

January 3, 2013

**Official Proceedings
Pontiac City Council
186th Session of the Eighth Council**

A regular meeting of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, January 3, 2013 at 6:15 P.M. by Council President Lee Jones.

Invocation by Samuel Scott

Moment of Silence

Pledge of Allegiance

Roll Call

Members Present: Carter, Jones, Pietila, Waterman, Watkins, and G. Williams

Also Present: Mayor Jukowski

Also Absent: K. Williams

Clerk announced a quorum.

13-01 **Myra Allen as Acting Clerk.** Moved by Councilperson Pietila and supported by Councilperson Waterman.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, and G. Williams.

No: None

Motion Carried

13-02 **Excuse Councilperson K. Williams.** Moved by Pietila and supported by Councilperson Waterman.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, and G. Williams.

No: None

Motion Carried

13-03 **Journal.** Moved by Councilperson G. Williams, and supported by Councilperson Carter to approve the Journal of meeting minutes of December 22, 2012.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, and G. Williams.

No: None

Motion Carried

Recognition of Elected Officials –Charter Commissioner Darryl Fowlkes.

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There were 6 individuals who addressed the body during public comments.

13-04 **Resolution was received from the Mayor to appoint Lucy Payne to the Planning Commission.** Moved by Councilperson Carter, supported by Councilperson G. Williams.

Whereas, Ordinance No. 2236 requires that the Planning Commission be comprised of six non-elected officials and the Mayor or his designee; and,

Whereas, there is presently a vacancy on the Planning Commission for a term expiring June 30, 2014 for one of the six non-elected officials positions; and,

Whereas according to State law and the ordinance, the Mayor shall appoint the commissioners subject to approval by a majority vote of the City Council; and,

Whereas, Mayor Leon Jukowski has appointed Lucy Payne to the Pontiac Planning Commission to a term expiring June 30, 2014;

Now, therefore, be it resolved, that the Pontiac City Council hereby approves the appointment of Lucy Payne to the Pontiac Planning Commission to term expiring June 30, 2014.

Ayes: Carter

No: Jones, Pietila, Watkins

Abstain: Waterman, G. Williams

Resolution Not Adopted.

13-05 **Report was received from the Mayor for a Letter of Recommendation from the Planning Commission to rezone several parcels in the area of Walton and Telegraph, the Ordinance amendment, and reports of the City Planner.** Moved by Councilperson G. Williams, and supported by Councilperson Carter.

AN ORDINANCE TO AMEND APPENDIX B, OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC TO AMEND ARTICLE 2, ZONING DISTRICTS AND PERMITTED USES, SECTION 2.103, ZONING MAP, TO CHANGE THE ZONING CLASSIFICATIONS FOR SPECIFIC PARCELS NEAR THE SOUTHWEST CORNER OF W. WALTON AND N. TELEGRAPH TO REZONE FOR COMMERCIAL USE.

The City of Pontiac ordains:

Section 1. Amendments.

The zoning district classification for the following legal descriptions shall be changed from R1A, medium lot one family dwelling, to C-1, local business, and allow only the approved use for file number PF-12-86 for the parcels described as:

LAND SITUATED IN THE S.E. ¼ OF SECTION 7, TOWN 3 NORTH, RANGE 10 EAST, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

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LOTS 1, 9, & 10 OF WALTON SUBDIVISION, ALSO LOTS 73 THROUGH 101, INCLUSIVE, OF ASSESSOR'S PLAT No. 156.

SITE ALSO DESCRIBED AS FOLLOWS:

PART OF THE S.E. ¼ OF SECTION 7, TOWN 3 NORTH, RANGE 10 EAST, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT THE N.W. CORNER OF LOT 9 OF WALTON SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 9, S.00°6'40"W. 211.32 FT; THENCE S.89°35'29"D. 10.51 FT; THENCE S.00°06'40"W. 462 FT ALONG THE WEST LINE OF SAID LOT 9 AND OF LOT 1 TO THE SOUTHWEST CORNER OF LOT 1; THENCE S. 89°35'20"E. 12.00 FT; THENCE ALONG A CURVE, WHICH IS ALSO THE EASTERLY LINE OF LOT 1 AND THE WESTERLY RIGHT-OF-WAY LINE OF TELEGRAPH ROAD AND, HAVING A RADIUS OF 1849.60 FT, AND ARC DISTANCE OF 267.15 FT AND A LONG CHORD BEARING OF N. 43°52'30"E. TO A POINT ON THE EAST LINE OF SAID WALTON SUBDIVISION AND ALSO THE WEST LINE OF ASSESSOR'S PLAT No. 156; THENCE S.00°14'30"W. 68.60 FT ALONG THE WEST **LINE OF LOT 73** OF ASSESSOR'S PLAT No. 156; THENCE ALONG THE WEST LINE OF TELEGRAPH ROAD AND THE EAST LINES OF LOTS 73 THROUGH 95, N.28°53'48"E. 598.51 FT TO THE NORTHEAST CORNER OF LOT 95; THENCE N.74°32'42"W. 102.82 FT ALONG THE SOUTH LINE OF WALTON BOULEVARD; THENCE CONTINUING ALONG THE SOUTH LINE OF WALTON BOULEVARD, N.89°45'57"W. 187.79 FT TO THE NORTHWEST CORNER OF ASSESSOR'S PLAT No. 156; THENCE CONTINUING ALONG THE SOUTH LINE OF WALTON BOULEVARD AND THE NORTH LINE OF LOTS 9 AND 10 OF "WALTON SUBDIVISION," S.89°18'55"W. 208.26 FT TO THE POINT OF BEGINNING. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD AND ALL ROAD RIGHTS-OF-WAY.

MORE COMMONLY KNOWN AS THE FOLLOWING TAX ID NUMBERS:

14-07-453-004
14-07-453-005
14-07-453-010
14-07-478-001
14-07-478-002
14-07-478-003
14-07-478-004
14-07-478-005
14-07-478-006
14-07-478-007
14-07-478-008
14-07-478-009
14-07-478-010
14-07-478-011
14-07-478-012

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14-07-478-013

14-07-478-014

CONTAINING 0.241 ACRES, MORE OR LESS.

Section 2. Severability.

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 3. 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 4. Effective Date

This Ordinance shall be effective ten days after adoption by the City Council and one day after publication of this Ordinance by the Clerk in a newspaper of general circulation.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, and G. Williams.

No: None

Motion carried

13-06 **Suspend the Rules to add an item to the Agenda.** Moved by Councilperson G. Williams, and supported by Councilperson Waterman.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, and G. Williams

No: None

Motion carried.

13-07 **Resolution was received to override the Veto of Mayor Leon Jukowski dated December 24, 2012.** Moved by Councilperson G. Williams, and supported by Councilperson Waterman.

WHEREAS, on December 24, 2012, The Mayor filed with the City Clerk a veto of the 8th Council of the Pontiac City Council resolution of December 13, 2012; and,

WHEREAS, the City Council for the City of Pontiac was in receipt of Executive Order S-246 issued by the Emergency Financial Manager for the purpose of amending the composition of the General Employees Retirement System Board of Trustees; and,

WHEREAS, he Pontiac City Council takes issue with the Emergency Financial Managers decision to make unilateral changes to the composition of the Board of Trustees through his issuance of Executive Order S-246 without input or approval from the Pontiac City Council; and,

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WHEREAS, in compliance with the Home Rule Charter that governs the City of Pontiac granting authority to the Mayor and the City Council; and,

NOW, THEREFORE, BE IT RESOLVED, that the 8th Council of the City of Pontiac recognizes the Home Rule Charter of the City of Pontiac adopted May 27, 1981 and effective May 3, 1982, as the sole local rule of law for the City of Pontiac and hereby overrides Mayor Leon Jukowski veto dated December 24, 2012, and declares the resolution of the Pontiac City Council On Thursday, December 13, 2012, shall remain in effect as adopted or until amended.

DATED: Thursday, January 3, 2013.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, and G. Williams.

No: None

Motion carried.

13-08 **Adjournment.** Moved by Councilperson G. Williams and Councilperson Pietila.

Ayes: Carter, Jones, Pietila, Waterman, Watkins, G. Williams,

No: None

Motion Carried

Meeting Adjourned at 7:56 p.m.

MYRA K. ALLEN
ACTING CITY CLERK