

**Official Proceedings
Pontiac City Council
52nd 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, September 27, 2022 at 6:04 p.m. by Council President Mike McGuinness.

Invocation – Pastor Kathy Dessureau, Boulevard Church, Pontiac Michigan

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.

Deputy Mayor Stephens 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 Goodman.

Motion to move item #12 (Resolution to approve the appointment of Parks and Recreation Director) before item #2. (Adoption of an Ordinance to amend the City of Pontiac Reestablished General Employees' Retirement System to account for changes to required Minimum Distribution Rules) Moved by Councilperson Goodman and second by Councilperson Rutherford.

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

22-253 **Resolution to approve the consent agenda for September 27, 2022.** Moved by Councilperson Parker and second by Councilperson Rutherford.

Whereas, the City Council has reviewed the consent agenda for September 27, 2022.

Now, Therefore, Be It Resolved that the City Council approves the consent agenda for September 27, 2022 including the September 20, 2022 City Council Meeting Minutes.

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

No: None

Resolution Passed

Special Presentation

Nurse Assistant Training Program Opportunity

Presenter: Arielle Dockery, Prosperous Healthcare Training

Recognition of Elected Officials – None

Agenda Address

1. Deidre Waterman addressed items #6 & #7
2. Veronica Taylor addressed item #6
3. Patrice Waterman addressed items #2 & #6
4. Renee Beckley addressed item #6
5. Chuck Johnson addressed items #6 & #19
6. Darlene Clark addressed items #6 & 7
7. Stanley Harris addressed item #6
8. Gloria Miller addressed items #6 & #7

Agenda Items

Human Resources

22-254

Resolution to approve the Appointment of Parks and Recreation Director. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The City of Pontiac has re-established a Parks and Recreation Department with the passing of the FY 22-23 budget and;

WHEREAS, The City of Pontiac currently has no Director overseeing that department and;

WHEREAS, Vince Micallef has been nominated by the Mayor for the position of Director of Parks and Recreation and;

WHEREAS, Vince Micallef has over 30 years of progressive and diversified experience providing recreation services in the public sector and;

WHEREAS, Vince Micallef is highly qualified to lead the department;

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council approves Mr. Vince Micallef to be the Director of Parks and Recreation for the City of Pontiac.

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

No: None

Resolution Passed

Ordinance

2399

An Ordinance to Amend the City of Pontiac Reestablished General Employees' Retirement System to account for Changes to required Minimum Distribution Rules. (Second Reading) Moved by Councilperson Rutherford and second by Councilperson Goodman.

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

No: None

Ordinance Adopted

****See Ordinance 2399 after minutes as Exhibit A****

Resolutions

City Clerk

22-255 **Resolution to approve Salary Increase for Elections/Clerk Specialist Position.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Whereas, the Assistant City Clerk/ Elections Administrator resigned effective June 30, 2022; and, Whereas, the Elections/Clerk Specialist position has assumed additional responsibilities since the Assistant City Clerk/Elections Administrator position has been vacated; and, Whereas, the City Clerk is recommending that the Elections/Clerk Specialist position hourly rate be changes from \$21.85 per hour to \$24.04 per hour. Now, Therefore, Be It Resolved, the Pontiac City Council approves a salary increase for the Elections/Clerk Specialist position to \$24.04 per hour effective October 3, 2022.

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

No: None

Resolution Passed

City Council

22-256 **Resolution Recognizing October 2022 as Breast Cancer Awareness Month.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

WHEREAS, the Pontiac City Council recognizes the month of October 2022 as Breast Cancer Awareness Month and stands in solidarity with all of the brave women and men who have been diagnosed with breast cancer and honor those who have lost their battle to this disease; and, WHEREAS, as the second most common cancer affecting women, an estimated 1 in 8 women will develop breast cancer over the course of their lifetime; and, WHEREAS, there are several types of breast cancer—divided into non-invasive and 23 invasive types—which can be diagnosed at different stages of development and can grow at 24 different rates; and, WHEREAS, early detection is one of the most important strategies for treating breast cancer successfully, and regular screenings are the most reliable way to detect it; and, WHEREAS, if cancer is identified at an early stage, it can be treated before it spreads to 26 other parts of the body and, while the exact cause of breast cancer is not fully understood, there are many factors that increase the likelihood of developing it, including age, family and medical history; and, WHEREAS, the Pontiac City Council looks forward to the day when no woman or man will suffer from breast cancer or lose their life to this disease; now, THEREFORE, BE IT RESOLVED, that the Pontiac City Council honors breast cancer patients, survivors, and their families and recognizes October as Breast Cancer Awareness Month and to promote research for a cure; and further RESOLVED, that the Pontiac City Council applauds and commends the advocates, medical professionals, researchers and caregivers who dedicate their lives to making progress toward cures and encourages citizens, government agencies, private businesses, nonprofit organizations and other interested groups to join in increasing awareness and prevention and to pay tribute to those who have lost their lives to this disease.

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

No: None

Resolution Passed

22-257 **Resolution Acknowledging the Life of Dubrae Newman.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, Mr. Dubrae Newman was a Pontiac resident, and a highly involved member of our Pontiac community for many years, serving through multiple civic organizations and frequent volunteer activities; and,

WHEREAS, Mr. Newman held a number of professional roles in the field of public health, working in outreach positions within the Pontiac community and endeavoring to connect residents with resources and health care; and,

WHEREAS, Mr. Newman was appointed to the School District of the City of Pontiac Board of Education in 2016, serving for the balance of 2016 and during 2017 and 2018; and,

WHEREAS, Mr. Newman passed away on September 18, 2022 at the age of 63, which is a tragic loss for his family and our community; now,

THEREFORE, BE IT RESOLVED, that the Pontiac City Council hereby acknowledges the life and service of Mr. Dubrae Newman, and mourns his passing; and further

RESOLVED, the City Council extends our deepest sympathies to the family, friends, neighbors, and colleagues of Mr. Newman.

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

No: None

Resolution Passed

Community Development

22-252 **Resolution to approve the Conditional Rezoning and Entitlement Agreement for 537 Bradford Street Pontiac, Michigan 48341, Crown Enterprises, LLC. (Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Whereas, The City has received applications for a Zoning Map Amendment with Conditions at parcels 64-14-34-380—001, 64-14-34-326-003 & 004 and 64-14-34-301-002 for the rezoning of the aforementioned parcels; and

Whereas, The Planning Division has reviewed the applicant's rezoning request in regards to the City's Master Plan and the request does not conform to the goals and vision contained within the plan; and

Whereas, The Planning Division has reviewed the applicant's rezoning requests based on 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 does not comply with the City of Pontiac Zoning Ordinance; and

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 September 27, 2022, a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council to Deny the Zoning Map Amendment with Conditions and Zoning Map Amendment; and

Now, Therefore, Be It Resolved, that the City Council of Pontiac approve the Zoning Map Amendment with Conditions (ZMA 22-07) request for parcels 64-14-34-380-001, 64-14-34-326-003 & 004 and 64-14-34-301-002 from R-1 Single Family Dwelling and M-1 Light Manufacturing to M-2 Heavy Manufacturing zoning district. Bradford Street shall not be used to access Central Transport and the Concrete Mix/Batch Plant facilities and that Meadow Drive and Centerpoint Parkway to be used only until the new Opdyke connector is constructed. Concrete delivery trucks to be fully washed every time exiting the site.

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

No: None

Resolution Passed

Department of Public Works (DPW)

22-258 Resolution to Support the Michigan Department of transportation Project to Convert the Existing One-Way Configuration of the Woodward Loop and Cass Avenue to a Two-Way Configuration and Reconstruct M-59 within the Woodward Loop. Move by Councilperson Carrington and second by Councilperson Rutherford.

Whereas, Oakland County, in partnership with the City of Pontiac and Michigan Department of Transportation (MDOT), completed the Livability Study in 2014 which recommended converting the existing one-way configuration of the Woodward Loop to a two-way configuration, and;

Whereas, as a result of the 2014 Livability Study, MDOT completed the Woodward Loop Two-Way Conversion Study in 2016 which studied the feasibility of the two-way conversion, and;

Whereas, MDOT funded a \$30 million dollar project to convert the existing one-way Woodward Loop and Cass Ave to a two-way configuration and reconstruct M-59 within the Woodward Loop, and;

Whereas, the conversion of the roadway will promote connectivity of the surrounding neighborhoods to the downtown business district, allow for easier access to downtown Pontiac for residents and visitors, and encourage a safer roadway for all modes of transportation, and;

Whereas, MDOT has held several public engagement meetings and presented before City Council during the past year and will take into consideration feedback received from Pontiac residents and business owners as the design of the project proceeds, and;

Whereas, the project is currently in the early stages of design and is programmed for construction in 2025 and 2026, and;

Whereas, MDOT is preparing an application for Reconnecting Communities Pilot Grant funding for this project, which is due on October 14, 2022.

Now Therefore Be It Resolved that the Pontiac City Council hereby supports the Michigan Department of Transportation's project to convert the existing one-way configuration of the Woodward Loop and Cass Ave to a two-way configuration and reconstruct M-59 within the Woodward Loop; and further Resolved, that the Pontiac City Council hereby supports the Michigan Department of Transportation's application for Reconnecting Communities Pilot Grant funding for this project.

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

No: None

Resolution Passed

22-259 Resolution to approve renewal of contract with Pipeline Management Co., Inc. for continued servicing of the City of Pontiac's Storm Water Services. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, The City of Pontiac requires storm drain and structure cleaning which is part of its maintenance and rehabilitation services;

WHEREAS, the existing Oakland County agreement expired 5/31/2020; purchasing is requesting an extension until 5/31/2023 for the expired agreement, and the renewal of the agreement Oakland County will executive in the interim;

WHEREAS, Oakland County is in the process of renewing its agreement with The Contractor Management Co., Inc.;

WHEREAS, the Contractor Management Co., Inc. contract with Oakland County has been most advantageous to the City in that it has saved the City the cost of expediting a competitive bid process for the storm water services and has potentially provided access to a higher volume discount of savings using the cooperative.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes Mayor Tim Greimel, to execute the agreement for continued storm water services with Oakland County and Pipeline Management Co., Inc.

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

No: None

Resolution Passed

Finance

22-260

Resolution to Approve a Budget Amendment for Fiscal Year 2022-23 to Increase Budgeted Revenues in the Amount of \$19,372 to General Fund in Account 101-000-532-000-FBI-Federal Grants Others, and Appropriations in the Amount of \$19,372 to Account 101-301-818-069-FBI-Professional Service-Oakland County Sheriff OT. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac was awarded \$19,372 in reimbursement from the Federal Bureau of Investigation, and;

WHEREAS, the reimbursement is for the cost of overtime incurred by officers assigned full-time to FBI-managed task forces provided the overtime expenses were incurred as a result of task force-related activities, and;

WHEREAS, the reimbursement is for fiscal year 2022, the maximum limits for reimbursements under these CRAs are \$1,614.33 per month and \$19,372 per year for each officer assigned full-time to the task force, and;

WHEREAS, the funds from the reimbursement will increase the budgeted revenue for the current fiscal year

2022-2023 in the amount of \$19,372 for grant income, and increase the appropriations in the amount of \$19,372, representing expenditures.

WHEREAS, the increased appropriations will not affect the fund balance in the General Fund due to increase in the revenue for the same amount.

NOW THEREFORE, be resolved that the City Council hereby approves the budget amendment for Fiscal Year 2022-23 as requested by the Administration receiving revenues in the amount \$19,372 General Fund in account 101-000-532.000-FBI- Federal Grants Others, and appropriations in the amount of \$19,372 to account 101-301-818.069-FBI - Professional Service - Oakland County Sheriff OT.

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

No: None

Resolution Passed

22-261

Resolution to approve renewal of Pitney Bowes Lease Agreement. Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, The City of Pontiac requires postal equipment/service to meet its mailing needs;

WHEREAS, The existing postal equipment lease was up for renewal;

WHEREAS, A new lease has been executed for continued use of postal equipment;

WHEREAS, The Pitney Bowes contract through MiDeal has been most advantageous to the City in that it has saved the City the cost of expediting a competitive bid process for the equipment lease and has provided access to a higher volume discount of savings using the cooperative.

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council authorizes the approval of an executed agreement, signed by the Deputy Mayor, with Pitney Bowes for the City to continue leasing postal equipment to meet its mailing needs.

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

No: None

Resolution Passed

Grants

22-262 **Resolution to Approve the Agreement for Participation in the OCAT Project and Receipt of Automobile Theft Prevention Authority (ATPA) Grant Funds between Oakland County (Oakland County Sheriff's Office) and the City of Pontiac (Oakland County Sheriff's Office-Pontiac)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, the agreement is between Oakland County (Oakland County Sheriff's Office) and City of Pontiac (Oakland County Sheriff's Office –Pontiac); and,

WHEREAS, the City of Pontiac, as part of OCAT, utilizes ATPA grant funds to reimburse officer wages, and;

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

WHEREAS, the ATPA grant is for the purpose of reducing motor vehicle theft, and;

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

WHEREAS, Oakland County agrees to provide reimbursement to the City of Pontiac under the terms and conditions of the agreement up to 50% of the eligible expenditures; and,

WHEREAS, the City of Pontiac is billed under the law enforcement contract for the position, but will receive 50% reimbursement from the ATPA Grant in an amount not to exceed \$81,426.

NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes Mayor Tim Greimel, to execute the agreement for participation in OCAT and receipt of ATPA grant funds between Oakland County and City of Pontiac (Oakland County Sheriff's Office –Pontiac).

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

No: None

Resolution Passed

Public Comment

1. Billie Swazer
2. Renee Beckley
3. Deirdre Waterman
4. Darlene Clark
5. Gloria Miller
6. Chuck Johnson
7. Shawnithia Williams
8. Veronica Taylor

Discussions

Restoring Citizens Access to Oakland County Sheriff Substation

Purdue School Status, recent Fire, Future Next

Facilities Condition Assessment for City-Owned Facilities

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

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

Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 10:13 p.m.

Garland S. Doyle
City Clerk

Ordinance No. 2399

AN ORDINANCE TO AMEND THE CITY OF PONTIAC REESTABLISHED GENERAL EMPLOYEES' RETIREMENT SYSTEM TO ACCOUNT FOR CHANGES TO REQUIRED MINIMUM DISTRIBUTION RULES.

The City of Pontiac ordains:

Section 1. Amendments.

That the City of Pontiac Reestablished General Employees' Retirement System ("Reestablished GERS") is hereby amended as follows:

- a. The first paragraph of Paragraph (a) of Section 44 of the Reestablished GERS is amended to read as follows:
 - (a) Distributions from the Retirement System will comply with the requirements of IRC section 401(a)(9) and the regulations thereunder. A Member's interest in the Retirement System must begin to be distributed by the later of (1) April 1 of the calendar year following the calendar year that the Member attains the age of (A) 70.5 (for Members born before July 1, 1949) or (B) 72 (for Members born after June 30, 1949), or (2) April 1 of the calendar year the Member retires. With respect to distributions under the Retirement System made for calendar years beginning on or after January 1, 2001, the Retirement System will apply the minimum distribution requirements of IRC section 401(a)(9) in accordance with the regulations under IRC section 401(a)(9) that were proposed in January 2001, notwithstanding any provision in the Retirement System to the contrary. This amendment shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service.
- b. Paragraph (b)(2)(i) of Section 44 of the Reestablished GERS is amended in its entirety to read as follows:
 - (i) If the Member's surviving spouse is the Member's sole designated beneficiary, then, except as provided in the Retirement System, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Member died, or by December 31 of the calendar year in which the Member would have attained age 70.5 (for a Member born before July 1, 1949) or 72 (for a Member born after June 30, 1949), if later.

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. Effective Date.

This Ordinance shall be effective 10 days after adoption by the City Council retroactive to the date required under the Setting Every Community Up for Retirement Enhancement Act of 2019.

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the City Council of the City of Pontiac at a regular Council Meeting held in the City Council Chambers in said City on the 27th day of September, 2022.

Garland S. Doyle, City Clerk