

**Official Proceedings
Pontiac City Council
28th Session of the Eleventh Council**

Call to order

A 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, May 24, 2022 at 6:03 p.m. by Council President Mike McGuinness.

Invocation –

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness, Brett Nicholson, William Parker Jr. and Melanie Rutherford

Mayor Greimel was present.
A quorum was announced.

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Parker and second by Councilperson Rutherford.

Motion to move item 7 (resolution to approve the City of Pontiac’s agreement with the Pontiac Community Foundation to Establish the City of Pontiac Fund) & item 8 (resolution to approve the City of Pontiac’s submission of a grant application title “Pontiac Arts Crawl” to Michigan Arts and Culture Council Project Support Grant Program in the amount of \$10,000) as new items 1 & 2. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman
No: None

Motion Carried

The vote was taken to approve the agenda as amended

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington
No: None

Motion Carried

Consent Agenda

22-159 **Resolution to approve the consent agenda for May 24, 2022.** Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion on the motion.

Whereas, the City Council has reviewed the consent agenda for May 24, 2022.
Now, Therefore, Be It Resolved that the City Council approves the consent agenda for May 24, 2022 including the May 12, 2022 Finance and Personnel Subcommittee Meeting Minutes and May 12, 2022 Public Safety, Health and Wellness Subcommittee Meeting Minutes and May 17, 2022 City Council Meeting Minutes.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James

No: None

Resolution Passed

Motion to approve May 18, 2022 Special Meeting on the Budget Minutes with amended to update Councilman Parker from absent to present. Move by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Motion Carried

Recognition of Elected Officials – Kenyada Bowman, School Board Vice President

Agenda Address

1. Irene Wright addressed item 10
2. Julia Ruffin addressed item 10
3. Laurie Bishop addressed item 10

Agenda Items

Resolutions

Grants

22-160 **Resolution to approve the City of Pontiac’s Agreement with the Pontiac Community Foundation to Establish the City of Pontiac Fund.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac desires to enter a fiscal sponsorship agreement with the Pontiac Community Foundation to establish the City of Pontiac Fund.

WHEREAS, this request is made in an effort to leverage funding from all sources to build the capacity of the City’s funding pursuit.

WHEREAS, this Fund will allow the City of Pontiac to raise charitable contributions in support of City-sanctioned projects and programming.

WHEREAS, the Pontiac Community Foundation and the City of Pontiac Executive Administration will maintain all financial records relating to the Fund according to generally accepted accounting principles, retain records as long as required by law, and make records available to auditors as required by law.

WHEREAS, the City of Pontiac, on behalf of the City of Pontiac Fund, designates the Mayor to act as its authorizing official. The authorizing official shall have authority to sign disbursement requests, as needed, and will assign the Director of Grants & Philanthropy, or other designee, as the principal coordinator of the City of Pontiac Fund’s daily business with the Pontiac Community Foundation.

WHEREAS, the Director of Grants & Philanthropy or other designee, at the direction of the Mayor, will be the sole source and point of contact for donor engagement involving the Fund and no other individual, commission, or group will have the authority to solicit contributions or conduct donor engagement to the Fund without the written consent of the Director of Grants & Philanthropy or other designee.

WHEREAS, Pontiac Community Foundation will establish and operate for the use of the COP Fund a designated account segregated on Pontiac Community Foundation's books. All amounts deposited into a Project's Account will be used in its support, less administrative charges, if any, and subject to the conditions set forth in the agreement.

WHEREAS, The City of Pontiac’s Department of Grants and Philanthropy will continue to aggressively pursue grants and philanthropic opportunities that the municipality is eligible for and, in the instance that

the opportunity is solely 501(c) (3) permissible or a donor prefers to give to a charitable organization, will utilize the City of Pontiac Fund as a conduit to realize the charitable contribution or award.

WHEREAS, The Director of Grants & Philanthropy or other designee will provide a City of Pontiac Fund balance sheet to the Pontiac City Council for inclusion in the Council Consent Agenda the second meeting of each month.

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council hereby approves the “Fiscal Sponsorship Agreement – City of Pontiac Fund” and authorizes Mayor Tim Greimel to execute said agreement.

Ayes: Rutherford, Carrington, Goodman, McGuinness, Nicholson and Parker

No: None

Abstain: James

Resolution Passed

22-161 **Resolution to approve the City of Pontiac’s submission of a Grant Application title “Pontiac Arts Crawl” to the Michigan Arts and Culture Project Support Grant Program in the amount of \$10,000.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City of Pontiac desires to submit an application titled “Pontiac Arts Crawl” to the Michigan Arts and Culture Council Capital Improvements Grant Program in the amount of \$10,000.

WHEREAS, the Grant Program requires that the City of Pontiac certify compliance with all Grant Program requirements, including commitment to all project cost overruns.

NOW THEREFORE BE IT RESOLVED that The City of Pontiac hereby approves participation in the Michigan Arts and Culture Council Project Support Grant Program and authorizes the submission of an application for \$10,000.

BE IT FURTHER RESOLVED that The City of Pontiac acknowledges and certifies compliance with all grant program requirements, including all project cost overruns.

BE IT FURTHER RESOLVED that The City of Pontiac shall make a local match through funds raised to both the Pontiac Community Foundation City of Pontiac Fund and the City of Pontiac.

BE IT FURTHER RESOLVED that Mayor Tim Greimel is authorized to sign all grant-related documents on behalf of The City of Pontiac in relation to this grant award.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

No: None

Resolution Passed

Ordinances

Motion to accept amendments for Mobile Food Vendor Ordinance. Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

Motion Carried

2393 **An Ordinance Amendment to Article Xixa regarding Mobile Food Vendors.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford and Goodman

No: Carrington

Ordinance Passed

****See Ordinance 2393 after minutes as Attachment A****

Resolutions

City Council

22-162

Council Resolution Recognizing the First Friday in June 2022 as National Gun Violence Awareness Day. Moved by Councilperson Rutherford and second by Councilperson Goodman.

Whereas gun violence is a significant problem in the United States that affects people in all stages of life, from infants to the elderly, and is linked to many chronic diseases, substance abuse and other physical, reproductive, and mental health consequences; and

Whereas, gun violence is a leading cause of premature death in the United States, with more than 38,000 people are killed and nearly 85,000 are injured by guns each year, and the American Public Health Association recognizes a comprehensive public health approach to addressing this growing crisis is necessary; and

Whereas, as reported by the Centers for Disease Control and Prevention (CDC) nationwide, more than 16,250 people were the victims of Homicide and more than 38,360 people took their own life in one year, according to the most recent data available; and

Whereas, more than 1,200 people in Michigan died by gun violence in 2019, an average of more than three people every day; and

Whereas, violence also effects youth in the United States with homicide as one of the leading causes of death among persons 15 to 24 years old, according to the CDC, with more than 1,800 children and teens dying by gun violence every year; and

Whereas, gun violence affects people of all ages and races in the United States, but has a disproportionate impact on black young adults and males; and

Whereas, Black Americans represent the majority of gun homicide victims with Black Americans ten times more represent the majority of gun homicide victims with Black Americans ten times more likely than White Americans to die by gun homicide; and

Whereas, firearms are the leading cause of death for American children and teens; and

Whereas, in Michigan, young black males aged 15-34 have a firearm homicide rate 42 times higher than White males of the same age group; and

Whereas, the CDC has found that although there are a significant number of violent deaths in this county each year, there are many more individuals who survive violence and are left with permanent physical and emotional scars, and that this violence erodes communities by reducing productivity, decreasing property values, and disrupting social services; and

Whereas, exposure to youth violence can lead to a wide array of negative health behaviors and outcomes, including alcohol use, drug use, and suicide. In addition, depression, anxiety, and other psychological problems can result from exposure to violence; and

Whereas, the forgoing findings demonstrate the prevalence of violence and the detrimental effects that violence has on the citizens of this nation, state, and county; and

Whereas, it is the belief of the Pontiac City Council that the issue of gun violence in communities like ours is rooted in racial and health inequities injustices experienced for generations by people of color; and

Whereas, communities across the county require multidisciplinary solutions that address the root causes of violence; and

Whereas, protecting public safety in the City we serve is one of our highest responsibilities; and

Whereas, the City recognizes the need to provide positive and safe environments for children through community programs as well as mental health services; and

Whereas, the City is working with all beneficial community partners to expand out-of-school time programming for all youth; and

Whereas, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after a period of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in gun violence in Oakland County; and

Whereas, it is in the best interests of the residents of this City that we support the existing collaborations to establish an evidence-based public health response to address the underlying social, economic, and systemic factors that promote gun violence; and

Whereas, 15-year old Hadiya Pendleton was tragically shot and Killed in Chicago, Illinois in 2013, and on June 3, 2022, to recognize Hadiya Pendleton's 25th birthday, people will recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya Pendleton and other victims of gun violence, and in solidarity with the victims' family and friends; now,

Therefore, Be It Resolved, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby recognizes June 3, 2022 as National Gun Violence Awareness Day in Pontiac, Michigan; and further Resolved, the City Council encourages Pontiac residents to wear orange on Friday, June 3rd this year to raise awareness about gun violence and honor the lives of gun violence victims and survivors; and further Resolved, the City of Pontiac renews our commitment establish working relationships with other local municipalities, community partners, and community members to establish an evidence-based public health response to address the underlying social, economic, and systemic factors that promote gun violence; and further

Resolved, to reducing gun violence and pledges to do all we can to keep firearms out of the wrong hands, encourage responsible gun ownership to help keep citizens safe, and calls upon all residents to prevent future tragic incidents of gun violence in every neighborhood in our City.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

22-163 **Council Resolution Recognizing June 2022 as LGBTQIA+ Pride Month.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Whereas, in 1969, a Black transgender woman named Marsha P. Johnson, along with other LGBTQIA+ individuals, risked their lives to protest the over-policing of the LGBTQIA+ community and the injustice that threatened their existence on a daily basis – this multi-day protest became known as the Stonewall Riots and is credited by many for starting the modern-day LGBTQIA+ equality movement, and the one-year anniversary of the Stonewall Riots 52 years ago in 1970 was the beginning of Pride; and

Whereas, the LGBTQIA+ movement has endured through tragedy and struggle, including the slow and insufficient government response to assist those with HIV /AIDS, a lack of community and social acceptance, and the ongoing effort today to educate others and to protect the rights of the LGBTQIA+ community; and

Whereas, the movement has also celebrated victories of recognition, especially the historic Obergefell decision in 2015 which affirmed marriage equality nationwide and the recent Bostock decision in 2020 that upheld federal employment protections for the LGBTQIA+ community; and

Whereas, the City of Pontiac strives to be an exceptional place for all of our residents to live, work, enjoy, learn, and thrive; and,

Whereas, the City of Pontiac accepts and welcomes all people of diverse backgrounds and believes a diverse population leads to a more vibrant community; and,

Whereas, the Pontiac community benefits from fostering greater acceptance of all residents and further preventing discrimination, harassment, and bullying based on sexual orientation, gender identity, and gender expression; and,

Whereas, it is imperative that people of all ages in our community, regardless of sexual orientation, gender identity, and gender expression, feel valued, safe, and supported by their peers and community leaders; and, Whereas Pontiac's lesbian, gay, bisexual, transgender, queer, intersex, asexual, and nonbinary identifying (LGBTQIA+) community members are a vital part of our overall community and contribute to making our City stronger and more inclusive; and,

Whereas, LGBTQIA+ Pride Month is celebrated each June, with origins in the June 1969 New York City

uprising at the Stonewall Inn; now,

Therefore, Be It Resolved, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby recognizes June 2022 as LGBTQIA+ Pride Month in Pontiac; and further

Resolved, the City Council affirms that Pontiac lesbian, gay, bisexual, transgender, queer, intersex, asexual, and nonbinary identifying residents are accepted, welcomed, and valued members of our Pontiac community; and further

Resolved, the City of Pontiac renews our commitment to fostering greater acceptance, safety, and inclusion Of residents in our community regardless of sexual orientation, gender identity, and gender expression.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness and Nicholson

No: None

Resolution Passed

22-164 **Council Resolution Recognizing June 2022 as Men’s Health Month.** Moved by Councilperson Nicholson and second by Councilperson Rutherford.

Whereas, the City of Pontiac strives to be an exceptional place for all of our residents to live, work, enjoy, and thrive; and,

Whereas, despite advances in medical technology and research, presently in America men continue to live an average of five years less than woman, with Native American and African American men having the lowest life expectancy; and,

Whereas, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease, as well as improve male resident’s quality of life; and,

Whereas, men who are educated about the value that preventive health can play in prolonging their lifespan and their role as family members will be more likely to participate in health screenings and other preventative health practices; and,

Whereas, Father’s Day is on June 19 this year, and fathers who maintain a healthy lifestyle are role models for their children and consequently have happier, healthier children; now,

Therefore, Be It Resolved, the Pontiac City Council, in partnership with Mayor Tim Greimel, hereby recognizes June 2022 as Men’s Health Month in Pontiac; and further

Resolved, the City Council encourages residents to strengthen their awareness and understanding of the importance of a healthy lifestyle, regular exercise, health screenings, and regular medical check-ups; and further

Resolved, we are hopeful that Men’s Health Month draws greater attention to positive health attitudes and preventative health practices for men, boys, and their families, and the pervasive health challenges of heart disease, mental health, diabetes, and prostate, testicular, and colon cancer.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Resolution Passed

22-165 **Resolution to approve Micah 6 Development Agreement.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Whereas, the City Council of the City of Pontiac, by resolution, established an obsolete property rehabilitation district for the real property located at 640 W. Huron Street, Pontiac, MI 48341 (parcel 64-14-30-453-001); and

Whereas, the City Council of the City of Pontiac, by resolution, granted an obsolete property rehabilitation exemption certificate for the real property located in the Obsolete Property Rehabilitation District located at 640 W. Huron Street, Pontiac, MI 48341(parcel 64-13-30453-001).

Whereas, approval of the OPRA district and exemption certificate is subject to City Council approval of a development agreement detailing mutual compliance of specified terms; and

Whereas, the use of this property shall be restricted to non-marihuana related uses during the effective period of the OPRA Certificate. Shall use of the property become marihuana related, the OPRA Certificate shall be immediately revoked by the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pontiac

Be and hereby grant approval of the Micah 6 Community, LLC Development Agreement for a 12-year Obsolete Property Rehabilitation Exemption Certificate for the real property, excluding land, located in the Obsolete Property Rehabilitation District located at 640 W Huron Street, Pontiac, MI 48341 (parcel number 64-14-30-453-001). The Development Agreement will be reviewed for compliance to terms specified for this certificate.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

Resolution Passed

Planning

22-166

Resolution to approve the Certification Agreement-Certified Local Government-State Historic Preservation Office. Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, the CONGRESS OF THE UNITED STATES, in order to extend the Federal-state historic preservation partnership to the local level, has required the State Historic Preservation Office of each state to develop and implement a Certified Local Government (CLG) Program, as described in Sections 302501-302505 of the National Historic Preservation Act (NHPA), as amended (NHPA; 54 USC 300101 et seq.), to carry out the purpose of the NHPA; and

Whereas, the MICHIGAN STATE HISTORIC PRESERVATION OFFICE (SHPO) has developed a CLG Program in accordance with the NHPA and the "Historic Preservation Fund Grants Manual" (Manual), issued by the United States Department of the Interior in June, 2007, which affords municipal units, including cities and counties, an opportunity to formalize and strengthen their local historic preservation programs, review property nominations to be submitted to the national register of historic Places, complete for matching grant-in-aid funds earmarked for the CLG Program, and perform other responsibilities delegated to it under the NHPA; and

Whereas, the CITY OF PONTIAC, MICHIGAN (CITY), desires to participate in the CLG Program and receive certification from the SHPO of its ability to carry out the purpose of the NHPA and receive transfers of, in accordance with Section 302902 (c) of the NHPA, a portion of the grants received by the State of Michigan under the NHPA.

NOW, the CITY has submitted a complete and adequate application for certification and related application materials as specified in the Manual and hereby accepts and assumes the required and optional responsibilities identified in the NHPA, the Federal Regulations set forth at 36 CFR Part 61, the Manual, and the approved certification application, including amendments, and shall perform as follows:

Required Responsibilities

1. Enforce appropriate federal, state, and local legislation for the designation and protection of historic properties.
2. Establish by ordinance and maintain an adequate and qualified historic preservation review commission composed of professional and lay members, in keeping with state and/or local law. Written approval of each consultant who will be used in the CLG Program to satisfy professional qualifications shall be obtained from the SHPO prior to the performance of any task by the

- consultant, and each approval shall be considered an attachment to this Certification Agreement.
3. Maintain a system for the survey and inventory of local historic resources that furthers the purposes of the NHPA.
 4. Provide for adequate public participation in the local government's historic preservation program, including the process of recommending properties for listing in the National Register of Historic Places.
 5. Satisfactorily perform the responsibilities delegated to it under the NHPA.
 6. Comply with all federally and SHPO-imposed requirements pertaining to the CLG Program.
 7. **Submit an annual report to the SHPO not later than March 1 of each year.** Unless otherwise requested, the report shall be mailed to: Certified Local Government Coordinator, State Historic Preservation Office, 300 N Washington Square, Lansing, Michigan 48913.

Optional Responsibilities

Should the CITY desire to perform optional responsibilities, the CITY and SHPO may amend this Certification Agreement to identify and specify the optional responsibilities that the CITY will assume. The CITY may also assume optional responsibilities through the Historic Preservation Fund subgrant process. In such cases, a subgrant agreement will describe the specific work to be performed and how the work will be accomplished.

IT IS UNDERSTOOD that this Certification Agreement will continue in effect so long as the CITY: 1) remains a CLG in good standing, 2) remains eligible for CLG certification based on periodic evaluations of its compliance with the terms and conditions of this Certification Agreement, 3) desires to remain certified, and 4) continues to meet all CLG Program requirements, as established and revised by the Congress of the United States and the United States Department of the Interior.

WHEREFORE, the representatives of the parties have affixed their signatures below as evidence of the acceptance and execution of this Certification Agreement by the CITY and the SHPO. Upon its designation as a CLG, the CITY shall be eligible for all rights and privileges of a CLG specified in the NHPA, Federal Regulations and the Manual. These rights include eligibility to apply for available CLG grant funds in competition only with other certified local governments.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman

No: None

Resolution Passed

Council President Mike McGuinness took roll call vote 7 to 0 to end the debate on item #10

22-167 **Resolution to approve Zoning Map Amendment [ZMA 22-03] at 108 W. Lawrence, PIN 64-14-29-452-009 from C-3 Corridor Commercial to M-1 Light Manufacturing with Conditions.**
Moved by Councilperson Rutherford and second by Councilperson Goodman.

Whereas, the City has received an application for a Zoning Map Amendment with Conditions at 108 W Lawrence identified as PIN 64-14-29-452-009 from NF Lawrence LLC for the rezoning of the aforementioned parcel; and

Whereas, The Planning Division has reviewed the applicant's rezoning request in regards to the City's Master Plan Update and the request conforms to the goals and vision contained within the plan; and

Whereas, The Planning Division has reviewed the applicant's rezoning request and the requirements set forth by Section 6.804 and 6.807 of the Zoning Ordinance and the Planning Division has determined the aforementioned request and proposed intended use of the property complies with the City of Pontiac Zoning Ordinance; and

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Whereas, In accordance with the procedures outlined in the Zoning Ordinance, Sections 6.802 as it relates to Zoning Map Amendments, the request has undergone the required: Technical Review, Public Hearing, and Planning Commission recommendation; and

Whereas, On March 4, 2022, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council to approve the Zoning Map Amendment with Conditions and approve the change from the current C-3 Corridor Commercial zoning district to M-1 Light Manufacturing with Conditions; and

Now, Therefore, Be It Resolved, that the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment (ZMA 22-03) request for PIN 64-14-29-452-009 to amend the current site zoning from C-3 Corridor Commercial to M-1 Light Manufacturing with Conditions.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James

No: None

Resolution Passed

Communications

City Council

Municipal Cemetery Offices Closed on Memorial Day (May 30) will have extended availability Saturday, May 28 from 9:00 am to 4:00 pm if families need assistance ahead of holiday. (248) 623-7705

Memorial Day Ceremony at Oak Hill Cemetery, May 30, 2022 at 12:00 pm, held at Oak Hill Cemetery, 216 University Drive Pontiac, MI 48342

Identifying Your Dream Foundation Stomp Out The Violence 12th Annual March and Rally on May 30, 2022 from 11:00 am to 2:00 pm, held at Pontiac City Hall, 47450 Woodward Avenue, Pontiac MI 48342

Pontiac Point of Hope 2022, June 4, 2022 from 10:00 am to 2:00 pm, 313 E. Walton Blvd Pontiac, MI 48340

Michigan Secretary of State Driver's License Restoration Clinic, June 10, 2022 from 9:00 am to 5:00 pm, held at Flagstar Strand Theatre, 12 N. Saginaw Pontiac, MI 48342

Art Fish Fun, June 11, 2022 from 11:00 am to 4:00 pm at Beaudette Park, 786 Orchard Lake Road Pontiac, MI 48341

City Clerk

Upcoming 2022-2023 Fiscal Year Budget Hearings Schedule

Tuesday, May 31, 2022 (4:00 to 6:00) Public Hearing on the 2022-2023 Fiscal Year Budget

Wednesday, June 1, 2022 (3:00 to 6:00) Focused on Income Tax, Finance, HR, IT, Communications

Wednesday, June 8, 2022 (5:00 to 7:00) Focused on Proposed Amendments to Budget

Thursday, June 9, 2022 (5:00 to 7:00) Focused on Proposed Amendments to Budget

Public Comment

Seven (7) individuals address the body during public comment

1. Quincy Stewart
2. Melissa Spearing
3. Denise Cobb
4. Julia Ruffin
5. James Sabich
6. John Bow

7. Larry Jasper

Councilman Mikal Goodman excused himself from the meeting

Mayor, Clerk and Council Closing Comments

Mayor Greimel, Clerk Doyle, Councilwoman James, Pro-Tem Carrington, Councilman Nicholson, Councilman Parker, Councilwoman Rutherford and Council President McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Parker and second by Councilperson Nicholson.

Ayes: Nicholson, Parker, Rutherford, Carrington, James and McGuinness

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 8:42 p.m.

Garland S. Doyle
Interim City Clerk

ORDINANCE NO. 2393

AN AMENDMENT TO ARTICLE XIX^a REGARDING MOBILE FOOD VENDORS.

The City of Pontiac Ordains:

26-1030 Mobile food ~~vehicle~~ vendors.

26-1031 Short title.

This article may be referred to as the "City of Pontiac Mobile Food Vendor Ordinance."

26-1032 Definitions.

As used in this article, the following terms shall have the meanings indicated:

Mobile food vendor means a motorized vehicle, temporary stationary stand, or trailer used for the purpose of selling prepared foods to the general public.

26-1033 Scope.

The provisions of this article apply to mobile food vendors engaged in the business of cooking, preparing, and distributing food or beverage for sale to the general public in public and private restricted spaces. This article does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks or food vending pushcarts and stands located on sidewalks.

26-1034 License required.

- a) It shall be unlawful for any person or business organization, including any religious, charitable, or nonprofit organizations, to operate within the City a mobile food vendor without a license for that purpose. Religious, charitable, and nonprofit organizations are required to obtain a permit at no cost.
- b) Applicants for a business license as a mobile food vendor shall obtain all necessary licenses and permits from the Oakland County Health Department and other applicable governments.
- c) A person desiring to operate as a mobile food vendor shall make written application for such license to the Planning Division. The application for a license shall be on forms provided by the City and shall include the following:
 - 1) Name, signature, phone number, e-mail contact, and business address of the applicant.
 - 2) Information on the mobile food vendor equipment to include year, make and model of the vehicle or trailer (if applicable) and dimensions, which shall not exceed 36 feet in length or nine feet in width.
 - 3) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
 - 4) Insurance Coverage.
- d) Proof of a general comprehensive liability policy with limits of no less than \$2,000,000.00 combined single limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.
- e) Proof of a public liability and property damage motor vehicle policy (if applicable) with limits of no less than \$1,000,000.00 issued by an insurer licensed to do business in this state.
 - 1) Any other information reasonably required by the Planning Division.

- f) All vendors receiving a license under this article shall pay the annual fee as set from time to time by City Council.
- g) Mobile food vendors are not subject to the team inspection requirement of the City's business license ordinance.
- h) All mobile food vendors shall be subject to the renewal business license fee.
- i) Each mobile food license issued during a calendar year shall expire on December 31 of that year.
- j) A license issued under this article shall not be transferable from person to person. (h) A license is valid for one mobile food vendor only and shall not be transferred between vendors.

26-1035 Regulations.

- (a) No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the license holder has not been authorized to operate. These streets and public areas where parking by mobile food vehicles is permitted shall be identified by the Planning Division.
- (b) The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb, lawn, or sidewalk when parked. No food service shall be provided on the driving-lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.
- (c) No mobile food vendor shall provide or allow any dining area within ten feet of the mobile food operation, including but not limited to tables and chairs, booths, stools, benches, or stand-up counters.
- (d) Customers shall be provided with single-service articles, such as plastic utensils and paper plates, and a waste container for their disposal. All mobile food vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vendors shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed. Barbeque pits shall require coals to be disposed of in a metal container with a securable lid. Coals must be emptied from the barbeque pit at the end of each day by the operators.
- (e) No mobile food vendor shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles, including generators, shall adhere to the standards set forth in chapter 58, article IV – Non-Vehicular Noise. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- (f) Signs are only allowed when placed on mobile food vendors' vehicles. No separate freestanding signs are permitted.
- (g) No flashing or blinking lights or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
- (h) Mobile food vehicles, when parked on public streets, shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles.
- (i) A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended on public streets shall be considered a public safety hazard and may be ticketed and impounded.
- (j) A mobile food vendor shall not operate within 150 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained written permission from the event sponsor or obtain a special permit from the Planning Division. . The City shall not charge a fee for such special permits.
- (k) The issuance of a mobile food vendor license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

- (l) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner.
- (m) No mobile food vendor shall use seating, tables or other equipment unless such equipment is ordinarily stored within the vending apparatus. When extended, awnings for mobile food vendors shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.
- (n) Any power required for mobile food vendors located on a public way shall be self-contained, and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vendors on private property may use electrical power from the property being occupied or an adjacent property when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk. It is not permissible to connect mobile food vendors to the public natural gas lines or large tanks of propane/ natural gas. Portable gas containers or generators running on gasoline or diesel fuel are permitted.
- (o) Mobile food vendors shall not be located within 150 feet of an existing brick-and-mortar restaurant during the hours when such restaurant is open to the public for business, unless they either obtain written permission from such brick-and-mortar restaurant or obtain a special permit from the Planning Division. The City shall not charge a fee for such special permits.
- (p) Mobile food vendors shall not be located within 150 feet of a residential building, unless they either are located on private property zoned commercial, industrial or mixed use or obtain a special permit from the Planning Division. The City shall not charge a fee for such special permits.

26-1036 Enforcement.

- (a) Any license holder operating as a mobile food vendor in violation of any provision of this article or any rules and regulations promulgated by the City shall be subject to a civil fine of five hundred dollars \$500.00 per day. Each day of violation shall constitute a separate and distinct offense.
- (b) Once a license has been issued, it may be revoked, suspended or not renewed by the Community Development Director for failure to comply with the provisions of this article and any rules or regulations promulgated by the City.

26-1037 Denials and appeals.

- (a) Pursuant to section 26-43, Denial; revocation; suspension, the issuance of licenses applied for under this article may be denied by the Director of Community Development and licenses issued may be revoked or suspended by the Director of Community Development at any time for the reasons set forth in section 1-24 and in accordance with the procedures contained therein, unless specifically provided for otherwise in this article.
- (b) Pursuant to section 26-44, Hearing procedures, any person whose application for a license is denied shall have the right to a hearing before the Board of Appeals, provided a written request therefor is filed with the Administrator within ten days following the denial of the application for a license. The Board of Appeals may reverse any determination to deny the issuance of a license and the Board of Appeals may grant any license. No person shall operate any business during any time when his license therefor has been suspended, revoked or cancelled. Before a license issued pursuant to this article may be suspended or revoked, the notice and hearing procedures contained in section 1-24 shall be followed.

I hereby certify this ordinance was brought for a first reading at a meeting of the City Council of the City of Pontiac on the _____ day of _____, 2022.

Garland Doyle, Interim City Clerk

I further hereby certify this ordinance was adopted at a second reading of the ordinance by the City Council of the City of Pontiac on the _____ day of _____, 2022.

Garland Doyle, Interim City Clerk

I further hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council and was published verbatim in a publication of general circulation on the _____ day of _____, 2022.

Garland Doyle, Interim City Clerk