

May 23, 2023, Approved Minutes

**Official Proceedings
Pontiac City Council
89th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, May 23, 2023, at 6:03 p.m. by Council President Mike McGuinness.

Invocation – Minister Veronica Taylor

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 Parker and second by Councilperson Nicholson. Discussion.

Motion to add a Resolution in support of Maintaining Saturday Service for SMART Route 796 serving Perry – Opdyke as the new item #14. Moved by Councilperson Nicholson and second by Councilperson Parker.

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

Motion Carried

Motion to add a Discussion regarding Crystal Lake Street & South Boulevard Alley Dumping as the new item #17. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

Motion Carried

The vote was taken to approve the agenda as amended.

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

Motion Carried

Consent Agenda

23-194 **Resolution to approve the consent agenda for May 23, 2023.** Moved by Councilperson Rutherford and second by Councilperson Parker.

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Whereas, the City Council has reviewed the consent agenda for May 23, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for May 23, 2023, including May 16, 2023, City Council Meeting Minutes and May 18, 2023, City Council Special Meeting Minutes on the Budget.

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

No: None

Resolution Passed

Special Presentation

City of Pontiac Home Repair Program

Presentation Presenter: Matthew Turner-Reed, Grants and Philanthropy Department

Civil War Veterans Memorial Day Commemoration at Oak Hill Cemetery on May 29, 2023

Presentation Presenter: John Cohassey, Author, and Historian

Recognition of Elected Officials – None

Agenda Address

1. Dr. Deirdre Waterman addressed item #10.

Councilman Mikal Goodman arrived at 6:49 p.m.

Public Hearing

Council President Mike McGuinness opened up public hearing regarding the Annual Millage Rates for Fiscal Year 2023-2024 at 6:49 p.m. There were five (5) individuals who spoke during the public hearing.

1. Robert Bass. What millage rates are we passing? How many this year?
2. Dr. Deirdre Waterman. Youth Recreation Millage. How long is going to take to build a new building?
3. Gloria Miller. How many years are left on the youth millage?
4. Pastor Kathy Dessureau. Does the Headlee Amendment impact our millage?
5. Andrea Mann. What is the price of the millage? How much is it going to cost?

Council President Mike McGuinness closed the public hearing at 6:58 p.m.

Agenda Items

Ordinances

Motion to postpone to June 6, 2023, the Second Reading of an Ordinance to Amend the City of Pontiac City Code to Amend Chapter 118 to add Article IV Stormwater Control in Order to Maintain Compliance with State Law. Moved by Councilperson Nicholson and seconded by Councilperson Rutherford.

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

No: None

Motion Carried

23-195 **Resolution to approve the First Reading of Zoning Ordinance Text Amendment to Amend Article 2, Chapter 6, Section 6.202 (D), and to Amend Article 2, Chapter 6, Section 6.208 (Required Information) to Amend Article 2, Chapter 6, Section 7.301. (Definitions). (This Ordinance Amendment pertains to Stormwater Control.)** Moved by Councilperson Rutherford and seconded by Councilperson Parker.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance to Amend to Amend Chapter 2 (Site Plan Review) to Amend section 6.202(D), and Section 6.208 (Required Information) to Amend Table 17.

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to accept the Planning Commission's Recommendation and approve the amendments to the Zoning Ordinance Text Amendments as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the amendments to the City of Pontiac's Zoning Ordinance as presented to the City Council on May 23, 2023.

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

No: None

Resolution Passed

23-196 **Resolution to approve the First Reading of a Zoning Ordinance Text Amendment to Amend Article 2, Chapter 5, Section 2.502, to Amend Article 2 Chapter 5, Section 2.506, Add Article 2, Chapter 5, Section 2.507, Amend Article 3, Chapter 2, Section 3.203, Amend Article 4, Chapter 4, Section 4.206 (a) (3), and Amend Article 7, Chapter 2, Section 7.201. (This Ordinance Amendment pertains to Unlicensed Residential Facilities, Keeping of Household Animals or Pets) Moved by Councilperson Nicholson and second by Councilperson Goodman.**

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance to Amend Article 2, Chapter 5, Section 2.502, to Amend Article 2, Chapter 5, Section 2.506, Add Article 2, Chapter 5, Section 2.507, Amend Article 3, Chapter 2, Section 3.203, Amend Article 4, Chapter 4, Section 4.206(A)(3), and Amend Article 7, Chapter 2, Section 7.201.

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to accept the Planning Commission's Recommendation and approve the amendments to the Zoning Ordinance Text Amendments as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the amendments to the City of Pontiac's Zoning Ordinance as presented to the City Council on May 23, 2023.

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

No: None

Resolution Passed

23-197 **Resolution to approve the First Reading of Municipal Code Ordinance Text Amendment to Amend Article I, Chapter 18, Section 6 (Prohibited animals; nuisances) to remove chickens and add Subsection (6) regarding livestock; Article I, Chapter 18, Section 18 (Neighborhood Sanitation) to add Subsection (d) regarding Feeding of wild animals; Article II, Chapter 18, Section 52 (Dog kennels or houses; location; maintenance) to add Subsection (d) regarding restrictions on dog tethering; and Article XXV, Chapter 26 (Transient Housing) to clarify obligations of owners of transient housing facilities. Moved by Councilperson Nicholson and second by Councilperson Parker.**

Whereas, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Municipal Code Ordinance to Amend Article I, Chapter 18, Section 6 (Prohibited Animals; nuisances) to remove chickens and add Subsection (6) regarding livestock; Article I, Chapter 18, Section 18 (Neighborhood Sanitation) to add Subsection (d) regarding Feeding of wild animals; Article II, Chapter 18, Section 52 (Dog kennels or houses; location; maintenance) to add Subsection (d) regarding restrictions on dog tethering; and Article XXV, Chapter 26 (Transient Housing) to clarify obligations of owners of transient housing facilities.

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Whereas, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to approve the amendments to the Municipal Code Ordinance as presented to the City Council on May 23, 2023.

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

Resolution Passed

23-198 **Resolution to approve the First Reading of Municipal Code Ordinance Text Amendment to Amend Article 2, Chapter 94, Section 26 (Refuse containers and yard waste containers, specifications) to add Subsection (g) regarding regulation of waste containers storage.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Municipal Code Ordinance to Amend Article 2, Chapter 94, Section 26 (Refuse containers and yard waste containers, specifications) to add subsection (g) regarding regulation of waste containers storage.

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to approve the amendments to the Municipal Code Ordinance Text Amendments as presented. NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the amendments to the City of Pontiac’s Municipal Code Ordinance as presented to the city Council on May 23, 2023.

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

Resolution Passed

Resolutions

Finance

23-199 **Resolution to approve the proposed budget amendment for the Budget Year 2022-2023. Increase the budget appropriation in the following GL account: 101-201-818.000 Other Professional Services - \$200,000.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, the Finance Department is in dire need of continued assistance from a CPA firm to perform the critical accounting functions such as bank reconciliation, month end close, write adjusting journal entries etc. since the positions of the Finance Director, Senior Accountant and Grant Accountant positions were vacant for many months.; and,

WHEREAS, Consultants CVHT CPAs and Rehmann CPAs assisted Finance staff to complete the FY 2022 audit; and,

WHEREAS, we need CVHT CPAs’ continued assistance to complete the FY 2023 audit on time; and,

WHEREAS, additional funding is needed to pay for this service; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101– General Fund by \$200,000.

NOW THEREFORE, BE RESOLVED, that the City Council hereby approves 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:

101-201-818.000	Other Professional Services	\$200,000
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Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington, and Goodman
No: None

Resolution Passed

23-200 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023. Increase budget appropriation in the following GL accounts: 101-925-992.084 – Debt Services – Ottawa Phoenix Center - \$663,700, 101-925-995.084 – Interest Expense Ottawa Phoenix Center - \$314,777. Decrease the budget appropriation in the following GL account: 585-925-995.084 – Interest Expense Ottawa Phoenix Center - (\$978,477) to record the Ottawa Phoenix Center debt payment in the General Fund instead of Parking Enterprise Fund.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, The City Council appropriated \$978,477 in the current fiscal year (FY 2023) in fund 585-Parking Enterprise Fund to pay the principal and interest payment of the Phoenix Center debt.; and, WHEREAS, in the current fiscal year, the 585-Parking Enterprise fund does not generate any income to satisfy this obligation; and, WHEREAS, the existing appropriation for the debt payment increases the deficit in the Parking Enterprise fund; and, WHEREAS, this budget amendment moves the appropriation to the General Fund from the Parking Enterprise fund to satisfy the debt payment in the current fiscal year; 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 budget appropriation in the following GL accounts:

101-925-992.084 – Debt Service – Ottawa Phoenix Center	\$663,700
101-925-995.084 – Interest Expense Ottawa - Phoenix	\$314,777

Decrease the budget appropriation in the following GL account:

585-925-995.084 – Interest Expense Ottawa - Phoenix	(\$978,477)
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Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman, and James
No: None
Resolution Passed

Planning
23-201 **Resolution to approve the petition to vacate Parcel 14-17-403-004 1104 Baldwin Avenue.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the City of Pontiac City Council finds that the Petition to Vacate Parcel 14-17-403-004 to Parcel 14-17-403-003 satisfies the requirements of City of Pontiac Ordinances 102-70. WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to approve the recommendation of the Petition to Vacate Parcel 14-17-403-004 to Parcel 14-17-403-003 by City of Pontiac City Council. NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council to approve the Petition to Vacate Parcel 14-17-403-004 to Parcel 14-17-403-003.

Ayes: Nicholson, Parker, Goodman, James and McGuinness
No: Rutherford and Carrington
Resolution Passed

Purchasing
23-202 **Resolution to approve the Mayor or Mayor Designee to execute a contract with Elam Service Group, LLC to provide on call mowing and weed abatement services for the City of Pontiac.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

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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.

WHEREAS, the Purchasing Manager is requesting approval to execute a City contract with the Elam Service Group, LLC.

NOW, THEREFORE, The Pontiac City Council approves the Mayor or Mayor Designee to execute a City contract with the Elam Service Group, LLC.

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

Resolution Passed

23-203 **Resolution to approve the Mayor or Mayor Designee to execute a contract with The Major Group, LLC to provide production company and event coordinator services for the City of Pontiac Arts Crawl event.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

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.

WHEREAS, the Purchasing Manager is requesting approval to execute a City contract with The Major Group, LLC.

NOW, THEREFORE, The Pontiac City Council approves the Mayor or Mayor Designee to execute a City contract with The Major Group, LLC.

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

Resolution Passed

23-204 **Resolution in Support of Maintaining Saturday Service for SMART Route 796 Serving Perry – Opdyke. (Agenda add-on)** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Whereas, the Pontiac City Council recognizes the importance of equitable and accessible public transportation services for the residents of Pontiac and surrounding communities; and
Whereas, the Suburban Mobility Authority for regional Transit (SMART) plays a crucial role in providing transportation options that connect individuals to education, employment, healthcare, and other essential services; and

Whereas, SMART Route 796 serving Perry – Opdyke has been a vital lifeline for the residents of Pontiac, ensuring their mobility and access to various opportunities on weekdays and

Whereas, the recently passed millage in support of SMART's expansion reflects the community's commitment to enhancing and improving public transit services within Pontiac and the wider region; and

Whereas, cutting Saturday service for Route 796 would disproportionately impact low-income residents, essential workers, students, and individuals without access to private vehicles, exacerbating existing transportation challenges and creating inequitable barriers to opportunity; and

Whereas, Pontiac City Council recognizes the potential economic, social and environmental benefits of ensuring robust public transportation options, which include reduced traffic congestion, improved air quality, and enhanced regional connectivity; and

Whereas, maintaining and expanding public transportation services, including Saturday service for Route 796, will contribute to the overall well-being, inclusivity, and economic growth of Pontiac and its residents.

Now, Therefore Be It Resolved, that the Pontiac City Council expresses its support for maintaining Saturday service for SMART Route 796 serving Perry – Opdyke, recognizing the critical role it plays in ensuring equitable access to transportation for all residents; and

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Further Resolved, that the Pontiac City Council urges SMART to prioritize the preservation of Saturday service for Route 796 and explore alternative cost-saving measures that would not compromise the accessibility and convenience of this essential transportation link; and

Further resolved, that the Pontiac City Council encourages SMART to leverage the recently passed millage in favor of expansion to bolster and enhance services within Pontiac, recognizing the potential for increased ridership and community benefits; and

Further Resolved, that the Pontiac City Council commits to working collaboratively with SMART, community stakeholders, and regional partners to advocate for accessible, reliable, and equitable public transportation options that promote social, economic, and environmental justice for all residents; and

Further Resolved, that copies of this resolution shall be forwarded to the SMART Board of Directors to communicate the Pontiac City Council's position and encourage their active engagement in supporting the preservation of Saturday service for SMART Route 796.

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

No: None

Resolution Passed

Public Comments

1. Veronica Taylor
2. Robert Bass
3. Dr. Deidre Waterman
4. Tameka Ramsey
5. Pastor Kathy Dessureau
6. Andrea Mann
7. Darlene Clark
8. Gloria Miller
9. Chuck Johnson
10. Angela Webster

Discussions

Friends of the Pontiac Park Junior Park Ranger Program Opportunity.

Lighthouse Received \$250,000 Housing for Everyone Grant from TD Bank, the Only Recipient Organization from Michigan.

Crystal Lake Street South Boulevard Alley Dumping. (**Agenda add-on**)

Closed Session

23-205 **Resolution to proceed in Closed Session at 9:24 p.m. pursuant to Section 8 (d) of the Open Meetings Act, MCL 15.268(e) to review and discuss a matter of pending litigation in the Case of Sewell v Pontiac, et al., Oakland County Circuit Court Case No. 2022-197253-NF.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City's outside legal counsel, Rosati, Schultz Joppich and Amtsbuechler, has requested a closed session in order to discuss trial or settlement strategy in connection with the specific pending litigation Sewell v Pontiac, et. al., (Oakland County Circuit Court Case No. 2022-197253-NF); and WHEREAS, such discussions if conducted in an open meeting would have a detrimental financial effect on the litigating or settlement position of the City; 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

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WHEREAS, discussions regarding trial or settlement strategy in connection with specific litigation may be discussed in Closed Session pursuant to Section 8(e) of the Open Meetings Act, MCL 15.268(e). NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(e) of the Open Meetings Act, MCL 15.268(e) to review and discuss the above-referenced matter of pending litigation.

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

No: None

Resolution Passed

Motion to come out of Closed Session at 10:03 p.m. Moved by Councilperson Parker and second by Councilperson Nicholson.

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

No: None

Motion Carried

Suspend the Rules

23-206 **Suspend the Rules.** Moved by Councilperson Goodman and second by Councilperson Parker.

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

No: None

Motion Carried

23-207 **Resolution for Legal Counsel to proceed in the Case of Sewell v City of Pontiac Case No. 2022-197253-NF as discussed in Closed Session.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Now, Therefore Be It Resolved that the Pontiac City Council authorize Legal Counsel to proceed in the Case No. 2022-197253-NF, Sewell v the City of Pontiac.

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

No: None

Resolution Passed

Councilman Mikal Goodman left the meeting after Closed Session Resolution

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

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

Councilwoman Melanie Rutherford left the meeting after her closing comments.

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Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 10:20 p.m.

Garland S. Doyle
City Clerk