emergency Ordinance Approved

Public Comment

Six (6) individuals submitted a public comment read by the City Clerk

Mayor, Clerk and Council Closing Comments

Mayor Waterman, Interim Clerk Garland Doyle, Councilwoman Gloria Miller, Councilwoman Mary Pietila, Councilwoman Patrice Waterman, Council President Pro-tem Randy Carter and Council President Kermit Williams made closing comments.

Adjournment

Council President Kermit Williams adjourned the meeting at 8:22 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK

----- Forwarded message -----

From: Michael Stephens <Michael.Stephens@ottawatowers.com>
Date: Tue, Aug 18, 2020 at 4:25 PM
Subject: RE: Ottawa Towers Offer To Council
To: j

Good Afternoon Councilman Williams,

Please see my fathers' proposal to sell our properties in Pontiac to the City of Pontiac. He was resistant to even make this proposal and I usually edit out his thoughts but I felt it

pertinent to leave them so that his state of mind is clearly known for all who will review this. This is a take it or leave it deal and is non-negotiable.

I would also like to remind you that Niccolo has been misrepresenting himself and does not represent the Ottawa Towers in any way nor is he under contract with us in any way.

Please feel free to call me to discuss this further.

Michael Stephens
OttawaTowers.com

From: Chuck Stephens

Sent: Tuesday, August 18, 2020 2:55 PM

To: 'Michael Stephens' <Michael.Stephens@ottawatowers.com>

Subject: FW: Ottawa Towers Offer To Council

Mike,

I doubt we can trust anything the Council says, and this time, no mister nice guy, I'm going straight for the throat, and inflict as much damage against the City

of Pontiac, as I can, and hopefully put them back in receivership, even if it costs me money. Here's my final proposal, direct to the City, to settle:

1.

Purchase price, for all five properties, \$20/m, allocated as noted below:

A.

Although I'm throwing the schools in for free, I want allocated, in escrow, \$921,627.00, CASH, which is the exact numbers in our current offer.

B.

We want allocated for 31 Judson, \$6,378,373.00, CASH.

C.

We want \$12,700,000.00 for 51111 Woodward, (\$100/k less than our current offer) with \$2.7/m down and the seller will finance the balance of \$10/m at 7%, on a 1/20 amortization,

with an option to extend to three years, with a bump in interest rate to 8%. Yes, the rate is higher than the market, which should give the City an incentive to pay us off quickly, which is the point.

D.

Michael and Jeff to stay on site until the note for 51111 Woodward is paid, at \$35,850.00, per month, paid by the City, by ACH, on the 1st of each and every

month. Their duties to remain exactly as they are now in regards to the buildings.

2.

This does NOT forgive the \$2.1/m the City owes in the Settlement Agreement, which they are to continue to pay as per that Agreement, at \$700/k each November 1st,

until paid off.