

**Official Proceedings
Pontiac City Council
109th Session of the Tenth Council**

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

Call to Order

Invocation – Pastor Kathy

Pledge of Allegiance

Roll Call

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

Members Absent: Carter and Woodward.

Mayor Waterman was present.

Clerk announced a quorum.

19-395 **Excuse Councilperson Randy Carter and Don Woodward for personal reasons.**
Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-396 **Amendment to add the DPW and Real Estate Subcommittee Reports to the agenda.**
Moved by Councilperson Waterman and second by Councilperson Pietila.

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

No: None

Motion Carried.

19-397 **Remove Interim Finance Director Title from Special Presentation #5.** Move by
Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Taylor-Burks, Williams, Miller and Pietila

No: None

Abstain: Waterman

Motion Carried.

19-398 **Approval of agenda as amended.** Moved by Councilperson Pietila and second by
Councilperson Taylor-Burks.

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

No: None

Motion Carried.

19-399 **Approve special meeting minutes for July 29, 2019.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Williams, Miller, Pietila and Tylor-Burks

No: None

Abstain: Waterman

Motion Carried.

19-400 **Approve meeting minutes for July 30, 2019.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

Abstain: Williams

Motion Carried.

Subcommittee Reports Received

Community Development – July 16, 2019

Department of Public Works – July 17, 2019

Real Estate – July 22, 2019

Special Presentations

Pontiac Youth Recreation and Enrichment Center (PYREC) Data Report

Presentation Presenter: Ben Plassman, Senior Financial Analyst

Finance Report regarding feasibility to purchase Wessen Lawn Tennis Club (formerly Hayes Jones)

Property located at 235 Wessen

Presentation Presenters: Hughey Newsome, Anthony Chubb, Esq., City Attorney and Ben Plassman, Senior Financial Analyst

19-401 **Adoption of an Ordinance to allow Redevelopment Liquor Licenses and Conditions for Issuance and Operations.** Moved by Councilperson Waterman and second by Councilperson Pietila.

THE CITY OF PONTIAC ORDAINS:

I. BISTRO RESTAURANTS

August 6, 2019 Approved Minutes

- (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.
 - (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, Taylor-Burks, Waterman and Williams

No: None

Ordinance Passed.

Councilwoman Miller was absent during the vote.

Discussion on resolution to authorize Mayor to conduct preliminary due diligence regarding the potential purchase of 235 Wesson Street and to negotiate terms and conditions of sale.

The City Council asked that revisions be made to the resolution including adding a timeline.

19-402 **Defer for one week the resolution to authorize Mayor to conduct preliminary due diligence regarding the potential purchase of 235 Wesson Street and to negotiate terms and conditions of sale.** Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Waterman and Williams

No: None

Motion Carried.

Councilwoman Miller was absent during the vote.

Monthly Mayoral Reports bring back next week

Monthly Check Register

(The weekly check registers for June 28, 2019; July 5, 12, 19 and 26, 2019 have not been posted on the website.)

August 6, 2019 Approved Minutes

Monthly Staff Changes Report
(The June and July reports were not submitted.)

City Credit Card Statement
(The June and July reports were not submitted.)

Twelve (12) individuals addressed the body during public comment.

Mayor Waterman, Interim City Clerk Doyle, Councilwoman Pietila, Councilwoman Miller, Councilwoman Taylor-Burks and Council President Williams made closing comments.

Council President Kermit Williams Adjourned meeting at 8:16 p.m.

GARLAND S. DOYLE
INTERIM CITY CLERK