

**Official Proceedings
Pontiac City Council
113th 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, October 24, 2023, at 6:00 p.m. by Council President Mike McGuinness.

Invocation - Minister Veronica Taylor - Pontiac, Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present - William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness, Brett Nicholson, and William Parker Jr.

Mayor Tim 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, and Parker
No: None
Motion Carried
Councilman Goodman was absent for the vote.

Consent Agenda

23-370 **Resolution to approve the consent agenda for October 24, 2023.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, the City Council has reviewed the consent agenda for October 24, 2023.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for October 24, 2023, including October 17, 2023, City Council Meeting Minutes and Closed Session Minutes.

Ayes: James, McGuinness, Nicholson, Parker, and Carrington
No: None
Resolution Passed
Councilman Goodman was absent for the vote.

Public Hearing

Council President Mike McGuinness opened public hearing at 6:13 p.m. regarding Obsolete Property Rehabilitation Exemption Certificate Application for Red Chickweed, LLC 31 N. Astor Street Parcel 14-27-306-014. One individual addressed the body during public hearing.

1. Carlton Jones - He is in support. The developer did reach out and say that he wants to engage Pontiac residents in the project.

October 24, 2023, Approved Minutes

Council President Mike McGuinness closed public hearing at 6:14 p.m.

Special Presentation

Zoning Map Update to Reflect Past Rezoning Decisions
Presentation Presenters: Mark Yandrick, Planner Manager

Recognition of Elected Officials - None

Agenda Address

1. Earline Dowell addressed item #3
2. Franklin McQueen addressed item #3
3. Paul Wilson addressed item #3
4. Carlton Jones addressed item #3
5. Renee Beckley addressed item #3
6. Dr. Deirdre Waterman addressed item #3
7. Darlene Clark addressed items #3 and #4
8. Gloria Miller addressed item #3

Councilwoman Melanie Rutherford arrived at 6:10 p.m..

Agenda Items

Ordinance

2425 **Adoption of 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 Classification for a Specific Parcel on the North Side of Gales Street Between Joslyn and Vernon Drive, Subject to the Agreed upon Conditions. (729 Linda Vista former Mark Twain School- Second Reading)** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Ayes: McGuinness, Nicholson, Rutherford, and Goodman

No: James, Parker, and Carrington

Ordinance Passed

****See Ordinance 2425 as Exhibit A after the minutes****

23-371 **Resolution to approve the first reading of An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103-Zoning Map. (First Reading)** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to adopt a new City of Pontiac Zoning Map.

WHEREAS, the City has not updated its zoning map since 2014.

WHEREAS, staff has researched all approved and valid rezonings through resolutions, minutes, and planning documents since that time to determine proper zoning classifications.

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

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the amendments as presented to the City Council on October 24, 2023, to the City's Zoning Ordinance Map.

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

No: None

Resolution Passed

Councilwoman Rutherford was absent for the vote.

23-372 **Resolution to approve first reading of Zoning Text Amendment to Amend Article 2, Chapter 2, Section 2.204, Table 2 to add the Residential Infill Overlay District; Article 3, Chapter 12, Sections 3.1201 through 3.1205 to add Chapter 12 regarding the Residential Infill Overlay District, Article 7, Chapter 2, Section 7.201 to add definitions regarding Two Family Dwellings and Smaller One-Family Dwellings, and Map Amendment to display Residential Infill Overlay District. (First Reading)** Moved by Councilperson Nicholson and second by Councilperson Parker.

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend Article 2, Chapter 2, Section 2.204, Table 2 to add the Residential Infill Overlay District; Article 3, Chapter 12, Sections 3.1201 through 3.1205 to add Chapter 12 regarding the Residential Infill Overlay District, Article 7, Chapter 2, Section 7.201 to add definitions regarding Two Family Dwellings and Smaller One-Family Dwellings, and Map Amendment to display Residential Infill Overlay District.

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 Zoning Ordinance 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 October 24, 2023.

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

No: None

Resolution Passed

Resolutions

City Council

23-373 **Resolution urging support for Drive SAFE (Safety, Access, Freedom, and the Economy) State Legislation.** Moved by Councilperson Goodman and second by Councilperson Rutherford.

WHEREAS, The Michigan Legislature has recently introduced House Bills 4410, 4411, 4412, and Senate Bills 0265, 0266, and 0267, also known as Drive SAFE (Safety, Access, Freedom, and Economy); and

WHEREAS, This bill package is meant to allow Michigan residents who are unable to show proof of U.S. citizenship or immigration status to obtain a Michigan driver's license and state identification cards, which was Michigan's practice prior to 2008; and

WHEREAS, The Michigan League for Public Policy (MLPP) estimates that 55,000 of the 110,000 Michigan residents who are unable to prove their legal presence and are of driving age would likely apply for a driver's license if Drive SAFE were to pass; and

WHEREAS, Many Michigan residents are unable to provide proof of legal status for a variety of reasons, whether they are a Deferred Action for Childhood Arrivals (DACA) recipient, an undocumented immigrant, a legal immigrant awaiting verification documents due to bureaucratic administrative delays, citizens born abroad, or foreign adoptees; and

WHEREAS, Regardless of their current immigration status, immigrants and their families contribute to Michigan's vibrant and diverse community in addition to contributing to the state's economy as workers and taxpayers; and

WHEREAS, Because of the lack of reliable public transportation in much of Michigan, it is a necessity for most Michigan residents to drive to work, school, church, medical appointments, shop for groceries, and purchase goods and services outside of their immediate areas; and

WHEREAS, Under current state law, Michigan residents who are unable to verify their immigration or citizenship status are prevented from obtaining a driver's license or state identification card, forcing them to either not drive or to drive without a license; and

WHEREAS, Increasing the number of licensed drivers is expected to increase safety for all Michigan drivers, as a study by the American Automobile Association (AAA) shows that unlicensed drivers are far more likely to be involved in a fatal accident and more likely to flee the scene of an accident regardless of the driver's immigration status; and

WHEREAS, Although the potential influx new licensed drivers will create an administrative burden on the state, the MLPP estimates that the 55,000 new licensed drivers will generate \$100,000,000 in revenue for the state through licensing and registration fees, gas taxes, and sales taxes on cars and car-related purchases, which does not account for the potential revenue that could result from the drivers' increased mobility and ability to earn wages; and

WHEREAS, Perhaps most importantly, these bills will allow Michigan's immigrant residents to more fully participate in our communities with dignity and without the fear and stigma that results from their inability to obtain a driver's license; and

WHEREAS, Under the proposed legislation package, the Secretary of State is forbidden from sharing any applicant's information with immigration enforcement agencies; and

WHEREAS, Currently, 19 states and the District of Columbia have passed laws similar to Drive SAFE; and

WHEREAS, The Pontiac City Council recognizes that allowing Michigan's residents to obtain a driver's license or state ID promotes the interests of public safety, the state economy, and human decency; and WHEREAS, the Michigan Legislature Majority holds a once-in-a-generation power bestowed upon them by the voters, signifying a profound responsibility to address pressing issues that directly affect our communities across the state,

NOW THEREFORE BE IT RESOLVED, The Pontiac City Council strongly urges the Michigan Legislature to pass House Bills 4410, 4411, 4412, and Senate Bills 0265, 0266, and 0267, also known as Drive SAFE.

THEREFORE, BE IT FINALLY RESOLVED, That the Pontiac City Clerk is directed to send this resolution to the Pontiac delegation of both the Michigan State House and Senate, the members of the House Regulatory Reform committee, the members of the Senate Transportation and Infrastructure Committee, House of Representatives and Senate Majority leadership, in addition to Governor Gretchen Whitmer.

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

No: None

Resolution Passed

Councilwoman Rutherford was absent for the vote.

Department of Public Works (DPW)

23-374 **Resolution to approve contract with Site Industries LLC DBA CemSites to renew the CemSites software license used to operate Ottawa Park and Oak Hill Cemeteries and authorize the Mayor or Mayor's designee to sign the agreement.** Moved by Councilperson Nicholson and second by Councilperson Parker. Discussion.

Motion to postpone Resolution to approve contract with Site Industries LLC DBA CemSites to renew the CemSites software license used to operate Ottawa Park and Oak fill Cemeteries and authorize the Mayor or Mayor's designee to sign the agreement for one week. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

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

No: None

Motion Carried

Economic Development Division

23-375 **Resolution to approve an Obsolete Property Rehabilitation Exemption Certificate Application for Red Chickweed, LLC 31 N. Astor Street Parcel #14-27-306-014.**
Moved by Councilperson Rutherford and second by Councilperson James.

WHEREAS, pursuant to PA 146 of 2000, the City of Pontiac is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts; and

WHEREAS, THE City of Pontiac legally established the Downtown Obsolete Property Rehabilitation District; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of the property under Public Act 146 of 2000 and under Public Act 198 of 1974 does not exceed 5% of the total taxable value of the City of Pontiac; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000; and

WHEREAS, Red Chickweed, LLC is not delinquent on any taxes related to the facility; and

WHEREAS, the application is for the obsolete property as defined in section 2(h) of Public Act 146 of 2000; and

WHEREAS, Red Chickweed, LLC has provided answers to all required questions under the application instructions; and

NOW, THEREFORE IT BE RESOLVED, the Pontiac City Council hereby approves an Obsolete Property Rehabilitation Exemption Certificate for Red Chickweed, LLC located at 31 N. Astor Street, Pontiac Michigan

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

No: Goodman

Resolution Passed

Councilman Parker was absent for the vote.

Councilman Brett Nicholson left the meeting.

Purchasing Division

23-376 **Resolution to approve an agreement with Quadrate Construction, LLC to complete phase 2 of the Ruth Peterson Senior Center Project with a not to exceed amount of \$193,904 and authorize the Mayor or Deputy Mayor to execute the agreement.**
Moved by Councilperson Rutherford 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, it is imperative that the bid is awarded, and contract executed so that the City will not miss the deadline to expend the Lowe's grant funds; and

NOW, THEREFORE BE IT RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to award the bid and execute an agreement with Quadrate Construction, LLC to complete Phase 2 of the Ruth Peterson Senior Center.

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

No: None

Resolution Passed

Public Comment

1. Paul Wilson
2. H. Bill Maxey
3. Carlton Jones
4. Dr. Deirdre Waterman
5. Chuck Johnson
6. Beatrice Wright
7. Minister Veronica Taylor
8. Darlene Clark
9. Gloria Miller
10. Renee Beckley
11. Earline Dowell
12. Carolyn Wilson

Discussions

Pontiac Pride and Beautification Awards Reception on Wednesday, October 25 from 4:00 to 7:00 pm, held at Goldner Walsh Garden and Home, 559 Orchard Lake Road, Pontiac 48341. For more information, contact the Pontiac City Council offices at (248) 758-3022.

All Existing Unlicensed Residential Group Homes and Facilities Need to Apply for a Zoning Permit by October 30, 2023, or they will lose the right to operate. Contact the City of Pontiac Planning office at (248) 758-2824 to begin the application process or to learn more.

North Saginaw Street is fully closed from Clark Street to Fairgrove Street due to DTE Energy upgrade project construction. Estimated time of completion for the project is four weeks.

Communications

City Council, Mayor's Office, and Clerk's Office

Mayor, Clerk and Council Closing Comments

Clerk Doyle, Mayor Tim Greimel, Councilwoman Melanie Rutherford, Councilman Mika] Goodman, Councilwoman Kathalee James, 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 Rutherford and second by Councilperson Carrington.

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 9:53 p.m.

Garland S. Doyle
City Clerk

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC

ORDINANCE NO. 2425

ZONING ORDINANCE MAP AMENDMENT

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 A SPECIFIC PARCEL ON THE NORTH SIDE OF GALE STREET BETWEEN JOSLYN AND VERNON DRIVE, SUBJECT TO THE AGREED UPON CONDITIONS.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal description, commonly referred to as 729 Linda Vista, Parcel ID: 14-21-451-002, from R-1 One Family Dwelling District to C-3 Corridor Commercial with CR Conditional Rezoning, this Amendment is subject to the Conditions as described in Section 3.

Provided Legal Description:

T3N, R10E, SEC 21 ASSESSOR'S PLAT NO 13 LOTS 33 TO 37 INCL EXC W 50 FT OF EACH, ALSO EXC N 25 FT OF LOT 37 EXC W 50 FT THEREOF, ALSO LOTS 50 TO 53 INCL, ALSO LOTS 55, 56 & 57, ALSO ALL OF VAC PONTIAC DR ADJ TO SD LOTS

Section 2. Conditions.

Said amendment is conditioned as provided in the voluntarily agreed Conditional Rezoning Agreement entered into between the City of Pontiac and ACORP Services, LLC, which include:

- i. The property shall not be utilized for any of the following uses without an applicant receiving a separate Conditional Rezoning approval from the City:
 - a. Automobile Services (Commercial) as defined in the City's Zoning Ordinance
 - b. Bakery or confectionary

- c. Bar, tavern, or alcohol service establishment
- d. Child care center or day care center
- e. Funeral home or mortuary
- f. Hotel or inn
- g. Medical marihuana facility
- h. Personal service establishment as defined in the City's Zoning Ordinance
- i. Pet boarding facility
- j. Restaurant
- k. Retail sales
- l. Terminal public transportation
- m. Toxic or hazardous material storage and/or distribution
- n. Hospital
- o. Veterinary hospital and/or clinic
- p. Outdoor retail sales
- q. Outdoor sidewalk and/or patio dining

If the conditions as described above, and any other conditions as provided in the Conditional Rezoning Agreement, are not adhered to, the property in this Amendment will revert back to R-1 One Family Dwelling.

Section 3. Repealer and Severability.

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Effective Date

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on _____, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.