

February 21, 2023 Approved Minutes

**Official Proceedings
Pontiac City Council
73rd 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, February 21, 2023 at 6:00 p.m. by Council President Mike McGuinness.

Invocation – Minister Kathalee James, Eastside Church of God, 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, 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 Carrington and second by Councilperson Parker.

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

No: None

Motion Carried

Consent Agenda

23-69 **Resolution to approve the consent agenda for February 21, 2023.** Moved by Councilperson Parker and second by Councilperson Rutherford.

Whereas, the City Council has reviewed the consent agenda for February 21, 2023.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for February 21, 2023 including February 16, 2023 City Council Meeting Minutes.

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

No: None

Resolution Passed

Councilman Mikal Goodman arrived at 6:09 p.m.

Special Presentation

Murphy Park Expansion Progress, Improvements

Recognition of Elected Officials – None

Agenda Address

1. Blair McGowan addressed item #2

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2. Linda Watson addressed item #6
3. Dr. Deidre Waterman addressed item #5 and items #10-#12
4. Chuck Johnson addressed item #1
5. Larry Jasper addressed item #2

Agenda Items

Ordinances

Motion to postpone for one week the Adoption of City of Pontiac Adult-use Marihuana Business Ordinance. (Second Reading Postponed from February 16, 2023 City Council Meeting) Moved by Councilperson Carrington and second by Councilperson Goodman.

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

No: None

Abstain: Rutherford

Motion Carried

Motion to strike language from Ordinance #3 (an Ordinance Amendment to Ordinance 2-372 Clarifying Planning Commission Bylaws) Moved by Councilperson McGuinness and second by Councilperson Goodman.

2-372 Composition; terms

(a) Under and by virtue of the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), there is created a city planning commission, formerly established under the former Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.). The city planning commission shall consist of six (6) ~~resident persons~~ members plus one (1) ex officio member for a total of seven (7) members. ~~The resident persons~~ All Planning Commission Members, including the ex-officio member, shall be appointed by the mayor subject to approval by a majority vote of the City Council, ~~or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL 144.1501 et seq.), the Emergency Manager shall appoint the members without any vote by the City Council,~~ as provided in state law.

(f) The terms of the six (6) ~~resident~~ members shall be for three (3) years and commence on July 1, 2011; provided, however, that three members of the first city planning commission to be appointed hereunder shall serve until June 30, 2012, two members until June 30, 2013, and two members until June 30, 2014. Thereafter all members shall be appointed for a term of three years and shall serve until their successors are appointed and qualified. The term of ex officio member shall be concurrent with the term of office of the Mayor of the City of Pontiac. A member will hold the position until a successor is appointed, although the mayor ~~or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Manager,~~ shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this division.

2-374. Removal of city planning commission member vacancy.

(a) Members of the city planning commission may, after written charges and a public hearing occurring no sooner than ten (10) days after the preparation of written charges, be removed by the mayor for the following reasons: conflict of interest; inefficiency; neglect of duty; malfeasance, misfeasance or nonfeasance in office; lack of qualifications; incompetency; misconduct; conviction of a felony; or a violation of this charter (including the charter's conflict of interest provisions) or any job-related ordinance, rule or regulation. ~~In the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act,~~

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~~Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Manager may remove a member for any reason as provided by Act No. 4 of the Public Acts of Michigan.~~

(c) In the case of the termination of membership of any member of the city planning commission before the expiration of his their term, through resignation, removal or any other reason, the vacancy shall be filled by appointment by the mayor, subject to the approval by a majority vote of the members of the city council, for the unexpired term of the member whose membership has terminated, ~~or, in the event of an appointment of an Emergency Manager under the Local Government and School District Fiscal Accountability Act, Act No. 4 of the Public Acts of Michigan of 2011 (MCL 141.1501 et seq.), the Emergency Financial Manager shall fill the vacancy with an appointment with no vote by the City Council required, as provided in state law.~~

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

No: None

Motion Carried

Motion to strike language from Ordinance #3 (an Ordinance Amendment to Ordinance 2-372 Clarifying Planning Commission Bylaws) removing Section 2-372 i. Moved by Councilperson Goodman and second by Councilperson Parker.

2-372. Composition; terms.

(i) ~~The service of current members of the city planning commission shall terminate on June 30, 2011 (whether their terms are expired or unexpired), replaced by the members appointed under this division on July 1, 2011. Notwithstanding the foregoing, such current members of the city planning commission may apply for appointment to the new city planning commission created under this division.~~

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

No: None

Motion Carried

Councilman Brett Nicholson left the meeting at 7:05 pm

Motion to postpone for one week an Ordinance Amendment to Ordinance 2-372 Clarifying Planning Commission Bylaws. (Second Reading postponed from February 16, 2023 City Council Meeting) Moved by Councilperson Rutherford and second by Councilperson Carrington.

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

No: None

Motion Carried

Motion to postpone for one week an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103 – Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) Moved by Councilperson Rutherford and second by Councilperson Carrington.

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

No: None

Motion Carried

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Resolutions

City Clerk

23-70

Resolution to approve a proposed budget amendment to transfer \$15,000 in funding out of the General Fund Balance GL account 101-000-390-000 and transfer \$15,000 into 101-215-902-005 Public Notices. Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City of Pontiac timely approved the FY 2022-23 budget on June 22, 2022 and;

WHEREAS, 10,000 was allocated for General Fund GL Account 101-215-902.005 Public Notices in the FY 2022-23 budget and;

WHEREAS, expenditures for publishing public notices in the newspaper between July 1, 2022 – December 31, 2022 has exceeded \$10,000 and;

WHEREAS, without allocating additional funding the City will be unable to publish public notices for public hearing and budget amendments as required by the City Charter and/or ordinances.

NOW THEREFORE, BE IT RESOLVED that the City Council approves the proposed budget amendment to transfer \$15,000 in funding out of the General Fund Balance GL account 101-000-390.000 and transfer \$15,000 into 101-215-902.005 Public Notices.

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

No: None

Resolution Passed

City Council

23-71

Resolution to approve the appointments of Linda Watson, Elizabeth Peete, Mattie Lasseigne, and Alternate Elick Shorter to the Board of Review. Move by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, section 5.402 of the Pontiac City Charter requires the City Council to appoint three electors of the City, annually, to the Board of Review before that Board's first meeting; and,

WHEREAS, in addition to the charter requirement of being an elector, all members of the Board of Review must attend and receive training prior to attending the first meeting; and,

WHEREAS, Linda D. Watson, Elizabeth Peete, Mattie Lasseigne and alternate Elick Shorter have effectively served on the Board of Review and are generously willing to continue their service to the City of Pontiac.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council appoints Linda D. Watson, Elizabeth Peete, Mattie Lasseigne and alternate, Elick Shorter, to serve as members to the Board of Review.

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

No: None

Resolution Passed

~~23-72~~

Resolution Calling for the Repeal of Michigan Public Act 436 of 2012. Moved by Councilperson Carrington and second by Councilperson Rutherford. Discussion.

Motion to amend Resolution Calling for the Repeal of Michigan Public Act 436 of 2012 by adding 436 after Public Act in paragraph 5. Moved by Councilperson McGuinness and second by Councilperson Goodman.

Whereas, on February 1, 2023, House Bill 4065 was introduced in the Michigan House of Representatives, which would if enacted, repeal the entirety of Public Act 436; now,

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

No: None

Motion Carried

23-72 **Resolution Calling for the Repeal of Michigan Public Act 436 of 2012 as amended.**
Moved by Councilperson Carrington and second by Councilperson Rutherford.

Whereas, the Local Financial Stability and Choice Act, Public Act 436 of 2012 (“P.A. 436”), was enacted to provide for the appointment of Emergency Managers to local municipalities and school districts experiencing financial distress; and

Whereas, P.A. 436 authorizes an emergency manager to, among other things, amend a local government’s budget; sell, lease, or assign assets; apply for state loans on the municipalities’ behalf; suspend collecting bargaining agreements; modify or terminate existing contracts; exercise power over the local pension board; consolidate or eliminate departments of local government and decide whether to fill or create staff positions; irrespective of the local government’s charters and law; and

Whereas, these board powers conferred on an Emergency Manager, not subject to local review or control, had devastating financial consequences for many municipalities, including the city of Pontiac; and

Whereas, while under control of state-appointed Emergency managers, the Phoenix center debacle occurred, city assets were sold to various entities, and Pontiac’s residents were deprived of their right to challenge their government when Charter-mandated offices were disbanded; and

Whereas, on February 1, 2023, House Bill 4065 was introduced in the Michigan House of Representatives, which would if enacted, repeal the entirety of Public Act 436; now,

Therefore, Be It Resolved that the City of Pontiac calls for the repeal of Public Act 436, the so-called Local Financial Stability and Choice Act 436 of 2012; and further

Resolved, the City Council fully supports House Bill 4065 of 2023 and urges the Michigan Legislature to enact House Bill 4065, which would repeal Public Act 436.

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

No: None

Resolution Passed

Communications

23-73 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023 for Cable Operations, Video and Microphones Systems in the amount of \$27,564.45.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS City council appropriated funds for the Cable Department to begin on July 1, 2022; and,

WHEREAS, that appropriation assumed certain variables that did not come into being; and,

WHEREAS, that appropriation did not include enough allocation for the purchase approved in FY 2022 for City Council Chamber microphone system; and,

WHEREAS, this budget amendment decreases the fund balance by \$27,564.45;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts:

231-291-977.014	Video Equipment	\$27,564.45
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Ayes: Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

Resolution Passed

Economic Development

23-74 **Resolution to approve redevelopment liquor license for Sunset Island LLC located at 7 N. Saginaw.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Whereas, the City of Pontiac chooses to engage in PA 58, 1998, MCL 436.1521a(1)(b)(i) for the Issuance of New-On-Premises Development District License and establishment of Redevelopment Licenses in the Tax Increment Finance Authority Act (TIFA) District and under Part 3 of Public Act 57 of 2018.

Whereas, Sunset Island LLC, Parcel 64-14-29-476-032-014, 7 N. Saginaw St., has made a petition for a Specially Designated Merchant (“SDM”) and Class C, “Bistro” license and meets eligibility requirements for licensure issuance under MCL 436.1521a(1)(b)(i).

Whereas, Sunset Island LLC, 7 N. Saginaw shall comply with the City of Pontiac Ordinance 2366 to Allow for Redevelopment Liquor Licenses and Conditions for Issuance and operations of the Specially Designated Merchant (“SDM”) and Class C, “Bistro” License and MCL 436.1521a(1)(b)(i).

Be It Resolved, that the petition for Specially Designated Merchant (“SDM”) and Class C, “Bistro” License on behalf of the petitioner, Sunset Island LLC, 7 N. Saginaw St., is hereby approved and City Council further recommends this application be considered for approval by the Michigan Liquor Control Commission.

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

No: None

Resolution Passed

Grants

23-75 **Resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$392,500 to account 208-000-532-000 UWOCST, and appropriations in the amount of \$135,000 to account 208-756-702-000 UWOCST Salaries and Wages, \$18,500 to account 208-756-745-000 UWOCST Recreation Supplies, \$108,500 to account 208-756-779-020 UWOCST Programming, \$65,000 to account 208-756-819-000 UWOCST Contractual Temp/PT Labor, \$5,500 to account 208-756-957-002 UWOCST Training Expense, and \$25,000 to account 208-756-977-008 UWOCST Special Equipment.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City of Pontiac was awarded \$392,500 from the United Way of Southeast Michigan Out of School Time Grant Program; and,

WHEREAS, the grant award will support youth recreation programming and staff time; and,

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2022-2023 in the amount of \$392,500 for grant income, and increase the appropriations in the amount of \$392,500, representing grant expenditures.

NOW THEREFORE, be it resolved that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment for the Fiscal Year 2022-23 Budget as requested by the Administration to increase budgeted revenues in the amount of \$392,500 to account 208-000-532.000-UWOCST, and appropriations in the amount of \$135,000 to account 208-756-702.000-UWOCST Salaries and Wages, \$18,500 to account 208-756-745.000-UWOCST Recreation Supplies, \$108,500 to account 208-756-779.020-UWOCST Programming, \$65,000 to account 208-756-819.000-UWOCST Contractual Temp/PT Labor, \$5,500 to account 208-756-957.002-UWOCST Training Expense, and \$25,000 to account 208-756-977.008-UWOCST Special Equipment.

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

No: None

Resolution Passed

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23-76 **Resolution to approve the proposed budget amendment to increase budgeted revenues in the amount of \$294,000 to account 212-000-532-000 OCSCMG Federal Grant Others, and appropriations in the amount of \$150,000 to account 212-813-818-000 OCSCMG – Other Professional Services (Ruth Peterson Senior Center) and \$144,000 to account 212-814-818-000 OCSCMG – Other Professional Service (Bowen Senior Center)** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City of Pontiac was awarded \$144,000 assigned to the Robert Bowens Center and \$150,000 assigned to the Ruth Peterson Center through the Oakland County Senior Center Matching Grant Program; and,

WHEREAS, the grant will allow the city to renovate and update structurally deficient, unsafe and inaccessible senior facilities so they can be used and enjoyed by the older adult and disabled communities in safe, inclusive, and innovative ways for years to come; and,

WHEREAS, the matching requirement for this Grant Program has been waived by Oakland County; and, WHEREAS, the Grant Program requires that the City of Pontiac certify compliance with all Grant Program requirements, including commitment to long-term maintenance and all project cost overruns.

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2022-2023 in the amount of \$294,500 for grant income, and increase the appropriations in the amount of \$294,000, representing grant expenditures.

NOW THEREFORE, be it resolved that the City Council hereby approves the proposed budget amendment for the Fiscal Year 2022-23 Budget as requested by the Administration to increase budgeted revenues in the amount of \$294,000 to account 212-000-532.000-OCSCMG Federal Grant Others, and appropriations in the amount of \$150,000 to account 212-813-818.000-OCSCMG – Other Prof Serv (Ruth Center) and \$144,000 to account 212-814-818.000-OCSCMG – Other Prof Serv (Bowen).

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

No: None

Resolution Passed

Planning

23-77 **Resolution to approve the proposed budget amendment for Budget Year 2022-23 to transfer \$35,000 from GL account 101-721-702-000 for Salaries and Wages to GL account 101-721-818-000 for Other Professional Services for Planning Consulting Services.** Moved by Councilperson Parker and second by Councilperson Rutherford.

WHEREAS, The Department of Community Development must hire and train the Planning Division to properly administer plan review for Planning and Zoning functions; and,

WHEREAS, the consultant, Carlisle Wortman Associates, Inc. has performed consultant work since December 1, 2022 for plan review services on a temporary basis while Planning Staff are hired and trained; and,

WHEREAS, the City needs to transfer funds from the Planning Division's General Ledger account for Salary & Wages to Other Professional Services for these consultative services in lieu of having unfilled positions during this budget year.

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council approves the proposed budget amendment of \$35,000 from the Planning Division's Salary & Wages GL account 101-721-702.000 to Other Professional Services GL account 101-721-818.000.

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

No: None

Resolution Passed

Purchasing

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Motion to table Resolution #23-66 (Resolution to recognize Contract Template Change for City Building Scanning Documents Contract) indefinitely. Moved by Councilperson Carrington and second by Councilperson Rutherford.

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

No: None

Motion Carried

23-78 **Resolution to approve revisions to AmeriScan Contract.** Moved by Councilperson Parker and second by Councilperson Goodman.

Whereas, the Purchasing Manager has completed her due diligence by requesting contract revisions to protect the City's interests better;

Whereas, the Purchasing Manager is notifying Council of changes in the terms and conditions of the contract;

Now, therefore, Be It Resolved, the Pontiac City Council approves the attached AmeriScan contract which includes revised terms and conditions.

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

No: None

Resolution Passed

Public Comment

1. Dr. Deidre Waterman
2. Chuck Johnson
3. Larry Jasper

Discussions

Larcenies from Automobiles

Swift Patching of Potholes, Proactive Approach by Public Works

Closed Session

23-79 **Resolution to proceed into Closed Session at 8:14 p.m. to consider and discuss the confidential Legal Opinion concerning a pending Marihuana Appeal.** Moved by Councilperson Carrington and second by Councilperson Goodman.

WHEREAS, the Mayor directed the City's outside legal counsel, Clark Hill PLC, to provide an attorney-client privileged legal opinion addressing legal issues related to a pending marihuana appeal and Clark Hill PLC has prepared a Memorandum dated February 15, 2023; and WHEREAS, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider material exempt from discussion or disclosure by state or federal statute; and WHEREAS, written confidential communications that are the subject of attorney-client privilege are exempt from disclosure and may be discussed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h). NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h) to review and discuss the confidential attorney-client Memorandum dated February 15, 2023 concerning legal issues in connection with a pending marihuana appeal.

Ayes: Parker, Carrington, Goodman, James and McGuinness

No: None

Abstain: Rutherford

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Motion to come out of Closed Session at 8:55 p.m. Moved by Councilperson Goodman and second by Councilperson Carrington.

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

Motion Carried

Councilwoman Rutherford was absent during the vote and did not participate in Closed Session

Councilman Goodman left the meeting at 8:55 p.m.

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Mayor Greimel, Councilwoman Melanie Rutherford, Councilman William Parker Jr., Councilwoman Kathalee James, Council President Pro-Tem William Carrington and Council President Mike McGuinness made closing comments.

Adjournment

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

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

Motion Carried

Council President Mike McGuinness adjourned the meeting at 9:12 p.m.

Garland S. Doyle
City Clerk