

July 12, 2022 Approved Minutes

**Official Proceedings  
Pontiac City Council  
40<sup>th</sup> 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, July 12, 2022 at 6:02 p.m. by Council President Mike McGuinness.

**Invocation** – Rev. Rodney Tolbert, Liberty Missionary Baptist Church, Pontiac Michigan

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call**

**Members Present** – William Carrington, Kathalee James, Mike McGuinness, Brett Nicholson and William Parker, Jr.

Mayor Greimel was present.

A quorum was announced.

**Excuse Councilmember**

**Motion to excuse Councilperson Mikal Goodman for personal reasons.** Moved by Councilperson Parker and second by Councilperson Nicholson.

Ayes: James, McGuinness, Nicholson, Parker and Carrington

No: None

**Motion Carried**

**Amendments to and Approval of the Agenda**

**Motion to approve the agenda.** Moved by Councilperson Parker and second by Councilperson Nicholson. Discussion.

**Motion to add-on Subcommittee Reports after Council Resolution Honoring Tem Pontiac's Special Olympics Basketball Success and before Discussions, correction on item #23 planning commission meeting on August 3, 2022 (instead of August 1, 2022) and correction on item #18 the spelling of Lawn Chair Series.** Moved by Councilperson Parker and second by Councilperson Nicholson.

Ayes: McGuinness, Nicholson, Parker, Carrington and James

No: None

**Motion Carried**

Councilwoman Melanie Rutherford arrived at 6:09 p.m.

**The vote was taken to approve the agenda as amended.**

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

No: None

**Motion Carried**

**Consent Agenda**

22-190 **Resolution to approve the consent agenda for July 12, 2022.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Whereas, the City Council has reviewed the consent agenda for July 12, 2022.

Now, Therefore, Be It Resolved that the City Council approves the consent agenda for July 12, 2022 including Subcommittee Reports.

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

No: None

**Resolution Passed**

**Special Presentation**

Celebrating Team Pontiac Special Olympics Basketball Success

**Resolution**

City Council

22-191 **Resolution Honoring Team Pontiac's Special Olympics Basketball Success.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, it is fitting that the members of this Pontiac City Council and Administration should salute those athletes who, through their extraordinary efforts, have distinguished themselves as true champions of whom we all can be proud; and,

Whereas, the members of Team Pontiac-Team Michigan Special Olympics basketball team and their coaches have proven themselves to be the fiercest of competitors and, such, deserving of the highest regard, as they recently won their second Silver Medal, June 10, 2022 in the U.S.A. National Special Olympics Games Basketball Tournament; and,

Whereas, the members of team Pontiac-Team Michigan Special Olympics basketball team are the current 6-time state of Michigan champions in an eight-year span; and

Whereas, the Team Pontiac-Team Michigan Special Olympics basketball team players are Nate Perkins, Feemier Collazo, Marquise Eason, Deontay Giles, Anthony Jasper, Rasheen Hatton, Orient Ramsey, and Andrew Howell; and,

Whereas, the team's successful season would not have been possible without the astute knowledge and leadership of their coaches, Fred McFadden, Tony Pittman, and Larry Redmond; and,

Whereas, the members of Team Pontiac-Team Michigan Special Olympics basketball team epitomize all that is good in today's athletes, as they have achieved a premier level of success in competition while exhibiting the highest degree of character; now,

Therefore, Be It Resolved, that the Pontiac City Council and Pontiac Mayor Tim Greimel hereby honors and congratulates the coaches and the members of Team Pontiac-Team Michigan Special Olympics basketball team upon winning the Silver Medal nationally and extend to them our best wishes for every continued success in all their future endeavors.

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

No: None

**Resolution Passed**

**Subcommittee Reports**

Economic Development, Housing & Planning - Chair McGuinness

Facilities & Property - Chair Carrington

Finance & Personnel - Chair Nicholson  
Law & The Courts - Chair Parker  
Parks, Recreation & Public Works - Chair James  
Public Safety, Health & Wellness - Chair Carrington

**Discussions**

Senior Recreation Field Trips Upcoming Opportunities  
Pontiac Arts Commission's Lawn Chair Concert Series

**Recognition of Elected Officials** – H. Bill Maxey, Pontiac Library Board Trustee

**Agenda Address**

1. Darlene Clark addressed item #5
2. Ida Miller addressed item #7
3. Dr. Deirdre Waterman
4. Larry Jasper addressed item #8

**Ordinance**

**Amendment #1 Motion to strike the words ~~chain or otherwise, Collar means any band, chain~~ under definitions to read, “At large means off the premises of the owner and not under control of a human being either by leash, cord, harness or suitable device worn around the neck of a dog to which a license may be affixed”.** Moved by Councilperson Nicholson and second by Councilperson Carrington.

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

No: None

**Motion Carried**

**Amendment #2 Motion to strike some definition of Dangerous Dog to read:**  
**“Dangerous dog means a dog that bites or attacks a person, ~~a dog that bites or attacks another dog or domestic animal while the other dog or domestic animal is on the property or under the control of its owner, or a dog that threatens a person while the dog is at large. However, a dangerous animal does not include the following:~~**

1. A dog that bites or attacks a person who is knowingly trespassing upon the property of the animal's owner;
2. A dog that bites or attacks a person who provokes or torments the animal; or
3. A dog that is responding in a manner that an ordinary and reasonable person would conclude was intended to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

Ayes: James, McGuinness, Parker and Rutherford

No: Carrington and Nicholson

**Motion Carried.**

Councilwoman Rutherford stated that she wanted to rescind her vote on previous motion

**Motion to rescind the vote on Amendment #2.** Move by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

**Motion Carried**

**Amendment #2 Motion to strike some definition of Dangerous Dog to read: “Dangerous dog means a dog that bites or attacks a person, ~~a dog that bites or attacks another dog or domestic animal while the other dog or domestic animal is on the property or under the control of its owner, or a dog that threatens a person while the dog is at large.~~ However, a dangerous animal does not include the following:**

1. A dog that bites or attacks a person who is knowingly trespassing upon the property of the animal’s owner;
2. A dog that bites or attacks a person who provokes or torments the animal; or
3. A dog that is responding in a manner that an ordinary and reasonable person would conclude was intended to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

Ayes: James, McGuinness and Parker  
No: Nicholson, Rutherford and Carrington

**Motion Fails**

**Amendment #3 Motion to replace “~~animal~~” with “dog” under Dangerous dog to read: However, a dangerous ~~animal~~ “dog” does not include the following.** Moved by Councilperson McGuinness and second by Councilperson Rutherford.

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

**Motion Carried**

**2396 Adoption of an Ordinance Amending Animals Ordinance to Define a Dangerous Dog more clearly, and to elevate the second violation as a Misdemeanor.** Move by Councilperson Rutherford and second by Councilperson Parker.

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

**Ordinance Adopted with Amendments**

**Please see Ordinance #2396 after minutes as Exhibit A**

**Resolutions**

City Council Cont.

22-192 **Resolution to Schedule a Special Meeting of the Pontiac City Council on July 16, 2022.** Moved by Councilperson Rutherford and second by Councilperson Carrington. Discussion.

**Motion to change Resolution to Schedule a Special Meeting of the Pontiac City Council to August 20, 2022 and change the time to 9:00 a.m.** Moved by Councilperson McGuinness and second by Councilperson Rutherford.

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

**Motion Carried**

**The vote was taken to approve the Resolution with amendments.**

Whereas, the Pontiac City Council has our meeting schedule for 2022, which set the regular meetings of the City Council for that year; and,

Whereas, the City Council has additional needs to convene as a body to facilitate discussion and planning that arise during the course of the year; now,

Therefore, Be It Resolved, that the Pontiac City Council hereby schedules a Special Meeting of the Pontiac City Council for Saturday, August 20, 2022 starting at 9:00 am held at the Auburn Hills Marriott Pontiac, 3600 CenterPoint Parkway Pontiac, Michigan 48341; and,

Further Resolved, the purposes of this Special Meeting are for discussion of council operations and strategic planning.

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

No: None

**Resolution Passed**

Finance

22-193

**Resolution to approve FY23 Budget Amendment for Information Technology (IT) and Building Department.** Moved by Councilperson Rutherford and second by Councilperson Parker. Discussion.

**Motion to postpone for two weeks the Resolution to approve FY23 Budget Amendment for Information Technology (IT) and Building Department.** Moved by Councilperson Nicholson and second by Councilperson Rutherford.

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

No: None

**Motion Carried**

Mayor's Office

22-194

**Resolution to authorize the City to exercise its Right of First refusal to purchase nine (9) properties from the Oakland County Tax foreclosure list for \$16,434.42 from the land purchase fund.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, Oakland County Circuit Court exercised tax foreclose on certain parcels on February 16, 2022 and;

Whereas, in accordance with MCL 211.78.M(1), the City as a statutory first right of refusal to purchase properties that were tax foreclosed; and

Whereas, in accordance with Public Act 123 of 1999, the City as a statutory first right of refusal to purchase properties that were tax foreclosed by the Oakland County Treasurer; and

Whereas, the redemption period ended on tax foreclosed properties on March 31, 2022; and

Whereas, the First Right of Refusal requires the city to pay either double the State Equalized Value (SEV) if a file has been claimed or the delinquent taxes, interest and fees, and maintenance cost if a claim has not been filed, and

Whereas, there are seven (7) properties for which a claim has not been filed, and the purchase of which will add to the City's ability to provide services to community; and

Whereas, those parcels can be described as:

14-27-307-026 A vacant parcel off Pike Street, adjacent to an otherwise landlocked city parcel

14-27-307-033 A vacant parcel on E. Pike street. Acquiring this parcel will make the other parcels no longer landlocked

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14-28-153-023 A vacant parcel on Oakhill, acquisition will allow for expansion of the cemetery  
14-28-153-024 A vacant parcel on Oakhill, acquisition will allow for expansion of the cemetery  
14-28-153-025 A vacant parcel on Oakhill, acquisition will allow for expansion of the cemetery

14-29-255-007 A vacant parcel on Murray, acquisition will allow for more city involvement in directing the re-development of downtown

14-31-480-031 A vacant parcel on Roland, acquisition will all for the expansion of crystal lake park; and

Whereas, there are two (2) properties for which a file has been claimed, and the purchase of which will add to the City’s ability to provide services to the community; and

Whereas, those parcels can be described as:

14-29-254-002 A vacant parcel on Murray, acquisition will allow for more city involvement in directing the re-development of downtown

14-29-255-008 A vacant parcel on Murray, acquisition will allow for more city involvement in directing the re-development of downtown; and

WHEREAS the total cost to purchase the nine (9) parcels is \$16,434.42, and

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the purchase of the following properties, which do not have claim:

- 14-27-307-026 for \$1,237.46
- 14-27-307-033 for \$1,065.74
- 14-28-153-023 for \$1,743.69
- 14-28-153-024 for \$1,662.04
- 14-28-153-025 for \$1,662.04
- 14-29-255-007 for \$1,966.08
- 14-31-480-031 for \$1,429.82

And be it further resolved that the City Council hereby authorizes the purchase of the following properties which do have a claim:

- 14-29-254-002 for \$1927.55
- 14-29-255-008 for \$3740.00

And be it further resolved that the funds will come from account 101-690-971.000 – Land Purchase

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

**Resolution Passed**

**Public Comment**

1. George Marshall Jr.
2. Dr. Deirdre Waterman
3. H. Bill Maxey
4. Darlene Clark
5. Billie Swazer
6. Larry Jasper
7. James Sabich

**Communications**

City Council and Mayor’s Office

**Mayor, Clerk and Council Closing Comments**

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

**Adjournment**

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

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

No: None

**Motion Carried**

Council President Mike McGuinness adjourned the meeting at 9:00 p.m.

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Garland S. Doyle  
City Clerk

**CITY OF PONTIAC  
ORDINANCE NO. 2396**

**AN ORDINANCE TO AMEND CHAPTER 18, *ANIMALS*.**

**THE CITY OF PONTIAC ORDAINS:**

**CHAPTER 18 - ANIMALS**

**ARTICLE I. IN GENERAL**

**18-1 Definitions.**

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The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means any and all types of animals, both domesticated and wild, male or female, except man.

*At large* means off the premises of the owner and not under control of a human being either by leash, cord, chain or otherwise.

*Collar* means any band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

*Dangerous dog* means a dog that bites or attacks a person, a dog that bites or attacks another dog or domestic animal while the other dog or domestic animal is on the property or under the control of its owner, or a dog that threatens a person while the dog is at large. However, a dangerous animal-dog does not include any of the following:

- (1) A dog that bites or attacks a person who is knowingly criminally trespassing upon the property of the animal's owner;
- (2) A dog that bites or attacks a person who provokes or torments the animal; or
- (3) A dog that is responding in a manner that an ordinary and reasonable person would conclude was intended to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

*Fowl* means any and all fowl, domesticated and wild, male or female.

*Keep* means possessing, controlling, exercising or allowing to run at large.

*Owner* means any person owning, keeping or harboring a dog or other animal. The keeping, possessing or harboring of a dog or any other animal for a period of five days shall be prima facie evidence of ownership.

**18-2 Enforcement of chapter.**

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The police department shall enforce the provisions of this chapter. Oakland County Animal Control services shall be provided, effective April 19, 2011, at no charge to the City, pursuant to the Michigan State Dog Law of 1919, Public Act 339.

### **18-3 Applicability of state laws to custody of animals.**

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No person owning or having in his custody any animal shall violate any laws, rules or regulations of the state applicable thereto. Where the provisions of rules and regulations are less restrictive than the provisions of this chapter, the latter shall govern.

### **18-4 Reserved.**

### **18-5 Manner of keeping animals.**

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- (a) No person shall keep or maintain any animal in the city in such manner so as to become a public nuisance or disturb the peace, comfort or health of any person residing within the city.
- (b) The keeping of all animals within the city shall be subject to all pertinent regulations of the state health department and county department of health.

### **18-6 Prohibited animals; nuisances.**

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No person shall sell, keep, possess or maintain within the city any of the following life forms:

- (1) Cows, horses, pigs, goats, rooster chickens, geese or ducks;
- (2) Wild, undomesticated or untamed animals;
- ~~(3) Reptiles or serpents;~~
- (4) Poisonous fish or insects;
- (5) Any other inherently harmful or hazardous animal, reptile, fish or insect.

Provided, that this section shall not prohibit a circus, zoo, menagerie, serpentarium, aquarium, laboratory or department of community and human services from keeping the above where the same are securely confined under the care and custody of an attendant ensuring that the public will not be harmed; ~~provided, further, that this section shall not apply to the keeping of birds, dogs, cats and other harmless and domesticated pets.~~

Provided further, that this section shall not apply to any animal, including but not limited to horses, which is utilized by any police department or any law enforcement agency in the performance of police work.

**18-7 Reserved.**

**18-8 Beekeeping restricted.**

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No person shall own or keep any beehives with live bees within 200 feet of any public street or any building erected within the city limits.

**18-9 Reserved.**

**18-10 Carcasses of animals for consumption to be covered when transported.**

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The body or part of any animal to be used for human food shall not be transported through any streets unless it is covered so as to protect it from insects, animals, dust and dirt.

**18-11, 18-12 Reserved.**

**18-13 Hunting animals prohibited.**

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(a) No person shall hunt for, pursue, kill or destroy by any means whatsoever, with firearms, air rifles, slingshots or bow and arrows, any bird commonly known as a pheasant, grouse, partridge or duck, or any animal commonly known as a deer, rabbit, squirrel or raccoon, within the city limits.

(b) All hunting of any animals in the city is prohibited.

**18-14, 18-15 Reserved.**

**18-16 Unnecessary noise by animals; abatement of nuisance.**

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(a) No person shall keep any animal which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity. Such action is declared to be a public nuisance and detrimental to public health and welfare.

(b) Any person disturbed by a noisy animal shall advise the owner or custodian who keeps such animal of this fact. If the nuisance is not abated, the person shall then notify the animal welfare officer or other appropriate existing agency. The animal welfare officer shall then advise the owner or custodian of the complaint and of the provisions of this chapter prohibiting such violation.

(c) No owner or custodian shall fail to abate a nuisance caused by the frequent, habitual or long continuing noise of his animal after having been notified in accordance with subsection (b) of this section. Any person failing to abate such nuisance shall be guilty of a misdemeanor.

**18-17 Reserved.**

**18-18 Neighborhood sanitation.**

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(a) It shall be a violation of this section for any person to walk any animal on any property, whether public or private, and fail to immediately remove all feces deposited by the animal, by a sanitary method, and transport the feces to a receptacle located on property where the person or animal resides. This does not apply to people employing leader dogs for the blind.

(b) A person described above shall possess the proper equipment to perform the removal and shall display it upon request.

(c) Violation of this section shall be a municipal civil infraction.

**18-19—18-45 Reserved.**

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**ARTICLE II. DOGS**

**DIVISION 1. GENERALLY**

**18-51 Noisy dogs prohibited.**

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No person shall harbor or keep any dog which by loud or frequent or habitual barking, yelping or howling shall cause a serious annoyance to the neighborhood or to people passing to and fro upon the streets.

**18-52 Dog kennels or houses; location; maintenance.**

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(a) No dog kennels, houses, yards, pens, coops or runs may be located:

- (1) In the front yard of a residential lot, tract or parcel;
- (2) Within ten feet of a side or rear lot line; or
- (3) Within 20 feet of an adjacent residential structure.

(b) All doghouses shall be centered in a strategically located place to provide adequate shade in the summer months and shall be maintained in a clean and sanitary condition, devoid of rodents, vermin, debris and excrement, and free from objectionable odors.

(c) A doghouse or other suitable shelter shall be provided for any dog left outside for more than three hours.

**18-53 Dangerous dogs prohibited.**

(a) No owner shall harbor or keep a dangerous dog. Furthermore, no owner shall harbor or keep a dog in a manner that allows it to behave so as to constitute a dangerous dog. Violations of this section shall be deemed:

(1) A civil infraction for a first violation;

(2) A misdemeanor for all subsequent violations.

(b) Upon a conviction of a misdemeanor under this Section of a person that has received a civil infraction and misdemeanor related to the same dangerous dog, ownership of that dangerous dog shall be relinquished within thirty (30) days of conviction.