

December 12, 2023, Approved Minutes

**Official Proceedings
Pontiac City Council
121st Session of the Eleventh Council**

Call to order

A Regular 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, December 12, 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, William Parker Jr., and Melanie Rutherford.

Mayor Tim Greimel was absent.
Deputy Mayor Khalfani Stephens was present.
A quorum was announced.

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion.

Motion to amend the agenda to remove item # 14 (Resolution to authorize the City Clerk to publish the proposed budget amendment for the Budget Year 2023-2024 to increase the budget appropriations in General Ledger Account 101-233-818.00 – Professional Services \$65,519) from the agenda. Moved by Councilperson Nicholson and second by Councilperson Rutherford.

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

The vote was taken to approve the agenda as amended.

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

Consent Agenda

23-421 **Resolution to approve the consent agenda for December 12, 2023.** Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, the City Council has reviewed the consent agenda for December 12, 2023.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for December 12, 2023, including the November 27, 2023, Law and the Courts Subcommittee Meeting Minutes, December 5, City Council Meeting Minutes, Resolution to approve the Lifetime of Community Service of Besty and Richard Fitzgerald, and Resolution approving Obsolete Property Rehabilitation Act

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Exemption Application – 91 N. Saginaw – 91 North OZ, LLC (Corrected).

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

Resolution Passed

23-421 (C) **Resolution to approve the 2024 City Council Meeting Schedule.** Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, Section 3.105 of the Charter requires that the City Council meet at least once a week. NOW THEREFORE BE IT RESOLVED, the Pontiac City Council approves its 2024 Schedule of Meetings.

THE 2024 SCHEDULE OF MEETINGS OF THE PONTIAC CITY COUNCIL

The Pontiac City Council will hold its regular meeting on Tuesday evenings at 6:00 p.m. in the Council Chambers of City Hall 47450 Woodward Ave Pontiac, Michigan 48342 unless otherwise noted.

Internet website where meetings are posted www.pontiac.mi.us

The dates are as follows:

- Wednesday, January 3, 2024, 12:00 p.m.
- Tuesday, January 9, 2024, 6:00 p.m.
- Tuesday, January 16, 2024, 6:00 p.m.
- Tuesday, January 23, 2024, 6:00 p.m.
- Tuesday, January 30, 2024, 6:00 p.m.
- Tuesday, February 6, 2024, 6:00 p.m.
- Tuesday, February 13, 2024, 6:00 p.m.
- Tuesday, February 20, 2024, 6:00 p.m.
- Thursday, February 29, 2024, 6:00 p.m.
- Tuesday, March 5, 2024, 6:00 p.m.
- Tuesday, March 12, 2024, 6:00 p.m.
- Tuesday, March 19, 2024, 6:00 p.m.
- Tuesday, March 26, 2024, 6:00 p.m.
- Tuesday, April 2, 2024, 6:00 p.m.
- Tuesday, April 9, 2024, 6:00 p.m.
- Tuesday, April 16, 2024, 6:00 p.m.
- Tuesday, April 23, 2024, 6:00 p.m.
- Tuesday, April 30, 2024, 6:00 p.m.
- Thursday, May 9, 2024, 6:00 p.m.
- Tuesday, May 14, 2024, 6:00 p.m.
- Tuesday, May 21, 2024, 6:00 p.m.
- Tuesday, May 28, 2024, 6:00 p.m.
- Tuesday, June 4, 2024, 6:00 p.m.
- Tuesday, June 11, 2024, 6:00 p.m.
- Tuesday, June 18, 2024, 6:00 p.m.
- Tuesday, June 25, 2024, 6:00 p.m.
- Tuesday, July 2, 2024, 6:00 p.m.
- Tuesday, July 9, 2024, 6:00 p.m.
- Tuesday, July 16, 2024, 6:00 p.m.
- Tuesday, July 23, 2024, 6:00 p.m.
- Tuesday, July 30, 2024, 6:00 p.m.
- Thursday, August 8, 2024, 6:00 p.m.

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Tuesday, August 13, 2024, 6:00 p.m.
Tuesday, August 20, 2024, 6:00 p.m.
Tuesday, August 27, 2024, 6:00 p.m.
Tuesday, September 3, 2024, 6:00 p.m.
Tuesday, September 10, 2024, 6:00 p.m.
Tuesday, September 17, 2024, 6:00 p.m.
Tuesday, September 24, 2024, 6:00 p.m.
Tuesday, October 1, 2024, 6:00 p.m.
Tuesday, October 8, 2024, 6:00 p.m.
Tuesday, October 15, 2024, 6:00 p.m.
Tuesday, October 22, 2024, 6:00 p.m.
Tuesday, October 29, 2024, 6:00 p.m.
Thursday, November 7, 2024, 6:00 p.m.
Tuesday, November 12, 2024, 6:00 p.m.
Tuesday, November 19, 2024, 6:00 p.m.
Tuesday, November 26, 2024, 6:00 p.m.
Tuesday, December 3, 2024, 6:00 p.m.
Tuesday, December 10, 2024, 6:00 p.m.
Tuesday, December 17, 2024, 6:00 p.m.
Thursday, December 26, 2024, 12:00 p.m.

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

Resolution Passed

23-421 (D) **Resolution recognizing the Lifetime of Community Service of Besty and Richard Fitzgerald.** Moved by Councilperson Parker and second by Councilperson Carrington.

WHEREAS, the City of Pontiac, Michigan has been privileged to have many exemplary community members over the decades, whose hard work contributed to improving the City's quality of life; and, WHEREAS, Besty and Richard Fitzgerald have been a cherished part of the community fabric for generations and have worked to improve the lives of others through civic, religious, philanthropic, and social involvement; and, WHEREAS, during their long and storied involvement in the Pontiac community, they were proponents for advancements in civil rights for Pontiac residents and Richard Fitzgerald, through his professional capacity with his family's Pontiac Press newspaper, advocated for improved legal, economic, and societal advancement for African American and Hispanic residents of our City; and, WHEREAS, the Fitzgerald have remained active with the All-Saints Episcopal Church congregation through multiple volunteer roles and charitable initiatives; and, WHEREAS, on October 11, 1987, the first display of the NAMES Project Memorial Quilt was displayed on the national Mall in Washington, D.C. to raise awareness and education about human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) and to remember those who lost their life to AIDS; and, WHEREAS, the Pontiac Community, through the All-Saints Episcopal Church of Pontiac and with active involvement of the Fitzgerald's, created a panel that comprised part of 12-foot by 12-foot panel from Michigan adding to the NAMES Project Memorial Quilt in October 1996; and, WHEREAS, All Saints Episcopal Church is currently exhibiting that panel at their Pontiac location, and is holding a remembrance service for those who lost their life to AIDS on December 17, 2023; NOW, Therefore, Be It Resolved, the Pontiac City Council and Pontiac Mayor Tim Greimel hereby recognizes the decades of community contributions of Ms. Betsy Fitzgerald and Mr. Richard Fitzgerald, including their work in the fields of HIV-AIDS education, awareness, and advocacy; and further, Resolved, the City Council expresses our appreciation to the Fitzgerald and the All-Saints Episcopal

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Church of Pontiac congregation for their important work in the past and to this day in remembering those who died due to AIDS-related complications; and further,
Resolved, we as a City to remember the over 40 million AIDS-related deaths in the world over the past forty years, including those victims who were from the City of Pontiac.

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

Resolution Passed

23-421 (E) **Resolution approving Obsolete Property Rehabilitation Act Exemption Application – 91 N. Saginaw – 91 North OZ, LLC. (Corrected)** Moved by Councilperson Parker and second by Councilperson Carrington.

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 on December 30, 2002, after a public hearing held on December 30, 2002: 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 rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(1) of Public Act of 146 of 2000; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000 on October 24, 2020; and

WHEREAS, 91 North OZ, 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, 91 North OZ, LLC has provided answers to all required questions under the application instructions; and

WHEREAS, the City of Pontiac requires that rehabilitation of the facility shall be completed by October 31, 2027; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in the City of Pontiac eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated; and

NOW, THEREFORE, BE IT RESOLVED by the City of Pontiac of the 91 North Saginaw, Be and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property, excluding land, located in Obsolete Property Rehabilitation District Downtown Pontiac District at 91 North Saginaw for a period of twelve years, beginning December 31, 2023, and ending December 30, 2035, pursuant to the provisions of PA 146 of 2000, as amended.

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

Resolution Passed

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Special Presentation

Pontiac Sale of City-Owned Property at Former Landfill at Kennett Road and at Former Perdue School at 25 S. Sanford Street

Presentation Presenter: Deborah Younger – Economic Development Manager

Subcommittee Reports

Communications, Engagement & Operations
Economic Development, Housing & Planning
Facilities & Property
Finance & Personnel
Law & The Courts
Parks, Recreation & Public Works
Public Safety, Health & Wellness

Recognition of Elected Officials – Beatrice Wright, Precinct Delegate and Veronica Taylor, Precinct Delegate

Agenda Address

1. Beatrice Wright addressed item #1
2. Carlton Jones addressed item #1
3. Dr. Deirdre Waterman addressed item #16
4. Chuck Johson addressed item #7
5. Darlene Clark addressed item #1
6. Gloria Miller addressed items #1, #10 and #11

Agenda Items

Emergency Ordinance

2428 **Adoption of an Emergency Declaring a Moratorium on the Issuance of Adult-Use Marihuana Permits and Suspending Ordinances #2406 and #2407.** Moved by Councilperson Carrington and second by Councilperson Goodman.

Ordinance #2428

An EMERGENCY ordinance DECLARING A MORATORIUM ON THE ISSUANCE OF ADULT-USE MARIHUANA PERMITS AND SUSPENDING CITY ORDINANCES #2406 AND #2407

The City of Pontiac ordains: that in order to protect the health, safety and welfare of its citizens, this Moratorium on the issuance of permits under the City’s Adult-Use Marijuana Ordinance #2406 and its companion Zoning Ordinance #2407 is hereby enacted, and implementation of both ordinances shall be suspended pending the results of the February 27, 2024, primary election.

WHEREAS, Ordinance #2406 was adopted by the Pontiac City Council on April 4, 2023, allowing adult-use marihuana establishments to operate in the City of Pontiac; and

WHEREAS, On November 7, 2023, City Council amended the City’s Adult-Use Marihuana Ordinance via Ordinance #2424; and

WHEREAS, Ordinance #2424 is currently the subject of a referendum challenge, with the question to appear on the ballot for the Presidential primary election to be held February 27, 2024; and

WHEREAS, the regulation of marihuana in Pontiac is undertaken in accordance with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq., to protect the public health, safety, and welfare of residents by setting forth the manner in which marihuana businesses can be operated through reasonable regulations related to noise, odor, air and water quality, food safety, public safety, security for the establishments and personnel, and other health and safety concerns; and

WHEREAS, the City’s ability to evaluate applications under the ordinance depends on the results of the

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referendum ballot question to be determined at the upcoming February 27, 2024, election, and WHEREAS, the City must take immediate action to suspend the processing of applications while the ballot question is pending.

IT IS HEREBY ORDAINED that the City shall suspend implementation of Ordinances #2406 and #2407 effective immediately under authority of City Charter Section 3.112(e), allowing time for the City to ascertain the results of the voters' decision to either adopt or reject the ballot question; and FURTHER ORDAINED that this Moratorium shall terminate upon certification of the February 27, 2024, election results.

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

No: None

Resolution Passed

Councilwoman Melanie Rutherford was absent for the vote.

Department of Public Works (DPW)

23-422 **Resolution to support the Michigan Department of Transportation (MDOT) creation of four road islands along the M-59 corridor.** Moved by Councilperson Rutherford and second by Councilperson James. Discussion.

Motion to Postpone Resolution to support the Michigan Department of Transportation (MDOT) creation of four road islands along the M-59 corridor for one week. Moved by Councilperson Nicholson and second by Councilperson Rutherford.

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

No: None

Motion Carried

23-423 **Resolution to support the Michigan Department of Transportation (MDOT) on M-59 (Huron Street) Lane Repurposing.** Moved by Councilperson Nicholson and second by Councilperson Carrington.

WHEREAS, the Michigan Department of Transportation has performed a road safety audit dated June 21, 2022, along the M-59 (Huron Street) corridor from Telegraph Road to Woodward Loop in an attempt to evaluate potential options to create a safer and more pedestrian friendly environment for the motoring and general public. The outermost WB Huron Street through lane will be repurposed into a right turn only lane between Telegraph Road and Woodward Loop.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Pontiac supports the Huron Street WB Lane Repurposing and specifically supports the modifications be made with this project to be constructed by MDOT in the Spring of 2025 subject to the approval of required agreement(s) between the City and MDOT.

Ayes: Goodman, and James

No: Carrington, McGuinness, Nicholson, Parker, and Rutherford

Resolution Failed

Economic Development Division

23-424 **Resolution scheduling a Public Hearing on the Potential Sale of City-Owned Property at Former Landfill at Kennett Road for the December 19, 2023, City Council Meeting.** Moved by Councilperson Rutherford and second by Councilperson Nicholson.

WHEREAS, in accordance with Pontiac City Charter Section 3.113, public notice and a public hearing shall be held prior to the selling of any city-owned property; and

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WHEREAS, the City is the owner of real property located in the City of Pontiac and legally described below; and

WHEREAS, the City intends to sell parcel number 14-18-301-002, Pontiac, MI, commonly known as the Kennett Road Landfill; and

WHEREAS, the Taube Family of Companies, Inc. intends to acquire the real property to construct industrial facilities on the parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council hereby approves scheduling a public hearing to sell parcel number 14-18-301-002, Pontiac, MI, Kennett Road Landfill, to be held on December 19, 2023, at 6 PM.

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

No: None

Resolution Passed

Councilman Brett Nicholson was absent for the vote.

23-425 **Resolution scheduling a Public Hearing on the Potential Sale of City-Owned Property at Former Perdue School at 25 S. Sanford Street for the December 19, 2023, City Council Meeting.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, in accordance with Pontiac City Charter Section 3.113, public notice and a public hearing shall be held prior to the selling of any city-owned property; and

WHEREAS, the City is the owner of real property located in the City of Pontiac and legally described below; and

WHEREAS, the City intends to sell parcel number 64-14-28-455-001, commonly known as Perdue School, located at 25 S. Sanford St. Pontiac, MI 48342; and,

WHEREAS, a developer intends to acquire the real property, demolish the existing structures, and construct a youth workforce training facility.

NOW, THEREFORE, BE IT RESOLVED, that the Pontiac City Council hereby approves scheduling a public hearing to sell parcel number 64-14-28-455-001, Perdue School located at 25 S. Sanford St., Pontiac, MI 48342, to be held on December 19, 2023, at 6 PM.

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

No: None

Resolution Passed

Public Comment

1. Beatrice Wright
2. Carlton Jones
3. Matt Garris
4. Angela Rakowski
5. Dr. Deirdre Waterman
6. Pastor Kathy Dessureau
7. Chuck Johnson
8. Darlene Clark
9. Gloria Miller

Discussion

National AIDS Memorial Quilt on Display at All Saints Episcopal Church in Pontiac, City of Pontiac Officials and Community Members Invited to Attend Remembrance on Sunday, December 17, 2023, at 5:00 pm at All Saints; the Portion of the Quilt on Display was Created in 1996 by All Saints to Remember Pontiac Community Members who Passed Away

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Closed Session

23-426 **Resolution to proceed into Closed Session at 8:52 p.m. pursuant to MCL 15.268 (h) of the Open Meetings Act to discuss a confidential attorney-client legal opinion as requested by the Mayor.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the City Council seeks to adjourn into closed session under the Michigan Open Meetings Act, MCL 15.268 (h) to discuss a written legal opinion prepared by the City Attorney Clark Hill LLC; and;

WHEREAS, the Michigan Open Meetings Act Section 8(h) provides that a public body may meet in Closed Session to consider an attorney-client privileged legal opinion, which includes material exempt from discussion or disclosure by state or federal statute.

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to MCL 15.268 (h) of the Open Meetings Act to discuss a confidential attorney-client legal opinion as requested by the Mayor.

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

No: None

Resolution Passed

Councilman Brett Nicholson was absent for the vote.

Councilman Brett Nicholson left the meeting.

Motion to come out of Closed Session at 9:50 p.m. Moved by Councilperson Rutherford and second by Councilperson Goodman.

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

No: None

Motion Carried

Communications

City Council, and Mayor's Office

Mayor, Clerk and Council Closing Comments

Deputy Mayor Khalfani Stephens, Councilman William Parker Jr., Councilwoman Kathalee James, Councilman Mikal Goodman, Councilwoman Melanie Rutherford, 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 Goodman.

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

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 10:03 p.m.

Garland S. Doyle
City Clerk