

July 30, 2019 Approved Minutes

**Official Proceedings
Pontiac City Council
108th Session of the Tenth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Tuesday, July 30, 2019 at 6:00 p.m. by Council President Pro-Tem Randy Carter.

Call to Order

Roll Call

Members Present: Carter, Miller, Pietila, Taylor-Burks and Waterman

Members Absent: Williams and Woodward.

Mayor Waterman was absent.

Deputy Mayor Bais-DiSessa was present.

Clerk announced a quorum.

19-385 **Excuse Councilperson Kermit Williams and Don Woodward for personal reasons.**
Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Miller, Pietila, Taylor-Burks, Waterman and Carter

No: None

Motion Carried.

19-386 **Motion to amend agenda to add Resolution to have the City Attorney amend the current Zoning Ordinance to adopt the provisions in MCL 436.1503 as item 8.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

Ayes: Pietila, Taylor-Burks, Waterman, Carter, and Miller

No: None

Motion Carried.

19-387 **Approval of agenda as amended.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Waterman, Carter, Miller and Pietila

No: None

Motion Carried.

19-388 **Approve meeting minutes for July 23, 2019.** Moved by Councilperson Miller and second by Councilperson Taylor-Burks.

Ayes: Waterman, Carter, Miller, Pietila and Tylor-Burks

No: None

Motion Carried.

Eleven (11) individuals addressed the body during public comment.

19-389 **Suspend the rules to vote.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Ayes: Carter, Miller, Pietila, Taylor-Burks and Waterman

No: None

Motion Carried.

19-390 **Adoption of an Ordinance to allow Redevelopment Liquor Licenses and Conditions for Issuance and Operations.** Moved by Councilperson Pietila and second by Councilperson Waterman.

THE CITY OF PONTIAC ORDAINS:

I. BISTRO RESTAURANTS

(1) An applicant for a liquor license may propose to utilize the license for purposes of the operation of a bistro. Dining, entertainment, or recreation may be the primary purpose of the bistro. Unique and diverse venues with specialized menus that attract new patronage are encouraged.

(2) For purposes of this chapter, a "bistro" is defined as being a fixed food service establishment with interior seating that meets all of the following criteria:

(a) The liquor license must be a redevelopment district or development district license, as defined in the Michigan Liquor Control Code, MCLA § 436.1101 et seq., as amended.

(b) Interior seating (including bar seating) can be no less than 50 people and no greater than 150 people.

(c) Sidewalk Cafes and Outdoor Dining Patios as defined in Section 2.539 of the Pontiac Zoning Ordinance are permitted in establishments with Bistro Liquor Licenses, provided that the City determines that there is sufficient space on an adjacent public sidewalk. Rooftop seating does not qualify as seasonal sidewalk cafe seating. Alcohol may only be served to seated patrons in sidewalk seating areas.

(d) Bar seating shall be limited to 25% or less of the interior seating.

(e) The establishment shall close no later than 12:00AM. With the prior approval of City Council, an establishment may remain open to offer food service.

(f) Sales of food shall total not less than 50% of the total revenue of the establishment.

July 30, 2019 Approved Minutes

- (g) The licensee must otherwise comply with all requirements of the City Code.
- (3) Bistro Restaurants may only be located in the C-2 Downtown Zoning District.
- (4) Bistro Restaurant liquor licenses may not be transferred to other businesses, nor other addresses. A Bistro Restaurant liquor license may be transferred to a subsequent owner of the business originally granted the Bistro Restaurant liquor license if approved by the City Council, which shall use the criteria set forth in Section 8(a)-(h) to make such determination.
- (5) Prior to requesting approval by the City Council, a Bistro Restaurant shall obtain a Special Exception Permit from the City Planning Commission.
- (6) Prior to operating a bistro, a licensee shall enter into a Development Agreement with the City setting forth all rehabilitation/restoration plans and operating requirements for the Bistro Restaurant. Failure to comply with the terms and conditions of the Agreement shall be grounds for the City Council to recommend revocation of the license by the Michigan Liquor Control Commission.
- (7) Grounds for Immediate Review. A bistro license holder may be subject to immediate review by the City Council if he or she is cited for three violations within one calendar year. When under review, the City Council may determine that the bistro license holder is no longer operating within the best interests of the city, and the City Council may recommend revocation of the bistro license to the Michigan Liquor Control Commission.
 - (a) A violation includes any of the following:
 - (i) Violations issued from the Michigan Liquor Control Commission.
 - a. Citations from the City.
 - (ii) Citations issued from any other governmental body.
- (8) Approval. If the City Council is satisfied that the establishment or operation will provide a benefit to the City of Pontiac and constitute an asset to the community, it will adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution. The City Council shall consider the following nonexclusive list of criteria to assist in the determination if the establishment will provide a benefit and be an asset to the community.
 - (a) The applicant's demonstrated ability to finance the rehabilitation/restoration as set forth in the Development Agreement.
 - (b) The applicant's demonstrated ability to finance the operations of the proposed project.
 - (c) The applicant's track record with the city, including responding to city and/or citizen concerns.

- (d) Whether the applicant has an adequate site plan to handle the bistro liquor license activities at the proposed establishment.
- (e) Whether the applicant has adequate health and sanitary facilities at the proposed establishment.
- (f) Potential community benefits proposed by the applicant.
- (g) The applicant's ability to employ city residents.
- (h) Whether the applicant has outstanding obligations to the city (i.e., property taxes, utilities, etc.). Applicant shall be automatically denied if applicant has any outstanding/past-due obligations to the city or other municipality or governmental agency.

(9) Approval Procedures and Requirements;

- A. **Submission & Initiation of Licensee Process.** A property owner with business interest in an existing establishment, a possessory interest entitled to exclusive possession, or a contractual interest may submit to the City of Pontiac Planning Division an application requesting a Bistro Redevelopment Liquor License.
- B. **Submission of application.** All requirements of the Bistro Redevelopment License Application and Special Exemption Application must be submitted to the Planning Division with all required information included to be considered complete, incomplete applications will not be reviewed. Applications must be submitted 45 days prior to the scheduled Planning Commission Meeting.
- C. **Technical Review.** Upon receipt of the Bistro License Application, and prior to the scheduled Planning Commission Special Exemption Review, the Planning Division must conduct a technical review of the application findings based on the criteria outline above Section 8(a)-(h), as well as those criteria outline in the Zoning Ordinance for Special Exemption Review.
- D. **Special Exemption and Application Review.** Upon the Planning Commission's review of the proposed Bistro Redevelopment Liquor License, the Planning Commission will offer a recommendation to City Council for Denied or Approval of the license request.
- E. **City Council License Review.** Upon receipt of the Planning Commission recommendation of the proposed Bistro Redevelopment Liquor License. City Council will affirm that the proposed site complies with the City of Pontiac Zoning Ordinance and section 8(a)-(h) of this ordinance, and vote to adopt a resolution to approve or deny the applicant's request for a Bistro Redevelopment Liquor License.

Ayes: Pietila, Waterman and Carter

No: Miller and Taylor-Burks

Ordinance Failed.

19-391 **Suspend the rules to vote.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Waterman, Carter and Miller
No: None

Motion Carried.

19-392 **Resolution to authorize Mayor to enter into a contract with Pamar Enterprises Inc., for \$1,617,806.50 for the City's 2019 Local Street improvement Project.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac has advertised and received responses to a Request for Proposal for the 2019 Local Street Improvement Program on May 28, 2019, and publically opened bids; and

Whereas, a bid tabulation was prepared and reviewed, and;

Whereas, the City identified the low bidder as Pamar Enterprises, and references of the low bidder checked and found acceptable.

Now, Therefore, Be It Resolved, that the Pontiac City Council authorizes the Mayor to enter into a contract with Pamar Enterprises, Inc. for \$1,617,806.50 for the 2019 Local Street Improvement Project.

Ayes: Taylor-Burks, Waterman, Carter, Miller and Pietila
No: None

Resolution Passed.

Communication from the City Clerk

Report received informing the City Council that the Office of the City Clerk will continue distributing Medical Marihuana applications for growers, processors, secure transporters and safety compliance again to the public as of July 26, 2019.

Monthly Mayoral Reports

Monthly Staff Changes Report. **(The June report was not submitted. This item was brought back from the July 2, 9, 16, 23, 2019 Council Meetings.)**

City Credit Card Statement **(Finance Department stated that they would provide the June report at the July 9, 2019 meeting. The report has not been submitted. This item was brought back from the July 16 and 23, 2019 Council Meetings.)**

19-393 **Suspend the rules to vote.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Waterman, Carter, Miller, Pietila and Taylor-Burks
No: None

Motion Carried.

19-394 **Resolution to have the City Attorney amend the current Pontiac Zoning Ordinance to adopt the provisions in MCL 436.1503. (Agenda add-on)** Moved by Councilperson Pietila and second by Councilperson Miller.

Whereas, on April 3, 2019, the Planning Commission reviewed a Special Exception Permit Request for retail sale of packaged liquor at 1124 Joslyn Avenue and was denied; and,

Whereas, the Applicant, A&S KAJAY ENTERPRISE, INC., submitted an appeal to the Planning Manager within ten days of the Planning Commission's decision and requested an appeal from the Pontiac City Council; and,

Whereas, the Pontiac Planning Commission reviewed and applied section 2.515 of Pontiac's Zoning Ordinance which states: (a) the sale of packaged alcoholic beverages is prohibited to be located less than 500 feet from the property of a place of worship, park, playground, daycare facility, pre-school or K thru 12 school and (b) not more than two properties upon which the retail sale of packaged alcoholic beverages is permitted shall be located within one mile; and,

Whereas, MCL 436.1503 of the Michigan Liquor Control Code of 1988 provides for the licensing, proximity of contemplated location to church or school building; measurement of distance; exceptions; presumption of validity; waiver; objection; hearing; transfer to location farther from church or school; and,

Whereas, MCL 436.1503 (4) further states that the commission may waive the section for all classes of licenses. If an objection is not filed by the Church or school, the commission may issue the license under the act. If an objection is filed, the commission shall hold a hearing under rules established by the commission before making a decision on issuing the license; and,

Whereas, the Pontiac Zoning Ordinance fails to provide a method for measuring the distance between properties, but MCL 436.1503 does however, establish a method of measurement.

Now, Therefore Be It Resolved, that the Pontiac City Council hereby authorizes the City Attorney within thirty days, to amend the current Pontiac Zoning Ordinance and to adopt the provisions in MCL 436.1503 which allows for a waiver if no objections are filed by a church or school, implement a method of measurement of properties upon which the retail sale of alcoholic beverages are permitted and forward the changes to the Planning Commission.

Ayes: Carter, Miller, Pietila, Taylor-Burks and Waterman

No: None

Resolution Passed.

Council President Pro-Tem Randy Carter Adjourned meeting at 6:53 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK