

May 28, 2019 Approved Minutes

**Official Proceedings
Pontiac City Council
88th Session of the Tenth Council**

A Formal Meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, May 28, 2019 at 6:00 p.m. by Council President Kermit Williams.

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Members Present: Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward.

Members Absent: Carter.

Mayor Waterman was present.

Clerk announced a quorum.

19-205 **Excuse Councilperson Randy Carter for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Woodward.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward

No: None

Motion Carried.

Amendments to the Agenda: Add Special Presentation from Bill Massey, Wesson Lawn Tennis Club; Remove Agenda Item 10 for 4 weeks; Remove Agenda Item 13 for 2 weeks from the Agenda. Moved by Councilperson Woodward and second by Councilperson Pietila. Councilperson Woodward withdrew his motion and Councilperson Pietila withdrew her second.

19-206 **Amendments to the Agenda: Add Special Presentation from Bill Massey, Wesson Lawn Tennis Club; Remove Agenda Item 10 for 4 weeks; Remove Agenda Item 13 for 2 weeks; Remove Agenda Items 11 and 12 for 2 weeks from the Agenda.** Moved by Councilperson Woodward and second by Councilperson Pietila.

Ayes: Taylor-Burks, Waterman, Williams, Woodward, Miller and Pietila

No: None

Motion Carried.

19-207 **Approval of the Agenda with amendments.** Moved by Councilperson Woodward and second by Councilperson Taylor-Burks.

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Ayes: Waterman, Williams, Woodward, Miller, Pietila and Taylor-Burks

No: None

Motion Carried.

19-208 **Approval of meeting minutes for May 21, 2019.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

Ayes: Williams, Woodward, Miller, Pietila, Taylor-Burks and Waterman

No: None

Motion Carried.

Subcommittee Reports

DPW – May 15, 2019 received.

Community Development- May 21, 2019 received.

Cable- May 23, 2019 received.

Council President Williams stated that he will give the Chair of the Subcommittees a point of privilege if they want to discuss their report at the meeting next week.

Special Presentations

Wesson Lawn Tennis Club

Presentation Presenter: Bill Massey

Update on Pontiac Public Schools

Presentation Presenter: Superintendent Kelley Williams.

Michigan Recreation and Parks Association Honoring Minister Kathalee James.

Presentation Presenter: Portia Fields-Anderson

Report from Building Safety concerning 406 Irwin Residential Explosion

Presentation Presenter: Mike Wilson (Wade Trim), Building Safety Director.

Consultation Report on Options for Financing Phoenix Center repairs, renovations and maintenance, by terms of Settlement Agreement Approved by City Council on October 30, 2018;

Presentation Presenters: Ronald C. Liscombe, Miller Canfield; Robert Baird and John Clark, City Attorney

Council President Williams requested an opinion from the City Attorney related to the Phoenix Center.

Recognition of Elected Officials- State Senator Rosemary Bayer

Agenda Address – Chuck Johnson

Discussion on an Ordinance to Repeal Ordinance No. 2288 the Executive Balanced Budget Ordinance.

Council President Williams proposed two amendments to the ordinance to repeal ordinance no. 2288. to add section 3 publication and section 4 effective date.

19-209 **Call for the Vote on an Ordinance to Repeal Ordinance No. 2288 the Executive Balance Budget Ordinance.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward

No: None

Motion Carried.

19-210 **Ordinance to Repeal Ordinance No. 2288 the Executive Balance Budget Ordinance. with two amendments to add section 3 publication and section 4 effective date.** Moved by Councilperson Woodward and second by Councilperson Taylor-Burks.

AN ORDINANCE TO REPEAL ORDINANCE NO. 2288 AN ORDINANCE TO PROVIDE FOR THE MAYOR TO SUBMIT A PROPOSED TWO YEAR BALANCED BUDGET TO THE CITY COUNCIL FOR CONSIDERATION, TO ESTABLISH MINIMUM REQUIREMENTS FOR THE PROPOSED BUDGET DOCUMENT, AND TO REQUIRE THE CITY COUNCIL TO ADOPT A BUDGET BY JUNE 9 OF EACH YEAR.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments

Chapter 2, Article VI, Division 3, Sections 2-531 through 2-536 of the Code of Ordinances, concerning the Executive Balanced Budget Ordinance shall be deleted in its entirety.

Section 2. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Publication

The Clerk shall publish this Ordinance in a newspaper of general circulation after adoption.

Section 4. Effective Date

This Ordinance shall be effective ten days after date of adoption by the City Council.

Ayes: Woodward, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: None

Ordinance Adopted.

19-211 **Resolution to approve the Development Agreement for 50 Wayne Street, Pontiac, MI commonly known as tax parcel number 14-29-433-003.** Moved by Councilperson Waterman and second by Councilperson Woodward.

Ayes: Pietila, Taylor-Burks, Waterman, Williams and Woodward

No: Miller

Resolution Passed.

see Development Agreement attached as Exhibit A

19-212 **Resolution to approve an Application for an Obsolete Property Rehabilitation Exemption Certificate for JBD Indian Hill Ventures, LLC for 50 Wayne Street, Pontiac, MI 48342 commonly known as tax parcel #14-29-433-003; for a period of 12 years, beginning December 31, 2019, subject to review of compliance with the jobs requirement found in Section 6B of the development agreement following the first six years; and as pursuant to the provisions of PA 146 of 2000, as amended.** Moved by Councilperson Waterman and second by Councilperson Pietila.

WHEREAS, pursuant to PA 146 of 2000, as amended, 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 Obsolete Property Rehabilitation District on December 19, 2002; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt 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 on May 21, 2019; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

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

WHEREAS, the applicant JBD Indian Hill Ventures, LLC has provided answers to all required questions under the application instructions to the City of Pontiac; and

WHEREAS, the City of Pontiac requires that rehabilitation of the facility shall be completed by December 01, 2020; 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 create employment in which the facility is situated; and

WHEREAS, the use of this property shall be restricted to non-marihuana related uses during the effective period of the OPRA Certificate. Shall use of the property become marihuana related, the OPRA Certificate shall be immediately revoked by the City; 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 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pontiac be and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property, excluding land, located in the Obsolete Property Rehabilitation District at 50 Wayne Street, Pontiac, MI 48342 for 12 years, beginning December 31, 2019, (subject to review of compliance with the jobs requirement found in Section 6.B of the development agreement following the first six years) pursuant to the provisions of PA146 of 2000, as amended.

Tax Parcel Number: 14-29-433-003

Ayes: Pietila, Taylor-Burks, Waterman, Williams and Woodward

No: Miller

Resolution Passed.

19-213 **Resolution requesting the Oakland County Brownfield Redevelopment Authority to Review 50 Wayne Street.** Moved by Councilperson Pietila and second by Councilperson Waterman.

WHEREAS the City of Pontiac has a Brownfield project known as 50 Wayne Street that it would like to have reviewed and processed by the Oakland County Brownfield Redevelopment Authority;

WHEREAS the City of Pontiac has a Brownfield Authority but desires to have the Oakland County Brownfield Redevelopment Authority handle the 50 Wayne Street;

WHEREAS the Oakland County Brownfield Redevelopment Authority was created by Oakland County pursuant to MCL 125.2651 et seq. to assist jurisdictions like the City of Pontiac;

WHEREAS the Oakland County Brownfield Redevelopment Authority is prepared to assist the City of Pontiac by reviewing the proposed 50 Wayne Street, provided that the City of Pontiac acknowledges certain rights that the Oakland County Brownfield Redevelopment Authority has, to wit:

- OCBRA intends to collect an administrative fee of \$2,000.00 per year for the length of the Brownfield plan; and

WHEREAS the City of Pontiac will have the opportunity to provide public comment on any Brownfield plan (including the amount of the administrative fee to be collected) before it is finally adopted by the OCBRA and/or the Oakland County Board of Commissioners;

NOW BE IT THEREFORE RESOLVED that the City of Pontiac requests that the OCBRA undertake review of the 50 Wayne Street.

Ayes: Taylor-Burks, Waterman, Williams, Woodward and Pietila

No: Miller

Resolution Passed.

19-214 **Resolution concurring with the provisions of a Brownfield Plan adopted by the Oakland County Brownfield Redevelopment Authority for the property known as 50 Wayne Street, Pontiac, MI, commonly known as tax parcel number 14-29-433-003.** Moved by Councilperson Waterman and second by Councilperson Pietila.

WHEREAS, the Oakland County Board of Commissioners, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), have established a Brownfield Redevelopment Authority and Board (OCBRA) to facilitate the clean-up and redevelopment of Brownfields within Oakland County's communities; and

WHEREAS, the property located at 50 Wayne Street (Property), a site in the City of Pontiac is an environmental hazard, a "facility" under state statute; and

WHEREAS, a Brownfield clean-up and redevelopment plan (the "Plan") has been prepared to restore the environmental and economic viability to this parcel which the OCBRA has reviewed and approved; and

WHEREAS, pursuant to OCBRA by-laws, a local committee has been appointed, participated in discussions regarding the proposed plan and project, reviewed the plan, and recommends its approval; and

WHEREAS, the OCBRA, pursuant to and in accordance with Section 13 of the Act, shall consider recommending that the Oakland County Board of Commissioners approve the Brownfield Plan to be carried out within the City of Pontiac, relating to the redevelopment of 50 Wayne Street; and

WHEREAS, the City has reviewed the Plan, and have been provided a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Sections 13(13) of the Act; and

NOW THEREFORE BE IT RESOLVED THAT, the City of Pontiac hereby concurs with the provisions of the Plan including approval of the Plan by the Oakland County Board of Commissioners and implementation of the Plan by the Oakland County Brownfield Redevelopment Authority.

BE IT FURTHER RESOLVED THAT should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

BE IT FURTHER RESOLVED THAT all resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Ayes: Waterman, Williams, Woodward, Pietila and Taylor-Burks

No: Miller

Resolution Passed.

19-215 **Resolution to approve Planning Commission's recommendation to vacate a sewer plant easement submitted by The Hamilton LP on Parcel ID No. #14-29-408-020; Lot 10, Assessor Plat 119; Lot 8, Assessor Plat 42.** Moved by Councilperson Pietila and second by Councilperson Woodward.

WHEREAS, The City is in receipt to release sewer easements vacation request submitted by The Hamilton LP on Parcel ID Number: 14-29-408-020; Lot 10, Assessor Plat 42; Lot 35, Assessor Plat 119; Lot 8, Assessor Plat 42, and;

WHEREAS, The Pontiac Planning Commission held a Public Hearing on Wednesday, May 1, 2019 in regards to the sewer easement vacation request, and;

WHEREAS, The Pontiac Planning Commission finds that the subject sewer easement is not required to remain on the subject property and the proposed sewer vacation will not have an adverse effect on the surrounding properties; and

NOW, THEREFORE BE IT RESOLVED that the vacation of a sewer easement submitted by The Hamilton LP on Parcel ID Number: 14-29-408-020; Lot 10, Assessor Plat 42; Lot 35, Assessor Plat 119; Lot 8, Assessor Plat 42, is hereby approved by the City Council on May 21, 2019.

Ayes: Williams, Woodward, Miller, Pietila, Taylor-Burks and Waterman

No: None

Resolution Passed.

19-216 **Resolution honoring Young Heroes of 2019 Parrish A. Bush, Ian J. Chambers, Christian L. Grant, Myles R. Harris, Raymond W. Johnson III and Quinton V. M. Keyes.** Moved by Councilperson Pietila and second by Councilperson Woodward.

WHEREAS, it is the desire of the City to endorse, recognize and support its young people for their academic, civic achievements, as well as those who contributed to their success; and,

WHEREAS, the Delta Fortitude Foundation (DFF) is a 501(C)3 non-profit organization established in 2001 in Pontiac, Michigan, the mission of the organization is to enhance the quality of life of the citizens and youth in the Pontiac metropolitan area, with emphasis on African American males; and,

WHEREAS, the Salute to Young Heroes is an eight-month program designed to address the crisis that our young African American males face today; and,

WHEREAS, the members of the Pontiac City Council salute the Young Heroes of 2019; Parrish A. Bush, Ian J. Chambers, Christian L. Grant, Myles R. Harris, Raymond W. Johnson III and Quinton V. M. Keyes.

NOW, THEREFORE, BE IT RESOLVED, on behalf of the citizens, members of the Pontiac City Council, we applaud and celebrate the achievements of these young men and give special thanks to the Delta Fortitude Foundation as they celebrate their Annual Gala Celebration honoring Our Young Heroes of 2019 at the Pontiac Marriott on Sunday, June 9, 2019.

Ayes: Woodward, Miller, Pietila, Taylor-Burks, Waterman and Williams

No: None

Resolution Passed.

19-217 **Resolution Celebrating the 100th Anniversary of the Ratification of the 19th Amendment of the US Constitution, Giving Woman the Right to Vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

WHEREAS women of every race, class, and ethnic background across America have made historic contributions to the growth and strength of the United States in countless recorded and unrecorded ways; and

WHEREAS the women of this nation initiated the most significant women's movement in history – the need for women's suffrage; and

WHEREAS despite the strong opposition, the inspiration and determination of women nationwide brought about the extraordinary accomplishment – the right for women to vote; and

WHEREAS the June 10, 1919, Michigan women cast their vote when Michigan voters ratified the 19th Amendment to the U.S. Constitution, and

WHEREAS the State of Michigan was the second state to ratify the 19th Amendment, giving women the right to vote; and

WHEREAS on August 26, 1920, voters across the nation secured the right for women to vote when the 19th Amendment to the Constitution of the United States was ratified, empowering American women and declaring for the first time that they, like men, deserve all the rights and responsibilities of citizenship stating, "...the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex"; and

WHEREAS August 26, 2020 will mark the 100th anniversary of the passage of the National Suffrage Amendment, the 19th Amendment to the U.S. Constitution, guaranteeing women the right to vote; and

NOW THEREFORE BE IT RESOLVED that the Pontiac City Council remembers and celebrates the historic women who fought for their right to vote and recognizes the courage and inspiration of these bold women to change the course of history.

BE IT FURTHER RESOLVED that the Pontiac City Council will fly the 19th Amendment Victory Flag June 10, 2019 through June 14, 2019 to commemorate the State of Michigan ratifying the 19th Amendment and August 24, 2020 through August 28, 2020 to commemorate the ratification of the 19th Amendment to the Constitution of the United States.

Ayes: Miller, Pietila, Taylor-Burks, Waterman, Williams and Woodward

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No: None
Resolution Passed

Monthly Mayoral Report

City Credit Card Statement

(The City Council adopted a resolution that the Mayor will provide the monthly credit card statements for the prior month to the City Clerk, to be included in the Pontiac City Council Agenda, the first meeting of each month. **The City Clerk did not receive the March 2019 or April 2019 statements. This item was brought back from the April 9, April 23, April 30, May 7, May 14, May 21, and May 28, 2019 Council Meetings.**)

No reports received; the Credit Card Statement will be back on the agenda next week.

Six (6) individuals addressed the body during public comment.

Mayor Deirdre Waterman, Interim City Clerk Garland Doyle, Councilwoman Mary Pietila, Councilwoman Doris Taylor-Burks, Councilwoman Gloria Miller and Council President Kermit Williams made closing comments.

President Kermit Williams adjourned the meeting at 8:21 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK