

**Official Proceedings  
Pontiac City Council  
229<sup>th</sup> Session of the Tenth Council**

**Call to order**

A Formal Meeting of the City Council of Pontiac, Michigan was called to order electronically, on Tuesday, May 25, 2021 at 6:00 p.m. by Council President Kermit Williams.

**Invocation** – Councilwoman Doris Taylor-Burks

**Pledge of Allegiance**

**Roll Call**

<b>Members Present</b>	<b>Attendance</b>	<b>Location</b>
Carter	Remotely	Pontiac, Oakland County, MI
Miller	Remotely	Pontiac, Oakland County, MI
Pietila	Remotely	Pontiac, Oakland County, MI
Taylor-Burks	Remotely	Pontiac, Oakland County, MI
Waterman	Remotely	Pontiac, Oakland County, MI
Williams	Remotely	Pontiac, Oakland County, MI

Mayor Waterman was present.

Clerk announced a quorum.

**Excuse Councilmembers**

21-149b      **Motion to excuse Councilmember Megan Shramski for personal reasons.** Moved by Councilperson Taylor-Burks and second by Councilperson Pietila.

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

No: None

**Motion Carried**

**Amendments to the Agenda**

21-150      **Motion to remove item #5 (Special presentation for Medical Marihuana Application Review Process Update, and item #6 (Special presentation Rubicon Real Estate v. City of Pontiac.) Councilwoman Waterman needs clarification why item #14 (Closed session Charles Blackwell v. Pontiac, Oakland County) is back on the agenda. Attorney McClaughlin responded that she has new information in the matter regarding the case and need to discuss with Council so it will stay on the agenda. Add discussion for Budget Hearing and receive only communications from Mayor for item #12 (Status update on the appointment of Medical Marihuana Commissioners and approval of the Commission Rules) and item #13 (Addendum to the Mayor’s Recommendation Budget for Fiscal year 2021-2022 to include American Rescue Funding and suggested fun initiatives.)** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried**

21-151 **Motion to add-on a resolution for the closure of City Council Chambers as item #1a.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks. Discussion on the floor: Counsel Sharp reiterated that this resolution was an over sight on the Clerks' behave and should have been brought back from last week meeting. Councilwoman Pietila asked why we are closing down City Council Chambers. Council President Williams said there would be discussion if the item is added it to the agenda.

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

No: None

**Motion Carried**

#### **Approval of Amended Agenda**

21-152 **Motion to approve Agenda as amended.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman. Discussion: Councilwoman Pietila still has the same question, why are we Closing City Council Chambers? No response from Council. President Williams called for the vote. Councilwoman Pietila wanted her no vote on record due to her question not answered.

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

No: Pietila

**Motion Carried**

#### **Approval of Minutes**

21-153 **Approve meeting minutes for May 18, 2021.** Moved by Councilperson Taylor-Burks and second by Councilperson Miller.

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

No: None

**Motion Carried**

#### **Resolution**

##### **City Council**

~~21-154 **Resolution for the closure of City Council Chambers. (Agenda Add-on)** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.~~

Council President asked Deputy Clerk to read the resolution but it was not in the agenda package. Council moved on to receive subcommittees report first then come back to resolution.

#### **Received Subcommittee Report**

Community Development – May 18, 2021

Finance – May 19, 2021

Public Safety – May 14, 2021

#### **Resolution**

##### **City Council**

21-154 **Resolution for the closure of City Council Chambers. (Agenda Add-on)** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks. Discussion: Councilwoman Waterman stated we need to add more information to the resolution for adequate movement where Councils sits and more done to the whole Council Chambers for everyone to feel safe besides chairs and ducks. It needs to be expand into Council Conference Room and Mayors Conference Room because the rooms are used for other meetings. Council President stated that this resolution needs to be voted on to stop the use of the Council Chambers being used in those conditions. He does not wish for Council to return to using Council Chambers until the renovations are completed. Mayor Waterman said the whole

building needs to be safe for us, the citizens, and not just the Council Chambers. It is the duty of DPW to take care of our facility. The facility belongs to the citizens of the City to use any conference rooms that are available. Boards and commissions will continue to use the Facilities as needed. She stated that DPW would clean the ducks and add purchase new chairs, which is a part of the whole renovation for the Council Chambers. Council President interrupted and called for the vote.

WHEREAS, due to COVID-19, CDC social distancing guidelines mandate that Council Chambers be limited to fourteen (14) people; and,

WHEREAS, due to the fact that the City of Pontiac was entitled to and did receive CARES reimbursement funding for expenses of up to One Million Five Hundred and Thirty-Three Thousand, One Hundred and Eight-Seven (\$1,533,187.50) Dollars and Fifty Cent, the City Council passed a resolution on October 20, 2020 addressing the immediate need to reduce the spread of COVID-19; and,

WHEREAS, the City Council requested the replacement of chairs in Council chambers with vinyl chairs and cleaning of the ventilation ducts in Council Chambers pursuant to the CARES ACT, the requests were reimbursable expenses as substantiated by the Office of the Oakland County Executive; and, WHEREAS the City Council further requested that RFP's for both the replacement of the chairs in Council chambers along with cleaning of the ventilation ducts in Council chambers be issued immediately; and,

WHEREAS, the City Council's resolution clearly stated that the replacement of the chairs and the cleaning of the ducts were to be completed before December 31, 2020; and,

WHEREAS, the Mayor did not include the vinyl chairs or the cleaning of the ventilation ducts in the submissions to Oakland County for reimbursement pursuant to CARES; and

WHEREAS, to date, vinyl chairs have not been ordered for Council chambers and the ventilation ducts in Council chambers have not been cleaned; and

WHEREAS, there have been several positive cases of COVID-19 in City Hall; and,

WHEREAS, the Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, more commonly referenced as the American Rescue Plan and pursuant to the Plan, Pontiac will receive Thirty-Seven Million, Seven Hundred and Seventeen Thousand, Nine Hundred and Fifty-Three (\$37,717,953.00) Dollar; and,

WHEREAS, the amount of funds the City of Pontiac will receive under the American Rescue Plan will certainly cover the cost of cleaning the ventilation ducts and purchasing vinyl chairs for the Council Chambers.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Pontiac City Council is shutting down Council chambers, effective immediately, until the ventilation ducts have been cleaned and vinyl chairs have been purchased and placed in the Council Chambers and until such time, an alternate location is to be used.

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

No: None

**Resolution Passed**

Councilwoman Shramski joined the meeting remotely from Pontiac, MI, Oakland County at 6:02 pm after she was excused but was not acknowledge until after the add-on resolution to close Council Chambers.

### **Special Presentation**

Cable System Update

Presentation Presenters: Mayor Waterman and Phil Brown, Cable Director

### **No Recognition of Elected Officials**

**No Agenda Address**

**Resolutions**

Community and Economic Development

21-155 **Resolution to reprogram HOME Consortium funding in the amount of \$250,000.00 from the Carriage Circle Project to the following recommended Community Development Block Grant (CDBG) Program year 2020 projects: Senior Center Facilities \$125,000; Youth Services \$15,000; and Sidewalks \$110,000. (Prior to the Council approving the resolution, a public hearing will need to be set and it will need to be determine if you can reprogram HOME funds to CDBG projects.) Council had a discussion to schedule a Public Hearing. Moved by Councilperson Waterman and second by Councilperson Pietila.**

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

No: None

**Motion Carried- Council will schedule Public Hearing at the next meeting**

21-156 **Motion to defer item #9 (resolution to approve a contract between the City of Pontiac and Phillip Clay/Ghebre Selassie to serve as advisors to assess the need and requirements for the City to resume federal aid and foundation grant administration not to exceed \$65,000 and item #10 (resolution to approve a contract between the City of Pontiac and Baker Tilley to serve as advisors and provide training in the management of federal aid and foundation grant administration not to exceed \$65,000 until HUD can come in and present with a presentation. (The City received a \$100,000 grant from the Community Foundation for Southeast Michigan to support the project.) Moved by Councilperson Miller and second by Councilperson Taylor-Burks.**

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

No: None

**Motion Carried**

**Resolution**

Pontiac Youth Recreation and Enrichment Center (PYREC)

21-157 **Resolution to approve Pontiac Youth Recreation and Enrichment Center (PYREC) Lease Agreement. Moved by Councilperson Waterman and second by Councilperson Pietila.**

**WHEREAS**, a Lease Agreement with purchase option, dated July 1, 2018 (the “Lease”) was entered into between Creative School Solutions Management, LLC (“Landlord”) as Landlord and the City of Pontiac (“City”) as Tenant for a term of three (3) years for the real estate and improvements located at 825 Golf Drive (the “Premises”); and,

**WHEREAS**, the term of the Lease commenced July 1, 2018 and expires June 30, 2021; and,

**WHEREAS**, since entering into the Lease, the City has operated its youth center (“PYREC”) at the Premises; and,

**WHEREAS**, section 13 of the Lease provides the City with two (2) options to purchase the Premises from the Landlord; the first option period commenced April 1, 2019 and ended June 30, 2019 without the city exercising its option and the second option period began January 1, 2021 and ends June 30, 2021 (collectively, the “Purchase Option”); and,

**WHEREAS**, On April 20, 2021, the Council voted on a resolution to approve the exercise of the opinion to purchase the Premises and the resolution failed on a 6-1 vote; and,

**WHEREAS**, the Lease expires on June 30, 2021; and,

**WHEREAS**, without a short-term extension of the Lease, the City’s lawful occupancy of the Premises will expire on June 30, 2021, and PYREC and the children who benefit from the operation of the

programs at PYREC will be displaced without a suitable temporary or long-term replacement location having been established; and

**WHEREAS**, Landlord recently offered the City an option to extend the Lease of the Premises for a term not to exceed one (1) year, from July 1, 2021 until June 30, 2022 on the same monetary terms and conditions, with an option by Landlord, the potential buyer of the Premises from Landlord, or the City to terminate the Lease not less than ninety (90) days' prior written notice to the other party.

**WHEREAS**, it is in the best interests of the City and its youth to enter into this short-term extension of the Lease until such time as an alternative location for PYREC can be identified and implemented.

**NOW, THEREFORE BE IT RESOLVED** that Council hereby approves the extension of the Lease for a term of not more than one (1) (July 1, 2021-June 30, 2022) with no increase in rent (remains at \$26,000 per month) and with unilateral ability for either party to the Lease to terminate it with not less than ninety (90) days prior written notice to the other party; and,

**BE IT FURTHER RESOLVED**, that the City Attorney is hereby requested to prepare an amendment to the Lease based on the terms and conditions set forth above, and further, executed by the Mayor following the execution of same by the Landlord.

Ayes: Pietila

No: Shramski, Taylor-Burks, Waterman, Williams, Carter and Miller

**Resolution Failed**

#### **Discussion added for Budget Hearing**

Counsel Sharp suggested Council needs to reschedule the Clerk, Elections and Marihuana Regulations plus Wade Trim Budget Hearing to another day. Council President stated we could change it to Wednesday, which is tomorrow, but that would not work. Counsel Sharp brought to the Council attention that they could do it before the Public Hearing on the Budget at 3:00 p.m. on June 1, 2021. Council accepts.

21-158           **Motion to reschedule Special Meeting from 3:00 p.m. to 5:00 p.m. on the Budget Hearing for Wade Trim on June 1, 2021 at 3:00 p.m. and Clerk, Elections and Marihuana Regulations on June 1, 2021 at 4:00 p.m.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

**Motion Carried**

#### **Received Only Communications from the Mayor**

Status update on the appointment of Medical Marihuana Commissioners and approval of the Commission Rules (**Mayor has previously submitted the Medical Marihuana Commission at today's meeting.**)

Addendum to the Mayor's Recommended Budget for Fiscal Year 2021-2022 to include American rescue Funding and suggested fund initiatives (**Does Council wish to add a hearing to the Budget Hearing schedule on American Rescue Funding?**)

#### **Suspend the Rules**

21-159           **Motion to suspend the rules to move public comment before Closed Session.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

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

No: None

**Motion Carried**

**Public Comment**

Three (3) individuals made public comment

**Closed Session**

21-160            **Resolution to go into Closed Session.**

Whereas, the Michigan Open Meetings Act allows a public body to go into closed session to discuss specific pending litigation; and

Whereas, The City Attorney and defense counsel wish to address the City Council on new activity in a pending matter;

Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss an attorney-client privileged memorandum pending litigation as permitted by the open Meetings Act at MCL 15.268; specifically, Charles Blackwell v. Pontiac, Oakland County Case No. 2021-187309-CZ.

Discussion: Councilwoman Pietila said we do not have a link to go into closed session. Council President said the link will come after the vote and he would ask the Deputy Clerk to send the link. Deputy Clerk told the president she did not have the link. He asked how we are going to go into closed session without a link. Councilwoman Pietila said the Clerk always send the link. Attorney McCloughlin stated that the Clerk usually send out the link but Deputy Clerks stated she do not have the link. Councilwoman Waterman asked could we do the closed session next week. Councilwoman Pietila asked could we use the old link. Council President asked Attorney McCloughlin what she thinks about having meeting next week. She states yes if it is necessary but rather do it today. Mayor Waterman asked if Council could wait and she will see if someone from her staff could send the link. She asked Lynette Phillips, she said yes. Deputy Clerk stated that she was told the Mayors administration would send the link and the Mayor said that was not the case. The Mayor asked if Ken Martin was still connected to the meeting to set up the link and he agreed. **Deputy Clerk let the President know that he only had a move by Councilperson Pietila and still needs a second to go into closed session. Councilwoman Waterman second it.**

Ayes: Waterman, Williams, Carter, Pietila and Shramski

No: Miller

**Motion Carried**

Councilwoman Taylor-Burks was not connect or muted and did not vote

Council President said we would go to closing comments while we wait for the link.

**Mayor, Clerk and Council Closing Comments**

Mayor Waterman, Counsel Sharp, Pro-Tem Carter, Councilwoman Miller, Councilwoman Shramski, Councilwoman Pietila, Councilwoman Taylor-Burks, Councilwoman Waterman, and President Williams made closing comments. Deputy Clerk Grandison had no closing comments.

21-161            **Motion to come out of Closed Session.** Moved by Councilperson Carter and second by Councilperson Pietila.

Ayes: Williams, Carter, Pietila, Shramski and Waterman

No: None

**Motion Carried**

Councilwoman Miller and Taylor-Burks was not connect or muted and did not vote

21-162            **Motion to proceed according to the recommendation of the defense counsel in the case of Charles Blackwell v Pontiac, Oakland County Case No. 2021-187309-CZ.** Moved by Councilperson Pietila and second by Councilperson Shramski.

May 25, 2021 Approved Minutes

Ayes: Carter, Pietila, Shramski, Waterman and Williams

No: None

**Motion Carried**

**Adjournment**

Council President Kermit Williams adjourned the meeting at 8:12 p.m.

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SHEILA R. GRANDISON  
DEPUTY CITY CLERK