

**Official Proceedings
Pontiac City Council
190th Session of the Tenth Council**

Call to order

A Study Session of the City Council of Pontiac, Michigan was called to order electronically on Tuesday, September 22, 2020 at 6:00 p.m. by Council President Kermit Williams.

Roll Call

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

No Members Absent

Mayor Waterman was present.

Clerk announced a quorum.

Amendments to and Approval of the Agenda

20-432 Motion to move item #10 (Additional Diligence on Phoenix Center Opportunities Report) and item #11 (Report from the Real Estate Subcommittee Meeting on September 9, 2020) above item #2. Moved by Councilperson Pietila and second by Councilperson Taylor-Burks.

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

No: None

Motion Carried

20-433 **Motion to defer item #3 (An Ordinance to Amend the City of Pontiac General Employees' Retirement System and Establish a Date of Termination) for two weeks.** Move by Councilperson Waterman and second by Councilperson Miller.

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

No: None

Motion Carried

20-434 **Approve agenda as amended.** Move by Councilperson Waterman and second by Councilperson Shramski.

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

No: None

Motion Carried

Point of Privilege – Councilwoman Patrice Waterman Statement for the record regarding agenda items 3, 10 and 11:

Following the City Council meeting held on Tuesday, September 15, 2020, Chairman Albritton called a special meeting on Friday, September 18, 2020 of the GERS Board and its service providers, including representatives from the custodial bank, the actuary, investment consultants, attorney and Executive Director, to discuss the viability of a January 31, 2021 termination date.

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There was considerable discussion regarding the necessary steps that will need to be completed to effectuate a smooth transition of the assets. Specifically, the actuarial valuations that will need to be conducted to determine the actuarial liability on the termination date; determining the value of the assets on the termination date; determining how the investments should be transitioned from the Old GERS to the New GERS and Super VEBA, for example, should they be transition in-kind, meaning the actual security would be transferred to the new entities or should the securities be liquidated (i.e. sold) and cash transferred? If liquidated, care will need to be taken so that there is no "fire sale"

An asset allocation study will need to be conducted to determine how the assets for the New GERS should be invested given the fact that it will be 130% funded. New investment/service provider contracts will need to be negotiated. New accounts for each investment manager will need to be established by the custodial bank for the New GERS.

The critical concern expressed was the ability of the actuary to complete the necessary valuations in time for a January 31, 2021 termination date and also, the ability to most effectively transfer the assets at that time.

Chairman Albritton has requested that all service providers attend the GERS meeting scheduled for Wednesday, September 30, 2020, along with attorney Samantha Kopacz so that all parties are clear as to what needs to be accomplished and can decide on a termination date deadline that everyone is confident that they will be able to meet.

Then, Mr. President as it relates to items 10 and 11, for the most part when threads go back and forth, I try to stay neutral but as it relates to item 11. I will not under any circumstances allow anyone to defame Attorney Sharpe character.

Madam Mayor, Atty. Gibbs and Atty. Clark all new full well what the process was going to be as it relates to the Real Estate Subcommittee meeting. The item in question Atty. Clarke had excused himself because of a conference call he had to attend.

All parties were in agreement that the 3rd group was going to revise their proposal which each Councilperson received in an email in an effort to have certain information remain confidential. The Mayor breached that agreement and confidentially and included in our packets.

Why would anyone want to do business with someone they can't TRUST.

There was nothing that was fraudulent, misleading or untruthful and for Madam Mayor to make such a statement is deceitful.

The purpose was to not sabotage a potential offer, which you Madam Mayor have done.

In all my 30 some years in Municipal Government, I have never been so disheartened in how the Executive Administration operators, there are just no words or justification.

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As I stated I will fight with everything I have to right any wrongs that harms our employees, this Council and/or the citizens of Pontiac.

Council President Williams asked that his statement regarding mayoral communication regarding report from the Real Estate Subcommittee Meeting on September 9, 2020 be added into the record. Council President Williams statement is attached as Exhibit A.

Mayor Waterman asked that her statement regarding the Real Estate Subcommittee Meeting be added into the record. "I believe in truth and transparency. When you see minutes which are an accurate record and when you see something left out was it done deliberately or by mistake."

Approval of the Minutes

20-435 **Approval of minutes for September 15, 2020.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

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

No: None

Motion Carried.

Public Comments

Six (6) individuals submitted public comments read by the City Clerk.

Communications from the Mayor

Additional Diligence on Phoenix Center Opportunities Report

Report from the Real Estate Subcommittee Meeting on September 9, 2020

Both communications were discussed during the meeting.

Closed Session

20-436 **Resolution request by City Attorney to go into Closed Session pursuant to MCL 15.268(h) to discuss information exempt from disclosure pursuant to MCL 15.243 (l)(g), specifically an updated attorney-client privileged memorandum regarding the status of the Phoenix Center.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, Michigan Open Meetings Act Section 8(h), MCL 15.268(h), allows a public body to go into closed session to consider material exempt from discussion or disclosure by state or federal statute; and Whereas, Michigan Freedom of information Act Section 13(g) exempts from disclosure records subject to the attorney-client privilege;

Whereas, The Mayor and City Attorney request a closed session pursuant to MCL 15.268(h) to discuss information exempt from disclosure pursuant to MCL 15.243(1)(g), specifically an updated attorney-client privileged memorandum regarding the status of the Phoenix Center.

Now, Therefore, Be It Resolved by the Pontiac City Council that it recess into closed session to discuss information exempt from disclosure pursuant to MCL 15.243(1)(g), specifically an updated attorney-client privileged memorandum regarding the status of the Phoenix Center.

Ayes: Waterman, Pietila, Shramski and Taylor-Burks

No: Williams, Carter and Miller

Motion Carried.

20-437 **Motion to come out of Closed Session.** Moved by Councilperson Waterman and second by Councilperson Shramski.

Ayes: Williams, Shramski, Taylor-Burks and Waterman

No: None

Motion Carried

Carter, Miller and Pietila was absent during the vote

Council President Pro-Tem Randy Carter left the meeting

Councilwoman Gloria Miller left the meeting

20-438 **Suspend the rules to vote.** Moved by Councilperson Taylor-Burks and second by Councilperson Waterman.

Ayes: Shramski, Taylor-Burks, Waterman and Williams

No: None

Motion Carried

Pietila was absent during the vote

Resolution

City Clerk

20-439 **Resolution to authorize the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase account 101-000-532.000 in the amount of \$405,564.00. The City has received a \$405,564.00 grant from the Center for Tech and Civic Life to support the Pontiac Safe Voting Plan.** Moved by Councilperson Waterman and second by Councilperson Taylor-Burks.

Whereas, the City of Pontiac timely approved the 2020-2021 budget on June 30, 2020 and;

Whereas, the City has received a grant from the Center for Tech and Civic Life, and;

Whereas, the Interim City Clerk is proposing to the City Council to increase the budgeted revenue for the current fiscal year 2020-2021 in the amount of \$405,564.00 for grant income, and increase the appropriations in the amount of \$405,564.00, representing reimbursed grant expenditures and;

Whereas, the increased appropriations will not cause the fund balance in the General Fund to go below the policy mandated thresholds and;

Whereas, the Interim City Clerk is proposing to the City Council to establish account 101-191-818.013 Election Grant Expenditures and allocate \$405,564.00 to account 101-191-818.013.

NOW THEREFORE be resolved that the City Council hereby authorizes the Interim City Clerk to publish a notice in a newspaper of general circulation at least one week before consideration of the proposed budget amendment to increase budgeted revenues in the amount of \$405,564.00 to the General Fund in account 101-000-532.000 –Grant Income, and appropriations in the amount of \$405,564.00 to the following General Fund account:

101-191-818.013 Election Grant Expenditures \$405,564.00

Ayes: Shramski, Taylor-Burks, Waterman and Williams

No: None

Resolution Passed

Pietila was absent during the vote

Council President Kermit Williams left the meeting

20-440 **Suspend the rules to vote.** Moved by Councilperson Shramski and second by Councilperson Taylor-Burks.

Ayes: Pietila, Shramski, Taylor-Burks and Waterman

No: None

Motion Carried

Resolution

Planning

20-441 **Resolution to approve Zoning Map Amendment request [ZMA 19-11] for parcel 64-14-18-351-012 to amend the current zoning C-4 Suburban Commercial to M-1 Light Manufacturing zoning district.** Moved by Councilperson Pietila and second by Councilperson Waterman.

Whereas, the City has received an application for a Zoning Map Amendment for 585 W. Kennett Road, identified as PIN 64-14-18-351-012 from Yohanas Bolds for the rezoning of the aforementioned parcel; and

Whereas, the Planning Division has reviewed the applicant’s rezoning request in regards to the City’s Master Plan and the request conforms to the goals and vision contained within the plan; and

Whereas, the Planning Division reviewed the requirements set forth by Section 6.804 of the Zoning Ordinance, the Planning Division has determined the aforementioned request and proposed intended use of the property complies with the City of Pontiac Zoning Ordinance; and

Whereas, in accordance with the procedures outlined in the Zoning Ordinance, Sections 6.802 as it relates to Zoning Map Amendments, the request has undergone the required: technical review, Public Hearing and Planning Commission Recommendation; and

Whereas, on September 2, 2020 a Public Hearing was held, and in consideration of public opinion, the Planning Commission recommends City Council approve the Zoning Map Amendment request for 585 W. Kennett Road, approving the change from the current C-4 Suburban Commercial zoning district to M-1 Light Manufacturing zoning district; and

Now Therefore, Be It Resolved, that the City Council for the City of Pontiac approve the Planning Commission recommendation for the Zoning Map Amendment [ZMA 19-11] request for 585 W. Kennett

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Road, also known as Parcel No. 64-14-18-351-012 to amend the current site zoning from C-4 Suburban Commercial to M-1 Light Manufacturing zoning district.

Ayes: Shramski, Taylor-Burks, Waterman and Pietila

No: None

Resolution Passed.

Adjournment

Council President Pro-Tem Randy Carter adjourned the meeting at 8:48 p.m.

GARLAND S DOYLE
INTERIM CITY CLERK