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CITY OF CLIO
Regular Commission Meeting
Monday, October 1, 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 DJ Williams
Mayor Pro Tem Vance
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: Commissioner Robert Smith

2. A. Public Comment

1) **Susan Boyse-120 Butler, Clio** – informed the Commissioners that a Historical Downtown plaque was designed and made for 127 W. Vienna Street identifying the building served as the first Clio Post Office in 1860 Circa.

2) **Eric Rutan, 2562 Nolan Rd., Flint** – requested from the Commissioners that he be placed on the next City Commission agenda, October 15, 2018 to make his appeal heard regarding his 701 N. Mill Street property. Mr. Rutan received Vacant and Abandoned Property code violations that were dismissed voluntarily by the city.

3. Approval of Agenda

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

Voice Vote

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

Voting No: None

Absent: Smith

Motion Carried

4. Approval of Minutes

Motion by Commissioner Mosher, second by Commissioner Fejedelem to approve the September 17, 2018 regular Commission meeting minutes

Voice Vote

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

Voting No: None

Absent: Smith

Motion Carried

1 **5. Approval of Bills**

2 **a. Motion by Commissioner Mosher, second by Commissioner Fejedelem** to approve the bills
3 in the amount of **\$278,192.51**

4 **Roll Call**

5 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Vance, Bare**

6 **Voting No: None**

7 **Absent: Smith**

8 **Motion Carried**

9
10 **6. Unfinished Business - None**

11
12 **7. New Business**

13 **A. Emterra 5 yr. contract extension**

14 Mayor Bare requested that this be tabled and taken up at the next Regular Commission meeting,
15 October 15, 2018 to consider the Emterra 5 yr. contract extension. The Emterra Representative, Dan
16 Garman was unable to attend this meeting to present.

17
18 **B. Resolution 18-45 Halloween Trick-or-Treat hours – October 31, 2018 5-8pm**

19 **Motion by Mayor Pro Tem Vance, second by Commissioner Garcia** to approve Resolution 18-
20 45 Halloween Trick-or-Treat hours – October 31, 2018 5-8pm

21 **Voice Vote**

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

23 **Voting No: None**

24 **Absent: Smith**

25 **Motion Carried**

26
27 **C. Special Event application – Veterans Day Parade – November 12, 2018**

28 **Motion by Commissioner Mosher, second by Commissioner Garcia** to approve the Special
29 Event application – Veterans Day Parade – November 12, 2018

30 **Voice Vote**

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

32 **Voting No: None**

33 **Absent: Smith**

34 **Motion Carried**

35
36 **D. Water Reliability Study update proposal**

37 **Motion by Commissioner Mosher, second by Commissioner Smith** to approve the Water
38 Reliability Study update proposal

39 **Roll Call**

40 **Voting Yes: Mosher, Fejedelem, Garcia, Williams, Vance, Bare**

41 **Voting No: None**

42 **Absent: Smith**

43 **Motion Carried**

44
45 **E. Charter Review Committee update**

46 Attorney Stout reported that two, out of the four original 2012 Charter amendments were pre-
47 approved by the Attorney Generals office. The City Commission approved Resolution 12-16 to
48 place four amendments to the City Charter on the ballot for November 6, 2012 Election.

49 **The proposed 2012 amendments were reviewed by the committee:**

1 **ATTACHMENT A**

2 **If passed, the Charter provisions below would be deleted from the Charter of the City of Clio**

3
4 **SECTION 4.10 JUSTICE OF THE PEACE.**

5
6 The powers and duties of the judicial division of the city government shall be vested in two
7 Justices of the Peace unless more may be authorized by state statutes. Said Justice of the Peace shall
8 hold office for a term of four (4) years from the Fourth (4th) of July next following the city election at
9 the regular city election next preceding the expiration of the term of office of the incumbent Justice of
10 the Peace. The bond of the Justice of Peace shall be that required of Justices of the Peace in
11 townships.

12
13 The Justices of the Peace shall possess the same qualifications as are prescribed in this charter for
14 elective officials.

15
16 Except as otherwise provided in this charter, said Justices of the Peace shall have and exercise the
17 same jurisdiction and power in all civil and criminal matters, causes, suits, and proceedings, and shall
18 perform the same duties in all respects so far as occasion may require, and shall be conferred upon or
19 required of Justices of the Peace under the general laws of the state.

20
21 Such Justices of the Peace shall also have:

22
23 (a) Authority to hear, try and determine all suits and prosecutions for the recovery and enforcing
24 of fines, penalties, and forfeitures imposed by this charter, and the ordinances of the City, and to
25 punish offenders for the violation of such charter and ordinances, as, in such charter and ordinances, is
26 prescribed and directed;

27
28 (b) Original jurisdiction to the amount of one hundred dollars (\$100) in all civil matters ex
29 contractu and ex delicto and concurrent jurisdiction in all civil matters wherein the debt or damages do
30 not exceed five hundred dollars (\$500), with such exceptions and restrictions as are or may be
31 provided by state law.

32
33 (c) Such additional powers and authorities as may be conferred upon city justices of the peace by
34 state law, it being the intent of this section that the Justices of the Peace of the City of Clio shall have
35 and exercise all powers and authority which such justices in cities may now or hereafter be permitted
36 to exercise under state law, under this charter, or ordinances of the city.

37
38 The only compensation of such Justices of the Peace shall be the usual fees of that office, as
39 provided by the general laws of the state and the ordinances of the city.

40
41 The Justices of the Peace shall make an itemized monthly report to the Commission of all the fees
42 collected in all proceedings before his court; and shall pay into the city treasurer at the time of filing
43 such reports all moneys belonging to the city which shall have been received for or on account of
44 violations of any provisions of this charter or the ordinances of the city during the period covered by
45 such report. Any Justice failing to make such report within thirty (30) days following the end of the
46 month covered in such report shall forfeit his office, and the Commission shall appoint a Justice to fill
47 the vacancy until the next regular city election.

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ATTACHMENT A
(continued)

Editor's note:

State legislation concerning the Justice of the Peace (M.C.L.A. §§ 600.6601 et seq.) has been repealed, and charter provisions concerning the Justice of the Peace have been superseded by state legislation establishing district courts (M.C.L.A. §§ 600.81.01 et seq.)

SECTION 4.13 BOND OF JUSTICE OF THE PEACE.

Each Justice of the Peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, conditioned for the faithful performance of the duties of the Justice of the Peace within and for the city, and the cost thereof shall be paid to the City.

SECTION 4.15 VACANCY IN THE OFFICE OF JUSTICE OF THE PEACE.

Whenever a vacancy shall occur in the office of the Justice of the Peace by reason of death, resignation, removal, or otherwise, except by reason of recall, the Commission shall fill such vacancy until the next regular city election. At such election such vacancy shall be filled for any balance of the unexpired original term.

And the following section,

SECTION 4.14 POLICE OFFICERS.

All police officers of the City of Clio shall have like powers and authority in matters of civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. Such police officers shall have power also to serve all processes issued for breaches of ordinances of the city. The only compensation of officers of the police force for serving processes issued by the Justice of the Peace of the City of Clio shall be the same as those allowed the constables by state law. Provided, however, that the Chief of Police shall not be entitled to any compensation for the service of process. The cost of the bond of any police officer shall be paid by the city.

Shall be amended to:

SECTION 4.14 POLICE OFFICERS.

All police officers of the City of Clio shall have like powers and authority in matters of civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. Such police officers shall have power also to serve all processes issued for breaches of ordinances of the city. The only compensation of officers of the police force for serving processes issued *by municipal, district or circuit courts with jurisdiction* shall be the same as those allowed the constables by state law. Provided, however, that the Chief of Police shall not be entitled to any compensation for the service of process. The cost of the bond of any police officer shall be paid by the city.

1 **ATTACHMENT A**
2 **(continued)**

3 **And the following section,**

4
5 **SECTION 8.11 INTERPRETATIONS.**

6
7 Except as otherwise specifically provided or indicated by the context:

8
9 (6) The word “office” shall include the members of the Commission, the administrative officers
10 and the Justices of the Peace;

11
12 **Shall be amended to:**

13
14 **SECTION 8.11 INTERPRETATIONS.**

15
16 Except as otherwise specifically provided or indicated by the context:

17
18 (6) The word “office” shall include the members of the Commission and the administrative
19 officers;

20
21 **ATTACHMENT B**

22
23 **Ballot Proposal #4**

24
25 4. Delete Sections 4.16, 4.17, 4.18, and 4.19. The provisions of these sections have been superseded
26 by the provisions of M.C.L.A. 46.401 et seq.

27
28 **If passed, the Charter provisions below would be deleted from the Charter of the City of Clio**

29
30 **SECTION 4.16 CITY REPRESENTATIVES ON BOARD OF SUPERVISORS; NUMBER OF**
31 **SUPERVISORS.**

32
33 The city shall have the maximum number of representatives of the County Board of Supervisors
34 to which it is entitled by law.

35 ***Editor’s note:***

36 *The provisions of this section have been superseded by the provisions of M.C.L.A. §§ 46.401 et*
37 *seq.*

38
39 **SECTION 4.17 SELECTION OF SUPERVISORS.**

40
41 The representatives of the city on the Board of Supervisors shall be appointed by the Commission
42 for an indefinite period and may be removed at the will of the Commission. Such representatives
43 shall meet all requirements of Section 3.1 at the time of their appointment and may hold other elective
44 or appointive city office or employment. In case any representative of the city on the Board of
45 Supervisors shall be unable to perform the duties of his office for any reason, the Commission may
46 appoint another qualified person to serve temporarily in his stead.

47 ***Editor’s note:***

48 *The provisions of this section have been superseded by the provisions of M.C.L.A. §§ 46.401 et*
49 *seq.*

1 **SECTION 4.18 DUTIES OF SUPERVISORS.**

2
3 Except as otherwise provided in this charter, the representatives of the city on the Board of
4 Supervisors shall perform the statutory duties of Supervisors. In the performance of his duties each
5 supervisor shall represent the city, its inhabitants and its government to the best of his ability.

6 **Editor’s note:**

7 *The provisions of this section have been superseded by the provisions of M.C.L.A. §§ 46.401 et*
8 *seq.*

9
10 **SECTION 4.19 COMPENSATION OF SUPERVISORS.**

11
12 Representatives of the city on the Board of Supervisors shall be entitled to retain any
13 compensation and expense allowance paid to them by the county as members of the Board of
14 Supervisors, but shall receive no extra compensation from the city for their work as Supervisors.

15 **Editor’s note:**

16 *The provisions of this section have been superseded by the provisions of M.C.L.A. §§ 46.401 et*
17 *seq.*

18
19 **8. Staff Reports**

20 **City Administrator** – Wiederhold reported that 701 N. Mill Street right to appeal discussion
21 regarding the Vacant and Abandoned Property Ordinance code violations was given to the
22 property owners on the initial inspection, and they opted to refused entry of premises.
23 There was a BCN (Blue Care Network) rebate given to the City and the Employees. The
24 Affordable Care Act, health reform law requires BCN a Medical Loss Ratio standard, or the 80/20
25 rule. Wiederhold reported on the city property, 127 W. Vienna asbestos abatement cost estimate
26 at \$25,000.00. Unfortunately, the historical plaque will not be able to be posted on the building.

27 **City Attorney** – Stout agreed with Eric regarding 127 W. Vienna Street. Stout also reported that
28 the 233 Campbell Street realtors were having issues finding a title company to title insurance for a
29 covenant title.

30 **City Treasurer-** no report

31 **Chief of Police** – Chief Rick Witham reported that he has received the tasers in his office and will
32 begin certified training. The department is prepared for Homecoming parade October 6, 2018.
33 The Department still having difficulties hiring experienced part time officers. Halloween is all set
34 with extra patrol and volunteers.

35 **City Engineer-** working on completing pavement repairs. The street asphalt restoration will
36 begin soon.

37 **DPS Superintendent-** no report.

38 **Clerk** – Kingston reported that she will hopefully receive the State General Election ballots
39 tomorrow or Wednesday. Preliminary testing must be completed before sending out Absentee
40 ballots.

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

42 **Commissioner Fejedelem-** no report

43 **Commissioner Mosher** – the new garbage contract 5-year extension is a no-brainer. No
44 disrespect to Commissioner Williams, but he must be fiscally responsible to the taxpayers.
45 Mosher attended Water & Waste and reported that communities are going through the Gold
46 Shovel certification process. An educational awareness for Miss Dig and other infrastructure
47 projects. Additionally, he reported on a new law that has passed both the House and Senate that
48 holds the local municipal government responsible for replacing the service line connection from
49 the water main connection to the property owner’s house if it is lead or copper. This would cost

1 the government billions of dollars to repair and replace on private property. Mosher requested
2 that the City Commission draft a resolution letter and forward to the Supreme Court opposing this
3 Public Act. Mosher also attended the Metro Alliance meeting where they talked about roads.
4 There is no reimbursement from the county, nor federal monies to pay for minor road repairs or
5 subdivision resurface projects.

6 **Commissioner Smith** – absent

7 **Mayor Pro Tem Vance** –reported that the September 27th Candlelite Nite meeting had great
8 attendance. The next meeting is scheduled for Thursday, October 25th at the Masonic. Candlelite
9 Nite event will take place December 7, 2018

10 **Commissioner Garcia** – no report

11 **Commissioner Williams** – Clio Fire Department Public Safety Day and Open House is taking
12 place on Saturday, October 13, 2018, from 10:00 -2:00 p.m. at Station #1. They will host tours of
13 the station, emergency vehicles on display, free smoke detectors, smoke house, bicycle giveaway,
14 reflective address signs, and fire prevention handouts.

15 **Mayor Bare** – Parks & Rec will be hosting a Zombie walk October 27, 2018. Walmart has
16 donated \$200 for cider, cups and candy.

17
18 **10. Excuse Absent Members – Commissioner Smith**

19 **Motion by Commissioner Williams, second by Mayor Pro Tem Vance** to excuse
20 Commissioner Smith from the October 1, 2018 Commission meeting

21 **Voice Vote**

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

23 **Voting No: None**

24 **Absent: Smith**

25 **Motion Carried**

26
27 **11. Mayor Bare adjourned the meeting at 7:05 p.m.**

28
29
30
31
32 _____
Bonnie Bare, Mayor

Date

Linda Kingston, Clerk

Date