

August 1, 2023, Approved Minutes

**Official Proceedings  
Pontiac City Council  
101<sup>st</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, August 1, 2023, at 6:04 p.m. by Council President Mike McGuinness.

**Invocation** – Pastor Kathy Dessureau

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

**Moment of Silence**

**Roll Call**

**Members Present** – Mikal Goodman, Mike McGuinness, Brett Nicholson, and William Parker, Jr.

Mayor Greimel was present.

A quorum was announced.

**Excuse Councilmembers**

**Motion to excuse Councilwoman Kathalee James and Councilwoman Melanie Rutherford for personal reasons.** Moved by Councilperson Nicholson and second by Councilperson Goodman.

Ayes: Goodman, McGuinness, Nicholson, and Parker

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.

Ayes: Goodman, McGuinness, Nicholson, and Parker

No: None

**Motion Carried**

**Consent Agenda**

23-271 **Resolution to approve the consent agenda for August 1, 2023.** Moved by Councilperson Parker and second by Councilperson Goodman.

Whereas, the City Council has reviewed the consent agenda for August 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for August 1, 2023, including July 22, 2023, Special Meeting Minutes and July 25, 2023, City Council Minutes.

Ayes: McGuinness, Nicholson, Parker, and Goodman

No: None

**Resolution Passed**

**Recognition of Elected Officials** – County Commissioner Angela Powell

**Agenda Address**

1. Dr. Deirdre Waterman addressed items #5 & #6
2. Beatrice Wright addressed item #10
3. Darlene Clark addressed item #3

**Special Presentation (Agenda Add-on)**

Announcing 855-YAK-TOWN Toll-Free City Hotline  
Presentation Presenter: Mayor Tim Greimel

Announcing SafePontiac.com Community Resources Site for Mental Health Services  
Presentation Presenter: Mayor Tim Greimel

**Agenda Items**

**Ordinance**

2421 **A Municipal Code Ordinance Text Amendments to Amend Article VI, Division 7, Chapter 22, Section 806 to clarify order to vacate and premises not to be occupied subsections and to add subsections (m) through (t) to include suspension of rent payments when rental property owners fail to comply with the requirements to obtain a Certificate of Compliance and/or register as a rental property. (Second Reading)** Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: McGuinness, Nicholson, Parker, and Goodman

No: None

**Ordinance Passed**

**\*\*See Ordinance #2421 as Exhibit A after the minutes\*\***

**Resolutions**

City Council

23-272 **Resolution Honoring Football Accomplishments of Pontiac's Shontelle Shelton.**  
Moved by Councilperson Parker and second by Councilperson Nicholson.

Whereas, it is the sense of this legislative body to honor an outstanding Pontiac Community member of remarkable character, who are inspirational and serve as role models to others; and,

Whereas, Shontelle Shelton, a 47-year-old Pontiac native is an extraordinary and talented professional women's athlete who stands head and shoulders above the rest and of whose body of work others can only dream; and,

Whereas, Shontelle Shelton, daughter of Deborah Sweeney Valden and Henry Shelton, started her professional women's football career in 2005 with the Detroit Predators, and has spent 16 years in professional women's football; and,

Whereas, for Shontelle Shelton, sports are second nature, a graduate from Pontiac Northern High School in 1994 where she played varsity basketball and softball, and she even currently gives back to the youth of Pontiac by coaching with the Pontiac Panthers; and,

Whereas, Shontelle Shelton recently won the 2023 United States Woman Football League Championship (USWFL) with the Detroit Prowl; and,

Whereas, Shontelle Shelton was nominated in 2018 for the Women's Football Hall of Fame and a member of the 2018 Women's Football Hall of Fame All-Star Team and also won coaching awards in 2019 with the Toledo Reign and the 2022 AFE Pentagon Bowl Championship; and,

Whereas, Shontelle's other accomplishments, include 2015 Detroit Pride (Affiliate Bowl Champs), 2017-18 Women's Football Alliance All-Star, 2018-World Champ Team USA vs. Mexico, 2019-All-American Bowl Champion Top 100 women football players All-Star Game Team USA, 2021-La Muerta De Las

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Cruces (WNFC), 2021-Pentagon Bowl All-Starr team (Myrtle Beach), 2022 – AFE All-Star (Mexico) Women Bowl; now,

Therefore, Be It Resolved, that the Pontiac City Council, and members of this great community, honor and salute the personal accomplishments and achievements of Shontelle Shelton for a job well done and for truly representing the City of Pontiac well.

Ayes: Nicholson, Parker, Goodman, and McGuinness

No: None

**Resolution Passed**

Council President Pro-Tem arrived at the meeting.

~~23-273~~        **Resolution to schedule a public hearing on August 8, 2023, at 6:00 p.m. on the sale of the Phoenix Center Parcel Number 14-29-484-006.** Moved by Councilperson Parker and second by Councilperson Carrington.

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that the Pontiac City Council hereby schedules a public hearing on the sale of the Phoenix Center Parcel Number 14-29-484-006 in the City of Pontiac, Oakland County, and State of Michigan, such hearing will be held on August 8, 2023, at 6:00 pm in the Council Chamber on the 2<sup>nd</sup> floor at 47450 Woodward Ave, Pontiac, Michigan 48342.

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

No: None

**Resolution Passed**

**\*\*This Resolution was reconsidered later in the meeting\*\***

Mayor's Office

23-273        **Resolution from the Mayor regarding Memorandum of understanding with Oakland County.** Moved by Councilperson Nicholson and second by Councilperson Parker. Discussion.

**Motion to postponed Resolution from the Mayor regarding Memorandum of understanding with Oakland County for one week.** Moved by Councilperson Carrington and second by Councilperson Goodman.

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

No: None

**Motion Carried**

Purchasing

23-274        **Resolution to authorize and execute an agreement with GOVHR to conduct a Wage Study.** Moved by Councilperson Nicholson and second by Councilperson Carrington.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases; and WHEREAS, the Purchasing Manager is requesting approval to approve GovHR USA's proposal and to execute a City agreement until the Scope of Service is complete, which is anticipated to be December 31, 2023.

NOW, THEREFORE RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to execute the contract with GovHR USA.

Ayes: Goodman, McGuinness, Nicholson, Parker, and Carrington  
No: None  
**Resolution Passed**

Grants and Philanthropy

23-275 **Resolution to approve the proposed budget amendment for Fiscal Year 2023-24 to increase budgeted revenues in the amount of \$200,000 to account 212-000-675.000-LOWESH – Contribution from private source, and appropriations in the amount of \$37,308 to account 212-813-818.000-LOWESH – Other Professional Services, \$70,792 to account 212-813-976.001-LOWESH - Building Additions and Improvements, and \$91,900 to account 212-813-977.008-LOWESH – Special Equipment, reflecting the Lowe’s Hometowns Grant Award.** Moved by Councilperson Nicholson and second by Councilperson Parker.

WHEREAS, the City of Pontiac was awarded \$200,000 from the Lowe’s Hometowns Grant Program; and,

WHEREAS, the grant award will support kitchen and flooring renovations at the Ruth Peterson Senior Center; and,

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2023-2024 in the amount of \$200,000 for grant income, and increase the appropriations in the amount of \$200,000, representing grant expenditures.

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment for the Fiscal Year 2023-24 Budget as requested by the Administration to increase budgeted revenues in the amount of \$200,000 to account 212-000-675.000-LOWESH – Contribution from private source, and appropriations in the amount of \$37,308 to account 212-813-818.000-LOWESH – Other Professional Services, \$70,792 to account 212-813-976.001-LOWESH - Building Additions and Improvements, and \$91,900 to account 212-813-977.008-LOWESH – Special Equipment.

Ayes: McGuinness, Nicholson, Parker, Carrington, and Goodman  
No: None  
**Resolution Passed**

23-276 **Resolution to approve the proposed budget amendment for Fiscal Year 2023-24 to establish budget appropriations in the amount of \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.** Moved by Councilperson Carrington and second by Councilperson Parker.

WHEREAS, the City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund (SLFRF) under the American Rescue Plan Act (ARPA), and;

WHEREAS, the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19, and;

WHEREAS, the City’s Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

WHEREAS, the Pontiac City Council unanimously approved the Executive Administration’s ARPA Program Budget on November 10<sup>th</sup>, 2022, allocating \$3,622,000 to establish a home repair program and fund the administration of the program, and;

WHEREAS, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Home Repair Program (PHRP), and;

WHEREAS, the Pontiac City Council approved phase 1 of the PHRP funding on March 13<sup>th</sup>, 2023, and;

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WHEREAS, the number of inquiries the PHRP team received far surpasses the amount of resources that are available under Phase 1 of the program, and;

WHEREAS, the following budget amendment reflects Phase 2 funding for the Pontiac Home Repair Program and associated costs, and;

WHEREAS, the budget amendment will increase the budgeted appropriations in the amount of \$1,100,000, representing the Pontiac Home Repair Program expenditures.

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment for the Fiscal Year 2023-24 Budget to establish budget appropriations in the amount of \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.

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

No: None

**Resolution Passed**

**Public Comment**

1. Carlton Jones
2. Dr. Deirdre Waterman
3. Beatrice Wright
4. Charles Renfrow
5. Veronica Taylor
6. Darlene Clark
7. Chuck Johnson
8. Gloria Miller
9. Pastor Kathy Dessureau

**Discussion**

Community Feedback Being Sought for Pontiac Youth Recreation Center Amenities

**Closed Session**

23-277 **Resolution to proceed into closed session at 8:15 p.m. to consult with legal counsel regarding trial or settlement strategy in connection with Oakland County Circuit Court, Case No. 2022-197361-CH (Vanguard Equity Management, LLC v. City of Pontiac) and to proceed in closed session to consider the purchase or lease of real property.** Moved by Councilperson Nicholson and second by Councilperson Parker.

WHEREAS, the Michigan Open Meetings Act authorizes a public body to meet in Closed Session to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body; and

WHEREAS the Michigan Open Meetings Act Section 8(d) also provides that a public body may meet in closed session to consider the purchase or lease of real property up to the time an option to purchase or lease such real property is obtained.

NOW THEREFORE BE IT RESOLVED, that the City Council will proceed in Closed Session pursuant to Section 8(1)(e) of the Open Meetings Act, MCL 15.268(1)(e), to consult with its attorney regarding trial or settlement strategy in connection with Oakland County Circuit Court Case No. 2022-197361-CH (Vanguard Equity Management, LLC v City of Pontiac) because an open meeting would have a detrimental financial effect on the City's litigating or settlement position; and

FURTHER RESOLVED, the City Council will remain in Closed Session pursuant to Section 8(d) of the Open Meetings Act, MCL 15.268(d) to consider the purchase or lease of real property.

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

No: None

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**Resolution Passed**

**Motion to come out of closed session at 9:26 p.m.** Moved by Councilperson Goodman and second by Councilperson Parker.

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

No: None

**Motion Carried**

**Suspend the Rules**

**Motion to suspend the rules to take up new items on the agenda.** Moved by Councilperson Nicholson and second by Councilperson Goodman.

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

No: None

**Motion Carried**

**Resolution's Continued**

City Council

23-278

**Resolution to authorize Litigation Counsel in Vanguard Equity Management, LLC. v. City of Pontiac to proceed as discussed in Closed Session.** Moved by Councilperson Parker and second by Councilperson Nicholson.

Now, Therefore Be it Resolved, that the Pontiac City Council authorize Litigation Counsel in Vanguard Equity Management, LLC. v. City of Pontiac to proceed as discussed in Closed Session.

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

No: None

**Resolution Passed**

**Motion to reconsider the Resolution #23-273 to schedule a public hearing on August 8, 2023, at 6:00 p.m. on the sale of the Phoenix Center Parcel Number 14-29-484-006.** Moved by Councilperson Parker and second by Councilperson Nicholson.

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

No: None

**Motion Carried**

23-279

**Resolution to schedule a public hearing on August 8, 2023, at 6:00 p.m. on the sale of the Phoenix Center Parcel Number 14-29-484-006 and for the City to waive all claims by the City to certain vacant properties related to the Phoenix Center.**

NOW, THEREFORE BE IT RESOLVED, by the Pontiac City Council, that the Pontiac City Council hereby schedules a public hearing on the sale of the Phoenix Center Parcel Number 14-29-484-006 and for the City to waive all claims by the City to certain vacant properties related to the Phoenix Center, in the City of Pontiac, Oakland County, and State of Michigan, such hearing will be held on August 8, 2023, at 6:00 pm in the Council Chamber on the 2<sup>nd</sup> floor at 47450 Woodward Ave, Pontiac, Michigan 48342.

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

No: None

**Resolution Passed**

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**Communications**

City Council and Mayor's Office

**Mayor, Clerk and Council Closing Comments**

Councilman William Parker Jr., Council President Pro-Tem William Carrington, and Council President Mike McGuinness made closing comments.

**Adjournment**

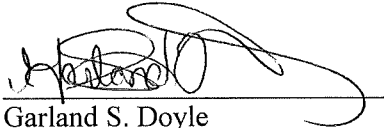
**Motion to adjourn the meeting.** Moved by Councilperson Parker and second by Councilperson Nicholson.

Ayes: McGuinness, Nicholson, Parker, and Carrington

No: None

**Motion Carried**

Council President Mike McGuinness adjourn the meeting at 9:41 p.m.



Garland S. Doyle  
City Clerk

CITY OF PONTIAC  
ORDINANCE No. 2421

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE ARTICLE VI, DIVISION 7, CHAPTER 22, SECTION 806 TO CLARIFY ORDER TO VACATE AND PREMISES NOT TO OCCUPIED SUBSECTIONS AND TO INCLUDE SUSPENSION OF RENT PAYMENTS WHEN RENTAL PROPERTY OWNER FAILS TO COMPLY WITH THE REQUIRMENTS TO OBTAIN A CERTIFICATION OF COMPLIANCE TO INCLUDE:

ARTICLE VI, DIVISION 7, CHAPTER 22, SECTION 806

The City of Pontiac Ordains:

Amend Article VI, Chapter 22, Division 7, Section 806- Certificate of compliance is amended to clarify order to vacate and premises not to be occupied subsections and to add subsections (m) through (t) to include suspension of rent payments when rental property owners fail comply with the requirements to obtain Certificate of Compliance and/or register as a rental property.

**22-806 Certificate of compliance.**

- (a) An owner or agent shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this division and with rules and procedures established by the Building Code Official.
- (b) An application for a certificate of compliance shall be made when the owner enrolls in the registry of owners and premises. If the owner fails to register within the time required, any occupant of unregistered or uncertified premises may make application.
- (c) Single- and two-family dwellings regulated by this division shall not be occupied unless a certificate of compliance has been issued by the Department of Building Safety. The certificates shall be issued only upon prior inspection of the premises, except as provided in subsection (h) of this section. The certificate shall be issued within 15 days if the dwelling is entitled thereto at the date of inspection.
- (d) Inspections shall be made prior to first occupancy of single- and two-family dwellings regulated by this division when the construction or alteration is completed.



(e) Upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and the premises are otherwise fit for occupancy, the certificate of compliance shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with this division shall be issued immediately and served upon the owner in accordance with section 22-807. On reinspection and proof of compliance, the order shall be rescinded, and a certificate issued.

(f) When a certificate of compliance is withheld pending compliance, no premises that have not been occupied for dwelling purposes shall be so occupied, and those premises that have been or are occupied may be ordered vacated until reinspection and proof of compliance have been established by the Department of Building Safety.

(g) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful, and fit condition for occupancy. If upon reinspection the Department of Building Safety determines that conditions exist that constitute a hazard to health or safety, the certificate may be immediately suspended, a notice shall be served upon the owner to comply with this division, and the areas may be vacated as provided in subsection (f).

(h) The Department of Building Safety may authorize the issuance of a temporary certificate without inspection for those premises in which there are no violations of record and shall issue such temporary certificates upon application in cases where inspections are not made within a reasonable time. Temporary certificates may also be issued for premises with violations of record when the owner can show proof of having undertaken to correct such conditions.

(i) A violation of this division shall not prevent the issuance of a certificate of compliance, but the Department of Building Safety shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(j) It shall be required, and the responsibility of the owner, to maintain and post on the inside of the main entrance to the dwelling unit one copy of the certificate of compliance, either temporary or permanent, as such certificates are issued, at the premises for which they have been issued.

(k) No certificate of compliance shall be issued for any property unless all property taxes and water and sewer bills associated with the parcel in question are current and that the owner is in compliance with the provisions of the Pontiac Income Tax Ordinance.

(l) Any certificate of compliance issued by the Department of Building Safety after September 1, 2011, with an expiration date less than one year from the date of issuance, shall be deemed to expire three years after the date of issuance. The Department of Building Safety shall correct all records to reflect this change.

(m) It shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to collect rent from a tenant for occupancy of a rental property, during or for any time in which there is not a valid certificate of compliance for the rental property and/or the property is not registered as a rental property with the City of Pontiac. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

(n) Tenants of an occupied rental property that lacks a certificate of compliance and/or has not registered with the City of Pontiac as a rental property shall pay the rent that would otherwise have been due into an escrow account with the City of Pontiac under Municipal Code Chapter 22-765. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

If the owner of the rental property obtains a certificate of compliance and/or registers the property as a rental property with the City of Pontiac within the first 30 days in which payments are made into the escrow account, the rent in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution. If the owner fails to obtain a certificate of compliance and/or properly register the rental property within those first 30 days, the rent in the escrow account shall be paid, at the end of those 30 days, to the tenant and the administrative fees shall be paid by the owner.

Thereafter, the tenant shall continue paying rent into the escrow account until the owner obtains a certificate of compliance and/or properly registers the rental property with the City of Pontiac. At the end of every 30 days in which the owner fails to obtain a certificate of compliance and/or properly register the rental property, the rent in the escrow account shall be paid to the tenant, and the administrative fees shall be paid by the owner. If the owner of the rental property obtains a certificate of compliance and/or registers the rental property, the rent accrued in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution.

(o) The administrative fee is a monthly fee that will be accrued every month the escrow account remains open. The amount of that fee shall be established by the Building Department. If the rent held in escrow is being paid to the owner, the administrative fees will be deducted at that time. However, if the administrative fees are greater than the amount held in escrow, the remaining balance will be levied as a fine against the owner. If rent held in escrow is being paid to the tenant, all administrative fees will be levied as a fine against the owner. All costs in connection with this section, including administrative fees, shall be a lien upon the land and all the costs of such fees remaining unpaid each year, pursuant to provisions contained in the Charter of the City, shall be collected in the same manner that other special assessments are collected under the Charter.

(p) When the certificate of compliance and/or registration of rental property has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

(q) If the tenant terminates his or her tenancy or right to occupy prior to the owner's undertaking to repair or if an order to vacate is issued, the tenant shall be returned any unexpired part of the rent paid in escrow and the administrative fees shall be paid by the owner pursuant to subsection (o).

(r) Nothing in this article shall be construed to permit eviction of an existing tenant from a rental property or to deprive existing tenants of their rights to possession of a rental property under the laws of this state and this Code, and such existing tenants shall have a right under this Code to retain possession of a rental property notwithstanding an owner's inability to collect rent from such tenants pursuant to this section. An owner may not use eviction as a form of retaliation.

(s) Subsection (m) of this Code shall not be construed to penalize the tenant or occupant of a rental property for occupancy of a rental property that does not have a valid certificate of compliance.

(t) An owner shall not retaliate in any way, including but not limited to using eviction against a tenant and/or increasing rental rates, for a tenant exercising their rights under this section. If a court rules that an owner has retaliated against a tenant, the court shall award that tenant all fines and costs, including attorney fees incurred by the tenant in bringing or defending against any

associated court proceedings. The court shall award any actual damages incurred by the tenant or alternatively at the discretion of the court, liquidated damages treble the amount of the monthly rent payment the tenant is or had been paying to the owner.