

**Official Proceedings
Pontiac City Council
268th Session of the Tenth Council**

Call to order

A Formal Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, December 21, 2021 at 12:00 p.m. by Council President Kermit Williams.

Invocation – Pastor Kathy

Pledge of Allegiance

Roll Call

Members Present – Pietila, Shramski, Williams and Williams

Mayor Waterman was present.

A quorum was announced.

Excuse Councilmember

21-401 **Motion to excuse Councilperson Gloria Miller, Randy Carter and Doris Taylor-Burks for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Ayes: Pietila, Shramski, Waterman and Williams

No: None

Motion Carried

Councilwoman Miller arrived at 12:13 p.m.

Councilwoman Taylor-Burks arrived at 12:15 p.m.

Amendments to and Approval of the Agenda

21-402 **Motion to remove item #6 (Ordinance to amend the City of Pontiac Reestablished General Employees' Retirement System) from the agenda.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: Pietila and Miller

Motion Carried

21-403 **Motion to remove item #7 (Resolution of no confidence in Mayor Deirdre Waterman) from the agenda.** Moved by Councilperson Pietila and second by Councilperson Shramski.

Ayes: Shramski, Taylor-Burks, Miller and Pietila

No: Waterman and Williams

Motion Carried

21-404 **Motion to move items #11 (Resolution to approve the submission of the Community Block Grant (CDBG) application for program year 2022 allocating \$798,883 for sidewalks) item # 12 (Resolution to reprogram Community Development Block Grant (CDBG) Funds from home**

Senior Housekeeping Services to Senior Services and Youth Services for program year 2019 and 2020) item #15 (Resolution to authorize Mayor to sign the Oakland County Sheriff 2022-2024 Law Enforcement Agreement with the City of Pontiac) and item #14 (Resolution to approve a month-to-month agreement with Wade trim for the City of Pontiac Building Services) after item #3 (public hearing for reprogramming Community Development Block Grant (CDBG) Funds from Home Senior Housekeeping Services to Senior Services and Youth Services for program year 2019 and 2020.) on the agenda. Moved by Councilperson Pietila second by Councilperson Shramski.

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

No: None

Motion Carried

21-405 **Motion to approve the agenda as amended.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

Motion Carried

Approval of Minutes

21-406 **Motion to approve meeting minutes for December 14, 2021.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

Subcommittee Report

Received Public Safety, December 2021

Recognition of Elected Officials – None

Agenda Address – None

Public Hearing

Council President Kermit Williams opened up a public hearing at 12:44 p.m. for Reprogram Community Development Block Grant (CDBG) Funds from Home Senior Housekeeping Services to Senior Services and Youth Services for program year 2019 and 2020. One individual addressed the body during public hearing.

1. Billie Swazer 1619 Marshbank Dr. Pontiac, MI. She stated “and I liked to know what the Block Grant Funds from the Senior Housekeeping Services to Senior Services. What does Senior and Youth Services entail and what that means for the citizens of Pontiac? Because otherwise they are already paying for Youth services with our taxes. We need to have this for Senior Services only. Thank you”

Council President Kermit Williams closed public hearing at 12:45 p.m.

Agenda Items

Community and Economic Development

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21-407 **Resolution to approve the submission of the Community Development Block Grant application for program year 2022 allocating \$798,883 for sidewalks.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac is submitting an application for the Community Development Block Grant; and

Whereas, the grant application will be submitted on December 17, 2021 to Oakland County for Program Year 2022 projects; and

Whereas, a Public Hearing is required with a minimum 10 notice, published by December 3, 2021 to the public; and

Whereas, the Public Hearing was held on December 14, 2021 at 6:00 p.m.; and

Whereas, the following project is proposed for consideration:

Sidewalks for \$798,883. Funds to repair sidewalks throughout the City of Pontiac.

Now, Therefore, Be It Resolved, that the Pontiac City Council approve submission of the Community Development Block Grant Application for the Program Year 2022 for proposed projects.

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

No: None

Resolution Passed

21-408 **Resolution to Reprogram Community Development Block Grant (CDBG) Funds from Home Senior Housekeeping Services to Senior Services and Youth Services for Program Years 2019 and 2020.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Whereas, the City of Pontiac seeks to reprogram Community Development Block Grant(CDBG) Funds from Senior Housekeeping Services and to Senior Services and Youth Services for Program Years 2019 and 2020; and,

Whereas, the notice for the public hearing was published in the Oakland Press on December 10, 2021; and

Whereas, the Public Hearing for the Reprogramming was held on December 21, 2021; and

Whereas, the following projects are proposed for the reprogramming.

1. Senior Services - \$65,000: meal programs either meals-on-wheels or congregate
2. Youth Services - \$25,00: mentoring support and enrichment programs for COP youth (Kids First Initiative)
3. Youth Services - \$10,000: recreational services for COP youth (Pontiac Panthers)

Now, Therefore, Be It Resolved, that the Pontiac City Council approve the reprogramming of Community Development Block Grant (CDBG) funds from Senior Housekeeping Services to Senior Services and Youth Service for Program Years 2019 and 2020 for the proposed projects.

Ayes: Shramski, Taylor-Burks, Waterman and Williams

No: Miller and Pietila

Resolution Passed

Finance

21-409 **Resolution to authorize Mayor to sign the Oakland County Sheriff 2022-2024 Law Enforcement Agreement with the City of Pontiac.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, the O.C.S.O has demonstrated its ability to faithfully execute the terms of the Agreement for the last three years; and,

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Whereas, the City recognizes the importance of maintaining uninterrupted Law Enforcement Services at the City of Pontiac; and,

Whereas, the City currently does not have its own Police Department; and,

Whereas, it is in the best interest of the City and the O.C.S.O to enter into an agreement for three more years; and,

Now, Therefore, the City and O.C.S.O enter into an agreement, for the law Enforcement Services at the City of Pontiac;

Now, Therefore, Be It Resolved, the City Council for the City of Pontiac approve the attached Law Enforcement Service Agreement with the Oakland County Sheriff's Office for a period of three years from January 1, 2022 to December 31, 2024.

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

No: Miller

Resolution Passed

21-410 **Resolution to approve a month-to-month agreement with Wade trim for the City of Pontiac Building Services.** Moved by Councilperson Miller and second by Councilperson Pietila.

Whereas, the City and Contractor entered into an Agreement on the 16th day of February, 2011; and,
Whereas, the City and Contractor have amended the Agreement via Amendments A through J, most recently in December 2020; and,

Whereas, the Contractor has demonstrated its ability to faithfully execute the terms of the Agreement; and,

Whereas, the City recognizes the importance of maintaining uninterrupted Building Safety Services for residents and businesses; and,

Whereas, the City currently does not have staff to perform these services without significant interruption and disruption for the citizens of Pontiac; and,

Whereas, it is in the best interest of the City and the Contractor to extend the current agreement to insure uninterrupted services to the Citizens of Pontiac; and,

Now, Therefore, the City and Contractors agree to extend the Agreement, for the following professional services and conditions:

1. Extend the contract on a month-to-month basis until December 32, 2022
2. Amend Section 3.2.1 to read as follows:
3. Compensation. Contractor shall receive from January 1, 2022 through December 31, 2022, a monthly payment from the City in the amount of \$146,670.

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

No: None

Resolution Passed

Discussion

Pontiac Youth Recreation and Enrichment Center (PYREC)

Councilwoman Pietila left the meeting

Councilwoman Patrice Waterman left the meeting

Ordinance

2388 **Emergency Ordinance for Extension of Supplemental Pension Payment for Police and Fire Retirees.** Moved by Councilperson Shramski and second by Councilperson Taylor-Burks.

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Ayes: Taylor-Burks, Williams, Miller and Shramski

No: None

Ordinance Passed

****Ordinance #2388 attached as Exhibit A****

City Clerk

21-411

Resolution to Set a Special Election for May 3, 2021 to elect Charter

Commissioners. Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Whereas, Proposal A stated the question “Shall the 1982 Charter for the City of Pontiac be revised by a Charter Commission to be selected by the electorate? and,

Whereas, Pontiac voters approved Proposal A on August 3, 2021; and,

Whereas, Michigan Public Act 279 of 1909 117.18 Incorporation; revision of charter, procedure, commission, advisory vote; incorporation of provision in original charter granted by legislature states “No city officer or employee, whether elected or appointed, shall be eligible to a place on the commission. The names of all candidates so nominated shall be placed upon a separate ballot at the election designated to be held for the election of a charter commission without their party affiliations designated; the 9 candidates having the greatest number of votes shall be declared elected; and,

Whereas, the Pontiac City Council sets a Special Election on May 3, 2022 for the purposes of electing charter commissioners.

Now, Therefore, Be It Resolved, that the Pontiac City Council, schedules a special election for May 3, 2022 for the election of a charter commission.

Ayes: Williams, Miller, Shramski and Taylor-Burks

No: None

Resolution Passed

21-412

Resolution to Authorize the City Clerk to post notice of a proposed budget amendment for Fiscal year 2021-2022 in the Oakland Press to amend the Elections (191) and Clerk (215) budgets to cover expenses for Special Election and Charter Commission. Moved by Councilperson Miller and second by Councilperson Shramski.

Whereas, the City Clerk is requesting \$31,200 in funds to be transferred from the general fund balance GL Account 101-000-390-000 to the following accounts 101-191-702-004 overtime wages \$1,200; 101-191-740-000 operating supplies \$10,000; 101-191-809-000 services-elections \$10,000; 101-215-809-002 Charter Commission; and

Whereas, these transfers are necessary to pay for the additional cost that will be incurred for the Special Election on May 3, 2022 and to support the Charter Commission; 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
Now, Therefore, Be It Resolved, that the City Council authorizes the City Clerk to post the proposed budget amendment in the Oakland Press.

Ayes: Williams, Miller, Shramski and Taylor-Burks

No: None

Resolution Passed

21-413 **Resolution to Change the City Council Meeting on December 30, 2021 at 12:00 p.m. to December 28, 2021 at 12:00 p.m.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Whereas, the Pontiac City Council scheduled a meeting on Thursday, December 30, 2021 at 12:00 p.m. in the City Council Chambers.

Now, Therefore, Be It Resolved, that the Pontiac City Council reschedules its meeting set for December 30, 2021 at 12:00 p.m. to December 28, 2021 at 12:00 p.m. in the Council Chambers.

Ayes: Miller, Shramski, Taylor-Burks and Williams

No: None

Resolution Passed

Department of Public Works (DPW)

21-414 **Resolution to approve the Michigan Department of Transportation (MDOT) Annual Permit Performance Resolution.** Moved by Councilperson Miller and second by Councilperson Shramski.

RESOLVED WHEREAS, the City of Pontiac hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to

seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Ayes: Miller, Shramski, Taylor-Burks and Williams

No: None

Resolution Passed

Planning

21-415

Resolution to Approve Conveyance of Northwest 20 Feet of Lots 8 and 9 Elkins Addition City of Pontiac) Tax Parcel 64-14-31-403-006) Via Quit Claim Deed to Amorphous Solid, LLC (Epiphany Studios). Moved by Councilperson Taylor-Burks and second by Councilperson Shramski.

Whereas, a certain parcel of property, being the northwest 20 feet of Los 8 and 9 in the Elkins Addition Subdivision in the City of Pontiac (Tax Parcel 64-14-31-403-006) was conveyed to the City in 1956 for the construction or creation of an alley to be located off Sylvan Court west of Orchard lake road, however, the alley was not constructed; and

Whereas, despite the above-referenced parcel being owned by the City it has appeared on the City's tax rolls since at least 1999 and current online records identify the current taxpayer of to be Amorphous Solid LLC, a Michigan limited liability company which operates a glass blowing and decorative art business in the immediately adjacent property located at 770 Orchard Lake Road (Tax Parcel 64-14-31-403-007; and

Whereas, the Office of the City Attorney reviewed the circumstances surrounding Tax Parcel 64-14-31-403-006, provided Council with a memorandum containing detailed information regarding the property and included copies of a current title insurance commitment and other related documents for Council's review and approval to consider whether Council should approve the City's conveyance of Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via quit claim deed; and

Whereas, it is for the mutual benefit of the City, Amorphous Solid, LLC and the future owners of 770 Orchard Lake Road to convey Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via quit claim deed.

Now, Therefore, Be It Resolved as follows:

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1. City Council approves the conveyance of Tax Parcel 64-14-31-403-006 to Amorphous Solid LLC via form of quit claim deed attached to this Resolution and directs the Mayor or her designee to execute the quit claim deed on the City's behalf.

Ayes: Shramski, Taylor-Burks, Williams and Miller

No: None

Resolution Passed

Law

Received Legal Update Memorandum

Communications from the City Clerk

Received Medical Marihuana Commission Update

Received Clerk's response to City Attorney Memorandum about Potential Conflicts of Interest in Marihuana Application Review Process

Communication from the Mayor

Received the Mayoral Veto of Resolution 21-387 regarding the State of the City Farewell Address

Public Comment

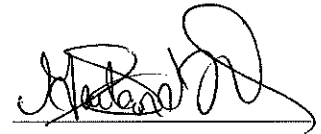
Three (3) individuals addressed the body during public comment

Mayor, Clerk and Council Closing Comments

Mayor Waterman, Legislative Counsel Sharpe, Councilwoman Taylor-Burks, Councilwoman Miller, Councilwoman Shramski and Council President Kermit Williams made closing comments.

Adjournment

Council President Kermit Williams adjourned the meeting at 1:56 p.m.



Garland Doyle
Interim City Clerk

Ordinance No. 2388

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

Whereas, the temporary increase to certain members of the PFRS is set to expire on December 31, 2021; and,

Whereas, the City Council desires that this temporary increase continues for no longer than June 30, 2022

Whereas, such ordinance if approved will take effect from January 1, 2022 and expire on June 20, 2022, or when the New VEBA begins providing the health care benefits to the eligible retirees, whichever comes first, and,

Whereas, the Pontiac City Council considers this an emergency. The City of Pontiac ordains:

Section 1. Amendments.

The Police & Fire Retirement System ordinance 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 retired before August 22, 1966, and who are receiving retirement benefits as of January 1, 2022 and who enter pay status through June 1, 2022, shall be entitled to receive an increase in their monthly allowance of four hundred dollars (\$400.00) per month beginning January 1, 2022 through June 30, 2022, or when the New VEBA begins providing the health care benefits to the eligible retirees, 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.