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CITY OF CLIO
Regular Commission Meeting
Tuesday, September 4, 2018
6:00 p.m.

1. CALL TO ORDER/ROLL CALL

The Clio City Commission meeting was called to order by Mayor Bare at 6:00 p.m.

ROLL CALL:

Commission Members Present:

Commissioner Duane Mosher
Commissioner David Fejedelem
Commissioner Reuben Garcia
Commissioner Robert Smith
Commissioner DJ Williams
Mayor Bonnie Bare

Staff Present:

City Administrator, Eric Wiederhold
City Clerk, Linda Kingston
Police Chief, Rick Witham
City Treasurer, Donald Dowell
DPS Superintendent, Arnold Brown
City Attorney, Otis Stout
Rowe Engineer, Dean Oparka

ABSENT: Mayor Pro Tem Vance

2. A. Public Comment

3. Approval of Agenda

Motion by Commissioner Smith, second by Commissioner Garcia to approve the agenda as presented

Voice Vote

Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare

Voting No: None

Absent: Vance

Motion Carried

4. Approval of Minutes

Motion by Commissioner Mosher, second by Commissioner Smith to approve the August 20, 2018 regular Commission meeting minutes, correcting John Daly's last name and address in public comments.

Voice Vote

Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare

Voting No: None

Absent: Vance

Motion Carried

5. Approval of Bills

a. Motion by Commissioner Mosher, second by Commissioner Garcia to approve the bills in the amount of \$133,398.78

Roll Call

Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare

Voting No: None

1 **Absent: Vance**

2 **Motion Carried**

3
4 **6. Unfinished Business**

5 **A. Engineering proposal – City Park Trailhead**

6 The Commissioners would like to meet with the Engineers of the submitted proposals to review
7 the specifications and have clarification on scope of work. City Administrator, Eric Wiederhold
8 will coordinate with the engineers. Mayor Bonnie Bare, Commissioner Robert Smith, and
9 alternate Commissioner Duane Mosher, will be made aware of proposed date via email
10 correspondence.

11
12 **7. New Business**

13 **A. Resolution 18-35 reappointment to DDA – Linda Vance**

14 **Motion by Commissioner Mosher, second by Commissioner Garcia** to approve Resolution 18-
15 35 reappointment to DDA – Linda Vance

16 **Voice Vote**

17 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

18 **Voting No: None**

19 **Absent: Vance**

20 **Motion Carried**

21
22 **B. Resolution 18-36 reappointment to Planning Commission – Doug Vance**

23 **Motion by Commissioner Garcia, second by Commissioner Williams** to approve Resolution
24 18-36 reappointment to Planning Commission – Doug Vance

25 **Voice Vote**

26 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

27 **Voting No: None**

28 **Absent: Vance**

29 **Motion Carried**

30
31 **C. Resolution 18-37 reappointment to Planning Commission – Sharon “Bonnie” Fureigh**

32 **Motion by Commissioner Mosher, second by Commissioner Fejedelem** to approve Resolution
33 18-37 reappointment to Planning Commission – Sharon “Bonnie” Fureigh

34 **Voice Vote**

35 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

36 **Voting No: None**

37 **Absent: Vance**

38 **Motion Carried**

39
40 **D. Resolution 18-38 reappointment to Amphitheater Board – Doug Vance**

41 **Motion by Commissioner Garcia, second by Commissioner Smith** to approve Resolution 18-
42 38 reappointment to Amphitheater Board – Doug Vance

43 **Voice Vote**

44 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

45 **Voting No: None**

46 **Absent: Vance**

47 **Motion Carried**

48 **E. Resolution 18-39 reappointment to Amphitheater Board – Gary Langdon**

1 **Motion by Commissioner Smith, second by Commissioner Williams** to approve Resolution 18-
2 39 reappointment to Amphitheater Board – Gary Langdon

3 **Voice Vote**

4 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

5 **Voting No: None**

6 **Absent: Vance**

7 **Motion Carried**

8
9 **F. Resolution 18-40 reappointment to Zoning Board of Appeals – Carl Thompson**

10 **Motion by Commissioner Mosher, second by Commissioner Garcia** to approve Resolution 18-
11 40 reappointment to Zoning Board of Appeals – Carl Thompson

12 **Voice Vote**

13 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

14 **Voting No: None**

15 **Absent: Vance**

16 **Motion Carried**

17
18 **G. Resolution 18-41 reappointment to Board of Review – Marie Thompson**

19 **Motion by Commissioner Mosher, second by Commissioner Williams** to approve Resolution
20 18-41 reappointment to Board of Review – Marie Thompson

21 **Voice Vote**

22 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

23 **Voting No: None**

24 **Absent: Vance**

25 **Motion Carried**

26
27 **H. 233 Campbell Street realtor agreement sale price of \$34,000**

28 **Motion by Commissioner Fejedelem, second by Commissioner Mosher** to approve the 233
29 Campbell Street realtor agreement sale price of \$34,000

30 **Voice Vote**

31 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

32 **Voting No: None**

33 **Absent: Vance**

34 **Motion Carried**

35
36 **I. Taser discussion**

37 Police Chief, Rick Witham made a presentation and request to purchase two X26 Tasers for the
38 City's Police Department. This has been part of his 5-year plan. The Commission will give their
39 careful consideration after reading and researching the pros and cons of the use of Tasers by the
40 Police Department.

41 City Administrator, Eric Wiederhold told the Commissioners that this is a subject that they should
42 examine cautiously and take the time to educate themselves before deciding.

43 Wiederhold did include a taser policy from the International City/ County Management

44 Association website, "Article 4 General Police Procedures, Section 32. Policy and Procedures for
45 the Taser®." This was presented as a comparative sample model to use in contrast for the policy
46 presented by Chief Rick Witham. The purpose for a policy is to establish guidelines for the use of
47 a Taser. The policy is to use the Taser as a Less than Lethal Force to subdue a suspect or persons
48 that are combative, may hurt themselves, or others. The Taser is an Electro-Muscular Disruption
49 weapon that falls into the category of Less than Lethal force. It transmits an electrical pulse that

1 causes an uncontrollable contraction of muscle tissue, which in turn, causes temporary
2 incapacitation to a person. It shall be a policy to employ only the minimum of necessary force to
3 overcome the resistance offered in order to affect a lawful arrest and/or accomplish its duty of
4 protecting the public. All officers would require training and certification every two years. Chief
5 Witham would work locally for training, rather than sending the officers to Georgia.

6 The City's insurance provider, the Michigan Municipal League (MML) Pool and Fund, "neither
7 endorse nor recommend any particular weapon," but it is Law Enforcement Action Forum's
8 (LEAF) belief that "the taser is a legitimate police weapon."

9 Nevertheless, LEAF Members are monitoring the technology of the weapon and its impact on the
10 human body. Some have obtained the weapon and their officers have it available to them on
11 patrol. Other Members are still analyzing the need for the weapon and its practical use in their
12 policing environment. At this point, the only consensus about tasers within LEAF is that the
13 decision to add the weapon to a department's arsenal is an individual choice of the governing
14 entity they serve.

15 LEAF reaffirmed this position in 2007 explaining, "Although the MML does not recommend
16 specific weapons and leaves the decision to adopt any weapon to the individual municipal entity,
17 LEAF and the MML's Risk Management Services believe that the Taser is a legitimate police
18 weapon." However, LEAF also presented a number of approaches that law enforcement ought to
19 take to successfully implement Tasers, as follows:

- 20 ➤ They present the reason for buying Tasers logically and appropriately.
- 21 ➤ They do not adopt Tasers without having a policy in place.
- 22 ➤ They train officers in the use of force, including the department's expectations for its use.
- 23 ➤ They hold officers accountable for using the Taser and for reporting each first,
- 24 ➤ They evaluate Taser use in incidents to see if officers are meeting department policy.
- 25 ➤ They report the use of Tasers to the public to reinforce the purpose and need for the
26 weapon.
- 27 ➤ They update their training to make officers aware when multiple exposures are
28 inappropriate.

30 8. Staff Reports

31 **City Administrator** – Wiederhold reported that the asbestos inspection has been completed. The
32 Watermain project will begin again on S. Mill Street.

33 **City Attorney** – Stout reiterated that September 14th is the City's next court date. Stout gave the
34 angry hand-written letter, received from Clyde Bryant to Chief and City Administrator.

35 **City Treasurer**- would like a taser for his department. Dowell is a proud grandfather a new
36 redheaded grandson named, Hank.

37 **Chief of Police** – Chief Rick Witham reported that Homecoming Parade is October 5, 2018. He
38 has the event application ready and will be submitted for approval at the next Commission
39 meeting. The Department had a smooth first day of school, no issues. New software will be
40 needed as reporting will be converting to electronic records.

41 **City Engineer**- Dean Oparka had no report.

42 **DPS Superintendent**- Brown reported that the Rogers Lodge floor look great. They did a good
43 job applying many layers of wax-finish.

44 **Clerk** – Kingston reported that she is busy preparing for the General November 6th Election as
45 well as preparing for the auditors, that are scheduled to arrive the last week of September.
46 Additionally, Kingston reported that she has responded to the Michigan statewide FOIA request
47 asking for an extension, and will respond by September 11th inviting this group in to inspect
48 ballots.

1 **9. Commissioner comments/Committee reports**

2 **Commissioner Fejedelem-** recognized Commissioner Garcia for his new position as Chamber
3 President, he will serve them well. Fejedelem appreciates Chief's Laser presentation.

4 **Commissioner Mosher** – the Messiah church property has a garage sale sign on their property,
5 which may invite drivers to pass through their driveway. Restrooms are an important project and
6 he is glad that they are taking time to inspect the scope of project proposals. Also, thanked those
7 that served on the Vacant Property Ordinance, it was a long meeting but productive. Judge
8 Goggin's should be happy with the proposed changes.

9 **Commissioner Smith** –reported that the 7th Amphitheater show lost money. Overall, the
10 Amphitheater is still in a better place, financially.

11 **Mayor Pro Tem Vance** – absent

12 **Commissioner Garcia** – accepted a new position as the Clio Area Chamber of Commerce
13 President. Garcia reported that the Clio Area Chamber of Commerce will be hosting a Grand
14 Opening for the Alkay Public Airport, Saturday, September 15, 2018 from 7:00 am to 1:00 pm.
15 Free Admission for all.

16 **Commissioner Williams** – reported that the traffic on Center Street is crazy fast, asked Chief to
17 monitor for a while. Additionally, Williams checked on the progress of fire hydrants being
18 bagged while not in service for the fire fighter's identification, as well as reflectors. Williams
19 finds the letter from Clyde Bryant disturbing. He referenced the ALICE training and signals to
20 watch and be aware of.

21 **Mayor Bare** – attended the Vacant & Abandoned Property Ordinance committee meeting,
22 August 29, 2018 at 5:30 pm. City Hall and will be busy next week attending many meetings, in
23 addition to the Charter Review Committee meeting September 19th at 6:00 pm.
24

25 **10. Excuse Absent Members –Mayor Pro Tem Vance**

26 **Motion by Commissioner Mosher, second by Commissioner Fejedelem** to excuse Mayor Pro
27 Tem Vance from the September 4, 2018 Commission meeting

28 **Voice Vote**

29 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Smith, Bare**

30 **Voting No: None**

31 **Absent: Vance**

32 **Motion Carried**
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35 **11. Mayor Bare adjourned the meeting at 7:13 p.m.**
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41 _____
Bonnie Bare, Mayor

_____ Date

_____ Linda Kingston, Clerk

_____ Date