

July 6, 2023, Approved Minutes

**Official Proceedings
Pontiac City Council
96th 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 Thursday, July 6, 2023, at 6:01 p.m. by Council President Mike McGuinness.

Invocation – Minister Veronica Taylor – New Springfield Baptist Church

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

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

Mayor Greimel was not present.

Deputy Mayor Stephens was present.

A quorum was announced.

Excuse Councilmembers

Motion to excuse Councilwoman Melanie Rutherford for personal reasons. Moved by Councilperson Carrington and second by Councilperson Goodman.

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

No: None

Motion Carried

Amendments to and Approval of the Agenda

Motion to approve the agenda as amended. Moved by Councilperson Parker and second by Councilperson Carrington. Discussion.

Motion to amend the agenda to add discussion on Unregistered Rental Properties and Conditions. Moved by Councilperson Goodman and second by Councilperson Nicholson.

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

No: None

Motion Carried

The vote was taken to approve the agenda as amended.

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

No: None

Motion Carried

Consent Agenda

23-249 (A-B) **Resolution to approve the consent agenda for July 6, 2023.** Moved by Councilperson Parker and second by Councilperson Nicholson.

Whereas, the City Council has reviewed the consent agenda for July 6, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for July 6, 2023, including June 26, 2023, Parks, Recreation and Public Works Subcommittee Meeting Minutes, June 27, 2023, City Council Meeting Minutes, Resolution approving updated Fireworks Permit for rain date of July 15, 2023, for Paramo Fireworks, Resolution approving contract with ACP Entertainment for Festival Services for the City of Pontiac Family Fun Night on July 15, 2023, Resolution approving updated Fireworks Permit for rain date of July 16, 2023, for M1 Concourse Fireworks, Resolution approving contract with the Original Print Shoppe for Quarterly Newsletter Printing and Mailing Postage Expenses and Resolution for General Liability and Property Insurance Policy.

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

No: None

Resolution Passed

23-249 (C) **Resolution to approving updated Fireworks Permit for rain date of July 15, 2023, for Paramo Fireworks.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City has received an application for a permit for Antonio Paramo, operator, of fireworks display held in the parking lot of City Hall on July 15, 2023; and

WHEREAS, the Michigan Fireworks Safety Act (Public Act 256 of 2011) requires the legislative body of the City to authorize the permit application; and

WHEREAS, Antonio Paramo, operator of Pontiac, Michigan has agreed to provide pyrotechnics for the event, and has furnished proof of insurance in an amount necessary and approved by the City's insurance agent of record; and

WHEREAS, the application has been reviewed by Fire Department personnel and a determination has been made that the pyrotechnic operator and location meet the department's requirements for a fireworks display.

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the application for a fireworks display operated by Antonio Paramo held in the parking lot of City Hall on July 15, 2023 and authorizes the City Clerk to execute the application on behalf of the City.

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

No: None

Resolution Passed

23-249 (D) **Resolution approving contract with ACP Entertainment for Festival Services for the City of Pontiac Family Fun Night on July 15, 2023.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac solicited responses from eight vendors to hold a family fun night (mini carnival) on July 15, 2023; and

WHEREAS, only one respondent had that date available; and

WHEREAS, that respondent was also the lowest bidder at \$51,849.62;

NOW THEREFORE, BE RESOLVED, City Council hereby authorizes the Mayor or Deputy Mayor to enter into a contract with ACP Entertainment to provide a mini carnival on July 15, 2023 at Aaron Perry park.

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

No: None

Resolution Passed

July 6, 2023, Approved Minutes

23-249 (E) **Resolution approving updated Fireworks Permit for rain date of July 16, 2023, for M1 Concourse Fireworks.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City has received an application for a permit for Cars Under the Stars Fireworks Spectacular fireworks display to be held at M 1 Concourse- 1 Concourse Drive, Pontiac, MI, 48341 on July 16, 2023; and

WHEREAS, the Michigan Fireworks Safety Act (Public Act 256 of 2011) requires the legislative body of the City to authorize the permit application; and

WHEREAS, pursuant to MCL 28.466 of the Michigan Fireworks Safety Act, the City "may grant a permit for" a fireworks display; and

WHEREAS, Gen-X Pyrotechnics of White Lake, Michigan has agreed to provide pyrotechnics for the event, and has furnished proof of insurance in an amount necessary and approved by the City's insurance agent of record; and

WHEREAS, the application has been reviewed by Fire Department personnel and a determination has been made that the pyrotechnic operator and location meet the department's requirements for a fireworks display; and

WHEREAS, the City anticipates this fireworks display event will require the deployment of additional law enforcement to help effectively manage safety concerns and increased traffic due to event participants.

THEREFORE, BE IT RESOLVED that the City Council does hereby approve the application for a fireworks display at MI Concourse- I Concourse Drive, Pontiac, MI 48341 on July 16, 2023 and authorizes the City Clerk to execute the application on behalf of the City, on the condition that Gen-X Pyrotechnics, as the applicant, and/or MI Concourse, as the event host, agrees to enter into a contract with the City for the reimbursement of the reasonable costs associated with the safety and traffic management appropriate for this event prior to July 16, 2023.

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

No: None

Resolution Passed

23-249 (F) **Resolution approving contract with the Original Print Shoppe for Quarterly Newsletter Printing and Mailing Postage Expenses.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City of Pontiac solicited responses from three vendors to print and deliver a newsletter to residents; and

WHEREAS, two companies responded to the request; and

WHEREAS, one company was able to provide the requested service in the requested time frame at a total cost of \$12,991.35; and

WHEREAS, \$7,822.91 was a passthrough cost for postage;

NOW THEREFORE, BE RESOLVED, City Council hereby authorizes payment to The Original Print Shoppe in the amount of \$12,991.35 for printing and delivery of the newsletter.

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

No: None

Resolution Passed

23-249 (G) **Resolution for General Liability and Property Insurance Policy.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the Huttenlocher Group, the City's Insurance agent has presented the City with a proposal for General Liability and Property Insurance for coverage beginning July 1, 2023; and,

July 6, 2023, Approved Minutes

WHEREAS, the Deputy Mayor, has reviewed the proposal, recommends the proposal is acceptable, and has certified available funding;
NOW THEREFORE, BE IT RESOLVED that the City Council approves the proposal from the Michigan Municipal Risk Management Authority for a total premium of \$695,160.

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

No: None

Resolution Passed

Special Presentation

Historic Appropriations Funding for Pontiac Initiatives included in State of Michigan Annual Budget
Presenter: State Representative Brenda Carter

Recognition of Elected Officials - None

Agenda Address

1. Deirdre Waterman addressed item #1

Agenda Items

Ordinance

Motion to accept amended language to 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 Nicholson and second by Councilperson Carrington.

Ayes: Nicholson, Parker, Carrington, James and McGuinness

No: None

Motion Carried

2418 Adoption 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 Rutherford and second by Councilperson Nicholson.

Ayes: Parker, Carrington, Goodman, James and Nicholson

No: McGuinness

Ordinance Adopted

****See Ordinance #2418 as Exhibit A after the minutes**

Resolutions

Department of Public Works (DPW)

23-250 **Resolution approving contract with the Michigan Department of Transportation for Franklin Road Resurface Construction at \$1,069,200.** Moved by Councilperson Carrington and second by Councilperson Goodman.

WHEREAS, The City of Pontiac has determined the need to improve Franklin Road from the south city limits to Rapid Street and Rapid Street from Franklin Road to Woodward and,
WHEREAS, the City of Pontiac has requested that MDOT administer the contract and funding for the above said project and,
WHEREAS, The MDOT requires the establishment of a contract between the City of Pontiac and MDOT prior to awarding bids,

July 6, 2023, Approved Minutes

NOW, THEREFORE BE IT RESOLVED that CONTRACT No. 23A0595, Control Section STU 63000; Job Number 215143CON, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION and the CITY OF PONTIAC is hereby accepted and the Pontiac City Council authorizes Tim Greimel, Mayor to sign the said contract.

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

No: None

Resolution Passed

Mayor's Office

23-251

Resolution approving contract with Flock Camera Systems for continuation of services at an annual rate of \$42,500. Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, Flock Safety is a company that sells camera-based license plate detection systems to review for owners' outstanding warrants; and

WHEREAS, The City of Pontiac, the Oakland County Sheriff, and Flock Safety implemented a trial of the Flock Safety system for approximately one year, which ends on July 23, 2023; and

WHEREAS, The Oakland County Sheriff has attested to the value that the Flock Safety systems has brought to their investigations; and

WHEREAS, The cost to continue this system is currently \$2,500/ camera per year; and

WHEREAS, FLOCK has agreed to hold that pricing instead of the planned \$500 increase;

NOW THEREFORE BE IT RESOLVED, the Pontiac City Council authorizes the continued used of the Flock Safety system within the City of Pontiac right-of-way at locations to be determined by the Oakland County Sheriff and Flock Safety for a period of 5 years, and

BE IT FURTHER RESOLVED, that the Mayor or his designee are authorized to sign the necessary contracts/ agreements to implement continued use of the system during that time.

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

No: Goodman

Resolution Passed

Public Comment

1. Minister Veronica Taylor
2. Dr. Deirdre Waterman
3. Billie Swazer
4. Troy Craft
5. Josie Byrd

Discussions

Corrective Action Measures Submitted to Michigan Department of Treasury

Pontiac Pride and Beautification Nominations Open to July 15, 2023

Unregistered Rental Properties & Conditions **(Add-on)**

Communications

City Council and Mayor's Office

July 6, 2023, Approved Minutes

Mayor, Clerk and Council Closing Comments

Deputy Mayor Khalfani Stephens, Clerk Doyle, Councilman Nicolson, Councilman Goodman, Councilman William Parker Jr., Councilwoman Kathalee James, and Council President Mike McGuinness made closing comments.

Adjournment

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

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 8:07 p.m.

Garland S. Doyle
City Clerk

CITY OF PONTIAC
ORDINANCE No. 2418

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE ARTICLE 2, CHAPTER 94, SECTION 26: SOLID WASTE TO INCLUDE REGULATION OF WASTE CONTAINERS STORAGE.

ARTICLE 2, CHAPTER 94, SECTION 26

The City of Pontiac Ordains:

Amend Article 2, Chapter 94, Section 26- Refuse containers and yard waste containers, specifications is amended to add Subsection (g) to include storage requirements of waste containers.

ARTICLE II. COLLECTION AND DISPOSAL

94-26 Refuse containers and yard waste containers, specifications.

- (a) The owner, agent, lessee, tenant and/or occupant of any house, building or apartment where refuse is generated shall provide weatherproof containers in sufficient numbers and capacity for the proper storage of refuse on the premises for one week.
- (b) The owner, agent, lessee, tenant and/or occupant of any house, or apartment of four or less units who use the City of Pontiac provided curbside refuse collection services, shall use the City provided 105-gallon refuse cart for storage on the premises between weekly curbside collections. The user of the City provided curbside refuse collection services shall place all refuse set out for disposal in the City provided refuse cart and keep the cart lid closed except when in the act of placing refuse in it. The user of the City curbside collection services shall not set items out for refuse disposal that do not qualify for refuse collection. The user of the City provided curbside refuse collection services shall place the City provided refuse container, that contains refuse, at the curb in front of the collection address by 7:00 a.m. on the City scheduled day of collection and not before 7:00 p.m. the night before the City scheduled collection day. The user of City provided curbside refuse collection services shall remove the City provided refuse container from the curb by 7:00 p.m. on the day of collection and store it in accordance with subsection (g) below. The user of City provided curbside refuse collection services shall keep the City provided refuse cart in a clean and sanitary condition. The user of the City provided refuse container shall use it within the cart user guidelines provided with the cart and avoid cart damage that may result from user abuse or user misuse. Cart repair/replacement cost resulting from user abuse, user misuse, fire, theft, or loss will be the property owner's responsibility. Determination of responsibility for cart repair/replacement costs will be made by a representative of the Department of Public Works as assigned by the Director. Except for carts purchased from the refuse collection service provider, issued carts remain the property of the refuse collection service provider. No person, except the cart owner or owner's representative, shall remove the cart from the property address where the cart was issued. Refuse collection service provider owned carts that are set out at locations other than the issued location shall be considered a violation of this chapter. Determination of violation and responsible party for improperly relocated and set out carts will be made by a representative of the Department of

Public Works as assigned by the Director. Those improperly relocated and set out carts shall be reclaimed by the service provider as violation abatement, emptied of any waste found in them, and returned to the properly issued location. This violation abatement service will be documented but no advance notice to the responsible party or to the property owner is required prior to the abatement service being performed. The cost of this violation abatement, as authorized under section 94-35, shall be assessed to the owner of the property where the cart was issued and/or to the responsible party who moved the cart and/or to the owner of the property where the cart was set out, discovered, and reclaimed. Charges to any responsible party, in addition to any penalty imposed by law, shall be determined on a case by case. The City shall have, as security for payment of any charges to any customer, a lien upon the premises or real estate generating the violation and abatement service. The lien shall become effective immediately upon billing for the service to the premises or real estate. The lien may be enforced by the general laws of the State of Michigan providing for the enforcement of tax liens. The lien created by this article shall have priority over all other liens except for taxed and special assessments and shall have equal priority with other liens imposed for City supplied municipal services.

(c) The owner, agent, lessee, tenant and/or occupant of any house, or apartment of four or less units where yard waste is generated, shall provide containers no less than ten-gallon or more than 35-gallon in capacity, of the type approved by the Director of Public Works, in sufficient numbers for the proper storage of yard waste on the premises for one week.

(d) The owner, agent, lessee, tenant and/or occupant of any house, or apartment of four or less units who use the City of Pontiac provided curbside yard waste collection services, shall not set items out for yard waste disposal that do not qualify for yard waste collection. The user of City provided yard waste collection services shall not set out yard waste for collection that does not meet the yard waste set out containment, weight, and quantity restrictions approved by the Director of Public Works. The user of City provided yard waste collection services shall set yard waste out in approved containers for collection at the curb in front of the collection address by 7:00 a.m. on the City scheduled day of collection and not before 7:00 p.m. the night before the City scheduled collection day. The user of the City provided yard waste collection service shall remove the yard waste containers from the curb by 7:00 p.m. on the day of collection and store it in accordance with subsection (g) below. The user of City provided yard waste collection services shall maintain the yard waste containers in a good, safe, clean, and sanitary condition.

(e) No yard waste, refuse, rubbish, garbage, ashes, hazardous waste, or other waste matter may be placed, dumped, or raked onto streets or alleys or into street drains.

(f) The following specifications represent the minimum cart standards required by the City for use in servicing homes and apartments of four units or less. The City may consider carts that do not comply with one or more of the following specifications; however, contractors providing service to any house or apartment of four units or less shall state any deviation from the specifications and provide information to convince the City that cart performance will not be degraded. Acceptability of alternative specifications is the sole determination of the City.

(1) The rollout cart is compatible with both standard American semi-automated bar-locking lifters (ANSI type B)

as well as automated arm lifters (ANSI type G).

- (2) The wheeled refuse carts are designed to contain solid waste materials including paper, fibers, garbage, and rubbish.
- (3) The cart is provided with adequate wheels and handles so that it can be pushed or pulled with little effort.
- (4) The capacity of the cart is 105 U.S. gallons, excluding domed lid.
- (5) The cart is designed to accommodate a load of 335 pounds, excluding the weight of the cart.
- (6) The cart has wheels and axles that are designed to support the weight of the cart and its contents up to 335 pounds.
- (7) The cart is made with plastic material, specifically prepared to be colorfast so that they do not alter appreciably in normal use.
- (8) The carts will have a color as approved by the Director; these colors must be stabilized against ultraviolet light attack with not less than one-half of one percent UV 531 or equivalent.
- (9) The lid of the cart is designed to facilitate water runoff.
- (10) The lid is held closed by its weight only. No latches are used or required.
- (11) The cart, when empty, will not overturn when the lid is thrown fully open.
- (12) Serial numbers shall be hot stamped on the cart body using a numbering system of the contractor's choosing.
- (13) Carts provided by contractors other than the contractor hired by the City for City provided refuse disposal services shall be easily distinguishable from carts used by the City's contractor.

(g) All waste containers (whether or not they have waste in them) shall be stored outside of the public view. A person may satisfy this requirement by storing all waste containers in the person's garage. A person choosing not to store all or part of the person's waste or waste containers in the person's garage may otherwise satisfy this requirement by storing the waste or waste containers in the person's rear yard provided the person also meets the following requirements. The waste and waste containers stored in the person's rear yard must be stored such that the waste and waste containers are not visible from the street adjacent to the person's front yard. Regardless of the location where waste or waste containers are stored, the containers must also comply with the requirements of subsection (f) above.

Exceptions. A person does not need to comply with the requirement that waste and waste containers must be stored outside of the public view as mandated by subsection (g) above if any of the following applies:

- a. The waste or waste container is in the process of being moved from one location that is out of the public view to another location that is out of the public view.
- b. The person has received a permit or written permission from the City that implicitly or expressly allows the person to disregard the requirement as provided in subsection (g) above. For example, a person may obtain written permission from the City if there is a medical condition that prevents the person from retrieving their waste or waste container within the time frame mandated by subsections (b) and (d) above.
- c. The person is placing the waste or waste container into the public view for purposes of waste collection in a manner that is consistent with subsection (b) and (d) above.
- d. If the property sits on a corner lot, with no garage, the waste or waste container may be placed on the side of the property, away from the front of the building.

(Ord. No. 2203, 9-21-06; Ord. No. 2294, § 1(A), 7-4-13)