

**Official Proceedings
Pontiac City Council
236th 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, June 8, 2021 at 6:00 p.m. by Council President Kermit Williams.

Invocation – Councilwoman Patrice Waterman

Pledge of Allegiance

Roll Call

Members Present	Attendance	Location
Carter	Remotely	Pontiac, Oakland County, MI
Miller	Remotely	Pontiac, Oakland County, MI
Pietila	Remotely	Pontiac, Oakland County, MI
Shramski	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

21-164 **Motion to excuse Councilmember Doris Taylor-Burks for personal reasons.** Moved by Councilperson Pietila and second by Councilperson Shramski.

Ayes: Miller, Pietila, Shramski, Waterman, Williams and Carter

No: None

Motion Carried

Point of Privilege – Matt Gibbs

Amendments to the Agenda

21-165 **Motion to remove item #11 (Special presentation for City of Pontiac Emergency Disaster Plan) item #15 (resolution to approve a contract between the City of Pontiac and Philip 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 #16 (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) from the agenda.** Moved by Councilperson Waterman and second by Councilperson Miller.

Ayes: Pietila, Shramski, Waterman, Williams, Carter and Miller

No: None

Motion Carried

21-166 **Motion to approve all minutes (item #1 – item #8) as one motion.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Ayes: Shramski, Waterman, Williams, Carter, Miller and Pietila

No: None

Motion Carried

Approval of Amended Agenda

21-167 **Motion to approve Agenda as amended.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Waterman, Williams, Carter, Miller, Pietila and Shramski

No: Pietila

Motion Carried

Discussion – Councilwoman Waterman had a question regarding item #10 – the Anti-Dumping Campaign. She stated this item was already discussed in the Budget Hearing. Council President said the administration has some changes on the matter but it is up to the Council if they want to hear them. Councilwoman Waterman said they discussed it at the Budget Hearing and she do not think that much information has changed. Council President asked for a motion to take the item off the agenda.

21-168 **Motion to suspend the rules and remove item #10 (the Anti-Dumping Campaign) from the agenda.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Waterman, Williams, Carter, Miller, Pietila and Shramski

No: None

Motion Carried

21-169 **Motion to approve the agenda as finally amended.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Ayes: Williams, Carter, Miller, Pietila, Shramski and Waterman

No: None

Motion Carried

Point of Privilege – Katie Reiter, Office of Senator Rosemary Bayer
 James Johnson, Office of Congresswoman Brenda Lawrence

Approval of Minutes

21-170 **Approve special meeting minutes on the Budget for May 24, 2021, May 25, 2021, May 26, 2021, May 27, 2021, June 1, 2021, June 1, 2021 (Study Session), June 2, 2021 and June 3, 2021.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Carter, Miller, Pietila, Shramski, Waterman and Williams

No: None

Motion Carried

Subcommittee Report

Received Department of Public Works (DPW) on May 28, 2021

Communications

Received communication for the 10th Pontiac City Council Rules and Procedures

No Recognition of Elected Officials

No Agenda Address

Ordinance

~~21-171-~~ **Adoption of an Ordinance regarding Parking of Commercial Vehicles and Other Special Vehicles and Equipment on Residential Streets Prohibited; Taxicab Exception; Parking of Commercial Street for One Hour Permitted; Exceptions; Temporary Parking motor Homes, Pickup Campers, and Coupled Trailer Coaches on Residential Street Permitted.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Councilperson Waterman and second by Councilperson Pietila.

Discussion: Councilwoman Waterman is in agreement with Ordinance but later on stated that she had to call the Sheriff Department on a Camper parking on a residential street. Council President is worried about the enforcement and implementation of the Ordinance. Councilwoman Pietila stated that 2 attorneys, the Captain, 2 sergeants, 2 lieutenants and the DPW department went over this and came up with this Ordinance to control heavy weight equipment on the roads and problems cleaning the roads with the street sweeper because large vehicles parked on the streets. Councilwoman Shramski asked the President what is his pleasure with the Ordinance. Councilmembers agreed to bring this Ordinance back next week with some changes to add longer time for loading and unloading for businesses.

Councilwoman Waterman withdrew her motion, Councilwoman Pietila withdrew her second.

Resolution

Cable

~~21-171-~~ **Resolution to approve broadcast upgrades with Comcast Cable in the amount of \$16,572.87, and Film tools in the amount of \$149,283.00 to complete the transition from analog to fiber-based broadcasting services.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Discussion: Councilwoman Miller said we been working on this for a long time, if we pass it will it happen. Later on, she said if we pass the resolution we are not going to get anything done to the Council Chambers. We should put it together and make sure it gets done. President Williams said all upgrades need to happen at the same time, there is no incentive on fixing the studio if this passes. Councilwoman Waterman ask how are we going to make sure this happen. Who is going to move this forward? There needs to be a timetable on or before August 1, 2021 to get everything going. Councilwoman Shramski said he has but this out to bid several times and this is the first time he is able to put it all together and she would like to vote on this. Matt Gibbs ask is it possible to get a comprehensive list of all the things that needs to happen for the Mayor’s office so he will know what does “get it all done means”. Council President suggests he gets with Counsel Sharp to get all of the information. Counsel Sharp suggest the Council defer for one week to modify the resolution to include a comprehensive list of what Council expects to be done. Council President said we will defer it for 2 weeks because next week meeting is strictly for the Budget. Councilwoman Waterman withdrew her motion and Councilwoman Pietila withdrew her second.

21-171 **Motion to defer item #14 (resolution to approve broadcast upgrades with Comcast Cable in the amount of \$16,572.87, and Film tools in the amount of \$149,283.00 to complete the transition from analog to fiber-based broadcasting services) for two weeks.** Moved by Councilperson Waterman and second by Councilperson Pietila.

Ayes: Shramski, Waterman, Williams, Carter, Miller and Pietila

No: None

Motion Carried

Resolutions

Department of Public Works (DPW)

21-172 **Resolution to approve the updated MDOT resolution form 2207B.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Resolved Whereas, the City of Pontiac hereinafter referred to as the “MUNICIPALITY,” periodically applies to the Michigan Department of Transportation, hereinafter referred to as the “DEPARTMENT,” for permits, referred to as “PERMIT,” to conduct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omission during the performance of this Resolution, as provided by law. This resolution is not intended to increase either party’s liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of the Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee’s, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach or its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any person not a party to the PERMIT without the DEPARTMENT’S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMEN, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgement for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY’S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor’s behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit

activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Ayes: Waterman, Williams, Carter, Miller, Pietila and Shramski

No: None

Resolution Passed

Councilwoman Doris Taylor-Burks arrived remotely from Pontiac, Oakland County, MI at 6:54 p.m. but stated she been on the meeting remotely but did not have a chance to let him know until now.

21-173 **Resolution to approve Gallogly Maintenance Agreement between the Road Commission for Oakland County (RCOC) and City of Pontiac for Gallogly Road.** Moved by Councilperson Waterman and second by Councilperson Pietila.

WHEREAS, The City of Pontiac is in receipt of a Grading Maintenance Agreement between the Road Commission for Oakland County (RCOC) and the City of Pontiac to perform grading maintenance activities on Gallogly Road from Newark Road to the northerly City limits for the 2021-22 season; and, WHEREAS, The Department of Public Works and the Law Department has reviewed the subject agreement; and,

WHEREAS, The City of Pontiac would reimburse the RCOC at \$82.66 per grading frequency for said Grading Maintenance Services; and,

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council authorizes the Mayor or DPW Director to sign said Grading Maintenance Agreement between the RCOC and the City of Pontiac for work to be performed on Gallogly Road from Newark Road to the northerly Pontiac City Limits.

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

No: None

Resolution Passed

**Resolution
Finance**

21-174 **Resolution to approve the proposed Tax Millage Rate for Fiscal Year 2021-2022.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, in accordance with Article VI, Section 2-535 of the City Ordinance entitled Budget Adoption, a public hearing was held on May 18, 2021 regarding the proposed tax rate and

Whereas, the City Council shall not approve proposed tax rate until after the public hearing; and

Whereas, by not less than six days after the notice of public hearing shall adopt an appropriations ordinance, tax rate.

NOW THEREFORE, in accordance with the General Appropriations Act, the City Council of the City of Pontiac authorizes the following FY 2021-2022 Millage Rates to be levied and collected on the general property tax of all real and personal property within the City:

Charter	Operating	11.0503
Charter	Capital Improvement	1.3811
State Law	Sanitation	2.7624
Voted	Senior Services	0.4900
Voted	Youth Center	0.7500

The City Treasurer is hereby authorized to impose a one percent (1%) property tax administration fee for all property taxes due, And a late penalty charge when applicable, in conformance with Section 44 of Public Act 206 of 1893. Additionally, the City Council approves the Master Fee Schedule as attached.

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

No: None

Resolution Passed with changes to Youth Center Millage.

Please see Section 3. Millage Levy, Administration Fee and Penalties after the minutes

Public Comment

One (1) individual made public comment

Mayor, Clerk and Council Closing Comments

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

Adjournment

Council President Kermit Williams adjourned the meeting at 7:11 p.m.

SHEILA R. GRANDISON
DEPUTY CITY CLERK