

# City of Flint, Michigan

Third Floor, City Hall  
1101 S. Saginaw Street  
Flint, Michigan 48502  
[www.cityofflint.com](http://www.cityofflint.com)



## Meeting Agenda - Final

Wednesday, May 5, 2021

5:00 PM

*Agenda amended to add Ordinance No. 210214*

**ELECTRONIC PUBLIC MEETING**

### **LEGISLATIVE COMMITTEE**

*Maurice D. Davis, Chairperson, Ward 2*  
*Santino Guerra, Vice Chairperson, Ward 3*

*Eric Mays, Ward 1*  
*Jerri Winfrey-Carter, Ward 5*  
*Monica Galloway, Ward 7*

*Kate Fields, Ward 4*  
*Herbert J. Carter, Ward 6*  
*Allan Griggs, Ward 8*

*Eva Worthing, Ward 9*

*Inez M. Brown, City Clerk*

*Davina Donahue, Deputy City Clerk*

**SPECIAL PUBLIC NOTICE -- ELECTRONIC PUBLIC MEETING****PUBLIC NOTICE  
FLINT CITY COUNCIL ELECTRONIC PUBLIC MEETING**

On Friday, October 5, 2020, the Michigan Supreme Court (MSC) issued an order declaring that the Emergency Powers of Governor (EPG) Act as an unconstitutional delegation of legislative authority, which was the primary authority relied on by Governor Whitmer for her COVID-19 related executive orders. Subsequently, Governor Whitmer requested that the MSC clarify that their order does not go into effect until October 30, 2020. On Monday October 12, 2020, the Michigan Supreme Court rejected Governor Whitmer's request to delay the effect of its decision to strike down the EPG. On, Tuesday, October 13, 2020, Senate Bill 1108 passed, amending the Open Meetings Act to allow municipalities to hold electronic meetings. On Friday, October 16, 2020, Governor Whitmer signed into law Senate Bill 1108 amending the Open Meetings Act. Subsequently, on December 22, 2020 Public Act 267 of 1976 was amended through Senate Bill 1246 extending the electronic meetings with no reason through March 31, 2021. The act also allows that after March 31, 2021 electronic meetings may be held if a local state of emergency was declared. On March 23, 2020, the Flint City Council extended Mayor Neeley's declaration of emergency indefinitely due to the COVID-19 pandemic. Therefore, this meeting will be held electronically. Pursuant to Act 267 of the Public Acts of 1976 Open Meetings Act as amended and Flint City Charter Section 3-202, notice is hereby given that the Flint City Council hereby calls for a Regular Meeting of the Flint City Council scheduled to be held as follows:

**Flint City Council Committee Meetings  
(Finance, Governmental Operations, Legislative & Grants)  
Wednesday, May 5, 2021, at 5 p.m.**

The public and media may listen to the meeting online by live stream at <https://www.youtube.com/channel/UCp2cWTuocUM3awU4xXWzwaw> or through Start Meeting by dialing (617) 944-8177.

1. In order to speak during the PUBLIC SPEAKING PERIOD of each meeting by telephone, participants will also call (617) 944-8177:

- a. All callers will be queued and muted until the Public Speaking portion of each agenda;
- b. Public speakers will be unmuted in order and asked if they wish to address the City Council ON ANY SUBJECT;
- c. Public speakers should state and spell their name for the record and will be allowed two (2) minutes for public speaking during each meeting;
- d. The speaker will be returned to mute after the 2 minutes have expired;
- e. After the telephonic public speakers for the last committee meeting are completed, emailed public comments will be read by the City Clerk. All emailed public comments will be timed for 2 minutes;
- f. Per Rules Governing Meetings of the Council (Rule 7.1 VII), there will only be one speaking opportunity per speaker per meeting. Consequently, public participants who call in and speak during the public speaking period of the meetings WILL NOT have written comments as submitted read by the City Clerk.

2. The public may send public comments by email to

[CouncilPublicComment@cityofflint.com](mailto:CouncilPublicComment@cityofflint.com) no later than 10 minutes prior to the meeting start time of 5 p.m.

3. Persons with disabilities may participate in the meeting by the above-mentioned means or by emailing a request for an accommodation to [CouncilPublicComment@cityofflint.com](mailto:CouncilPublicComment@cityofflint.com), with the subject line Request for Accommodation, or by contacting the City Clerk at (810) 766-7418 to request accommodation - including but not limited to interpreters.

If there are any questions concerning this notice, please direct them to City Council office at (810) 766-7418.

## ROLL CALL

## MEMBER REMOTE ANNOUNCEMENT

*Pursuant to the newly revised Open Meetings Act, each Council member shall state that they are attending the meeting remotely and shall state where he or she is physically located (county or city and state).*

## MEMBER CONTACT INFORMATION

*Eric Mays - (810) 922-4860; Maurice Davis - mdavis@cityofflint.com; Santino Guerra - sguerra@cityofflint.com; Kate Fields - kfields@cityofflint.com; Jerri Winfrey-Carter - jwinfrey-carter@cityofflint.com; Herbert Winfrey - (810) 691-7463; Monica Galloway - mgalloway@cityofflint.com; Allan Griggs - agriggs@cityofflint.com; Eva Worthing - eworthing@cityofflint.com.*

## PROCEDURES ON CONDUCTING ELECTRONIC MEETINGS

*All boards and commissions must adhere to all laws established under the Michigan Compiled Laws and in accordance with the revisions to the Open Meetings Act adopted in Senate Bill 1108, as passed on October 13, 2020, and signed into law on October 16, 2020.*

## READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

## PUBLIC SPEAKING

## COUNCIL RESPONSE

## SPECIAL ORDERS

## ORDINANCES

**210214** Amendment/Ordinance/Chapter 28 (Motor Vehicles & Traffic)/Article II (Operation of Vehicles)/Addition of Sections 28-65 (a) - (d), Section 28-65.1 and Section 28-65.2 (Drag Racing)

An ordinance to amend Chapter 28 (Motor Vehicles and Traffic), Article II (Operation of Vehicles) of the Code of the City of Flint by adding Sections 28-65 (a) - (d), Section 28-65.1 and Section 28-65.2 (Drag Racing).

## DISCUSSION ITEMS

**210206** Referral/Ordinances/Littering

Referral as requested by Councilperson Fields to ATTORNEY: re, what ordinances are on the books to deal with littering. [Referral Action Date: 4/14/2021 @ City Council Electronic Public Meeting.]

**210209** Discussion Item/Combining Lots

A Discussion Item as requested by Councilperson Winfrey-Carter to discuss combining lots, specifically for Peggy Brisbane-Noblitt. [Referral Action Date: 4/22/2021 @ City Council Legislative Committee Electronic Public Meeting.]

## **OUTSTANDING DISCUSSION ITEMS**

**200500** Council Review/Rules Governing Meetings of the Council (RGMC)

Per the "Rules Governing Meetings of the Council", the Flint City Council shall review the "Rules Governing Meetings of the Council" (RGMC). [NOTE: RGMC Rule No. 33.1 states that, "Every December, the City Council shall place an item on the Special Affairs Committee agenda for review of these rules." Because Special Affairs meetings are suspended indefinitely due to health concerns, it has been added to this agenda.] [NOTE: The "Rules Governing Meetings of the Council" were originally adopted by the City Council on May 10, 1976, with a 1st Amendment adopted May 24, 2010, a 2nd Amendment adopted on April 27, 2015, and a 3rd Amendment adopted June 12, 2017.]

**210119** Discussion Item/Blight Tickets

A Discussion Item as requested by Councilperson Fields to discuss the procedures after a ticket has been written for blight and whether the ordinances can be strengthened. [Referral Action Date: 2/22/2020 @ Electronic City Council Meeting.]

## **ADJOURNMENT**

210214

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES and TRAFFIC Article II. Operation of Vehicles.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 28-65. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, Motor Vehicles and Traffic, Article II BY THE ADDITION OF SECTION 28-65 (a) –(d), SECTION 28-65.1, AND SECTION 28-65.2 Drag Racing, which shall read in its entirety as follows:

§ 28-65 DRAG RACING.

(a) It shall be unlawful for any person to operate any vehicle upon any highway, or any other place open to the general public, including any area designated for the parking of motor vehicles, within this City, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as herein defined. SUCH AN ACTIVITY MAY ALSO BE CITED AS A PUBLIC NUISANCE.

(b) *DRAG RACING* means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other over a common selected course or where timing is involved or where timing devices are used in a competitive acceleration of speeds by participating vehicles. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of two or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common standing point to a speed in excess

of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful. THE USE OF A VEHICLE TO ENGAGE IN RACING UPON PUBLIC STREETS WITHOUT A PERMIT RESULTS NOT ONLY IN UNSAFE TRAFFIC CONDITIONS FOR OTHER VEHICLES, PLAYING CHILDREN, AND PEDESTRIANS, BUT ALSO ATTRACTS ROWDY, UNCIVIL, INTIMIDATING, AND CRIMINAL ACTIVITY TO THE VICINITY OF THE RACING, INCLUDING GAMBLING UPON THE OUTCOME OF THE RACES, WHICH ENGENDERS FEAR AND DISINVESTMENT AMONG NEIGHBORHOOD RESIDENTS AND PREVENTS THE FULL AND PEACEFUL ENJOYMENT OF THE USE OF THEIR PROPERTY, OR OTHERWISE IMPACTS NEGATIVITY ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.

(c) SUCH ACTIVITY MAY BE DECLARED TO BE A PUBLIC NUISANCE, WHICH JUSTIFIES TAKING FIRM ACTION TO ABATE THE PUBLIC NUISANCE, INCLUDING IMPOUNDMENT AND FORFEITURE OF THE PROPERTY.

(d) AS PROVIDED BY LAW, THE POLICE DEPARTMENT MAY PROVIDE FOR THE IMMEDIATE REMOVAL OF A VEHICLE FROM PUBLIC OR PRIVATE PROPERTY TO A PLACE OF SAFEKEEPING AT THE EXPENSE OF THE REGISTERED OWNER OF THE VEHICLE WHEN THERE IS REASONABLE CAUSE TO BELIEVE THAT THE VEHICLE WAS USED IN THE COMMISSION OF A CRIME INCLUDING, BUT NOT LIMITED TO, A VIOLATION OF THIS SECTION.

§ 28-65.1 DEFINITIONS

(A) *EXCESSIVELY HIGH RATES OF SPEED* MEANS ANY SPEED THAT IS 15 MPH OR MORE OVER THE SPEED LIMIT.

**(B) OWNER OF A VEHICLE INCLUDES A PERSON IN WHOSE NAME THE VEHICLE IS TITLED, AND ANY CHATTEL MORTGAGEE OR ASSIGNEE OR OTHER LIEN-HOLDER WHOSE LIEN HAS BEEN FILED IN THE OFFICE OF THE SECRETARY OF STATE OR THE OFFICE OF THE GENESEE COUNTY REGISTER OF DEEDS PRIOR TO THE COMMENCEMENT OF THE ACTION, AS WELL AS A PERSON WHO IS DEEMED BY LAW TO BE A CONSTRUCTIVE OWNER**

**(C) PERMIT MEANS WRITTEN AUTHORIZATION FROM A GOVERNMENT ENTITY AUTHORIZING A SPECIFIC ACTIVITY IN A DESIGNATED AREA, OR IN THE CASE OF A PRIVATE PAVED SURFACE, THEN WRITTEN AUTHORIZATION FROM THE OWNER AUTHORIZING THE SPECIFIC ACTIVITY IN A DESIGNATED AREA.**

**(D) PERSON INCLUDES ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR JOINT VENTURE OR COMBINATION ACTING AS A UNIT, AND THE PLURAL AS WELL AS THE SINGULAR NUMBER, AND INCLUDES ANY TRUSTEE, RECEIVER, ASSIGNEE, OR OTHER SIMILAR REPRESENTATIVE THEREOF.**

**(E) PUBLIC STREETS MEANS A STREET, FREEWAY, ALLEYWAY, PUBLIC PARKING LOT, OR ANY OTHER PAVED SURFACE, INCLUDING A PRIVATE PAVED SURFACE WHICH IS USED**

**WITHOUT THE OWNER'S PERMISSION, WHICH HAS NOT BEEN SPECIFICALLY DESIGNED FOR RACING VEHICLES.**

**(F) RACING MEANS TO (1) RACE A VEHICLE EITHER AGAINST ANOTHER VEHICLE OR AGAINST A TIME- OR SPEED-MEASURING DEVICE, WHETHER OR NOT THERE IS AN AGREEMENT TO RACE; OR (2) DRIVE A VEHICLE AT EXCESSIVELY HIGH RATES OF SPEED OR ACCELERATION OR IN ANOTHER RECKLESSLY DANGEROUS MANNER IN AN EXHIBITION OR CONTEST OF DRIVING PROWESS, SUCH AS DRIFTING, SLIDING, OR 'DONUTS ' (INVOLVING LOSS OF TRACTION AND/OR REPEATEDLY DRIVING THE VEHICLE IN CIRCLES OR FIGURE EIGHTS OR IN A SIDEWAYS MOTION IN CIRCLES OR FIGURE EIGHTS) THAT IS RECKLESSLY DANGEROUS AND COULD CAUSE SERIOUS INJURY OR DEATH AND/OR IS AN IMPEDIMENT TO TRAFFIC.**

**(G) RECKLESSLY MEANS CARELESSLY AND HEEDLESSLY OR WITHOUT DUE CAUTION AND CIRCUMSPECTION, IN WILLFUL AND WANTON DISREGARD OF THE RIGHTS OR SAFETY OF PERSONS OR PROPERTY, OR IN A MANNER SO AS TO ENDANGER OR BE LIKELY TO ENDANGER ANY PERSON OR PROPERTY.**

**(H) VEHICLE INCLUDES, BUT IS NOT LIMITED TO, EVERY DEVICE IN, UPON, OR BY WHICH ANY PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON**

**PUBLIC STREETS, INCLUDING SELF-PROPELLED DEVICES. VEHICLE DOES NOT INCLUDE DEVICES EXCLUSIVELY MOVED BY HUMAN POWER OR USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS OR POWER-DRIVEN MOBILITY DEVICE WHEN THAT POWER-DRIVEN MOBILITY DEVICE IS BEING USED BY AN INDIVIDUAL WITH A MOBILITY DISABILITY.**

- (1)* Violation of this section shall be a misdemeanor, punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the court, for each such offense.

**§ 28-65.2 NUISANCE PROHIBITED**

**(A) THE CHIEF LEGAL OFFICER MAY MAINTAIN AN ACTION FOR A NUISANCE ABATEMENT EQUITABLE RELIEF IN THE NAME OF THE CITY OF FLINT IN THE GENESEE COUNTY CIRCUIT COURT.**

**(B) UPON FINDING THAT A PUBLIC NUISANCE EXISTS, THE SEVENTH CIRCUIT COURT MAY RENDER JUDGMENT AND ENTER AN ORDER OF ABATEMENT.**

**(C) A VEHICLE WHICH HAS BEEN USED FOR RACING UPON THE PUBLIC STREETS, INCLUDING ITS CONTENTS OR ANY TRACTOR OR TRAILER USED TO TRANSPORT THE RACING VEHICLE TO AND FROM THE RACING SITE; OR ANY**

**TOOLS OR EQUIPMENT USED TO SERVICE, MAINTAIN OR REPAIR THE RACING VEHICLE; OR ANY PROCEEDS OF RACING MAY BE IMPOUNDED OR CONTINUE TO BE IMPOUNDED FOR A PERIOD OF UP TO ONE YEAR, ORDERED TO BE SOLD IN THE MANNER PROVIDED FOR THE SALE OF CHATTELS UNDER EXECUTION, OR FORFEITED TO THE SEIZING AGENCY.**

**(D) UPON THE SALE OF A RACING VEHICLE, OR ITS CONTENTS, OR A TRACTOR OR TRAILER USED TO TRANSPORT THE RACING VEHICLE TO OR FROM THE RACING SITE, OR ANY TOOLS OR EQUIPMENT USED TO SERVICE, MAINTAIN, OR REPAIR THE RACING VEHICLE, THE PROCEEDS SHALL BE DISPOSED OF IN THE FOLLOWING ORDER OF PRIORITY:**

**(1) TO PAY FOR THE COSTS OF KEEPING THE PROPERTY AND THE EXPENSES OF THE SALE.**

**(2) TO PAY ALL BONA FIDE SECURED INTERESTS AND LIENS ON THE PROPERTY, PROVIDED THAT THE SECURED PARTY OR LIEN-HOLDER HAD NO KNOWLEDGE OR NOTICE THAT THE PROPERTY WAS BEING USED TO MAINTAIN A PUBLIC NUISANCE.**

**(3) TO PAY FOR COURT COSTS AND TO REIMBURSE APPROPRIATE UNITS OF GOVERNMENT OR AN INSTITUTING NEIGHBORHOOD**

ORGANIZATION FOR THE COSTS OF ENFORCING AND PROSECUTING THE ACTION, INCLUDING ANY COSTS OF INCARCERATION NOT OTHERWISE REIMBURSED WHICH ARE GENERATED DUE TO A CONTEMPT CHARGE AGAINST THE OWNER OR AN AGENT OR EMPLOYEE OF THE OWNER ARISING FROM THE ABATEMENT ORDER.

(4) THE REMAINING BALANCE SHALL BE DEPOSITED IN THE CITY OF FLINT'S GENERAL FUND OR DISTRIBUTED AS ORDERED BY THE COURT.

(E) THE CITY OF FLINT SHALL SEEK FROM A PERSON SENTENCED TO JAIL FOR CONTEMPT, FULL REIMBURSEMENT FOR THE COSTS OF INCARCERATION, AND MAY PLACE A CLAIM WITH THE SEVENTH CIRCUIT COURT FOR A PORTION OF THE PROCEEDS OF ANY SALE OF ANY RACING VEHICLE OR ITS CONTENTS OR ALLIED EQUIPMENT OR TOOLS, WHICH IS SOLD UNDER THE SAME COURT ORDER OR FOR A PORTION OF THE PROCEEDS FROM THE RACING.

(F) THE PROVISIONS, SANCTIONS AND REMEDIES SET FORTH IN THIS CHAPTER ARE IN ADDITION TO THE SANCTIONS AND REMEDIES PROVIDED IN STATE AND OTHER MUNICIPAL LAW, AND ARE NOT INTENDED TO COMPRISE, SUBSTITUTE FOR OR PLACE A LIMITATION UPON THOSE OTHER LAWS.

(G) IF ANY PROVISIONS OF THIS ORDINANCE SHALL BE HELD INVALID, THE REMAINDER OF THE ORDINANCE SHALL NOT BE AFFECTED THEREBY.

Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2021, A.D.

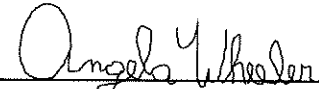
Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021, A.D.

FOR THE CITY:

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer