

AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners
FROM: Diane Lyon, City Clerk
DATE: October 17, 2024
RE: *Communications

For the Agenda of October 21, 2024

***Note: This is a Consent Agenda item and is considered routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed. In this event, it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda of October 21, 2024.**

FOIA Requests & Responses: The Warren Group; Cummings, McClorey, Davis & Acho, PLC., and Bureau Veritas.

Charter Communications Programming Change: Charter Communications has announced that they will be sending franchise fee supporting documents via email beginning in the 3rd quarter of 2024.

Michigan Public Service Commission: The MPSC is requesting franchise entities (City of Clare) to complete the annual public survey regarding PA480, the Uniform Video Services Local Franchise Act. They have also provided Consumer Tips on filing a video/cable complaint.

Site Plans, Special Use Permits, Variance Requests & Public Notices:

- Notice of Correction for Election Public Test Date, Registration Information and Weekend before Election Hours.

Attachments. As noted above.



202 West Fifth Street, Clare, Michigan 48617
www.cityofclare.org
phone: (989) 386-7541 fax: (989) 386-4508

October 3, 2024

Wesli Dymoke
The Warren Group
2 Corporate Way, Ste 250
Peabody, MA 01960

P: 508-552-2197

E: cdoucettewdymoke@thewarrengroup.com

RE: **Freedom of Information Act (“FOIA”) Request Response**

Your request for public record(s) under the Michigan Freedom of Information Act (“FOIA”), dated January 11, 2023, for the following records is acknowledged: **2024 Assessment Data with Building Detail in the BS&A format. A fee schedule is attached for your records.**

Your request for information is hereby **Granted.**

The City of Clare’s FOIA Procedures and Guidelines and Summary are available for review on our website at www.cityofclare.org.

If your FOIA request has been denied in whole or in part, you may do one of the following at your option:

- (1) Commence an action in the circuit court to compel disclosure of the public records or information within 180 days after the governmental unit’s final determination to deny your request. If the circuit court orders disclosure of all or a portion of the public record or information, you have the right to receive reasonable attorney’s fees, costs, and disbursements. If the circuit court determines that the governmental unit arbitrarily and capriciously denied your request, you also have the right to receive punitive damages in the amount of \$500.00. Please see MCL 12.231 *et seq.* for further information on the Freedom of Information Act.
- (2) Submit to the City Manager a written appeal that specifically states the word “**appeal**” and identifies the reason(s) for reversal of the denial. Your appeal should be sent to City of Clare – City Manager, 202 West Fifth Street, Clare, MI 48617-1490.

A copy of this request will be kept on file for no less than one (1) year.

Diane M. Lyon
FOIA Coordinator & City Clerk

The City of Clare is an Equal Opportunity Provider and Employer



Diane Lyon

Subject: FW: FOIA Request re Thomas Vernon Claringbold III

From: Laurie Robbins <lrobbins@cmda-law.com>
Sent: Wednesday, October 9, 2024 4:25 PM
To: Jim Chapman <JChapman@cityofclare.gov>
Subject: FOIA Request re Thomas Vernon Claringbold III

Please see the attached FOIA Request regarding Thomas Vernon Claringbold III.

Thank you,

Laurie Robbins

Legal Assistant for Gregory R. Grant and Matthew W. Cross
CUMMINGS, McCLOREY, DAVIS & ACHO, PLC
310 W. Front Street, Ste. 221
Traverse City, MI 49684
(231) 922-1888 x 2202
(231) 922-9888 Fax
lrobbins@cmda-law.com



CONFIDENTIALITY NOTICE

This e-mail correspondence is confidential. If you are not the intended recipient, please notify the sender of the delivery error immediately, and then delete it from your system. Do not read, use, or copy this e-mail, or disclose it to others. This e-mail is not intended to waive the attorney-client privilege, or any other privilege. Thank you.

Diane Lyon

From: Diane Lyon
Sent: Friday, October 11, 2024 5:12 PM
To: FOIA
Subject: Fwd: 314 East 4th Street

Sent from my iPhone

Begin forwarded message:

From: Paul Fritz <Paul.Fritz@bureauveritas.com>
Date: October 11, 2024 at 11:42:55 AM EDT
To: Diane Lyon <DLyon@cityofclare.gov>
Subject: **314 East 4th Street**

Dear Madam:

Bureau Veritas is an engineering firm currently conducting an Environmental Site Assessment and a Property Condition Assessment of the following property on behalf of the property owner:

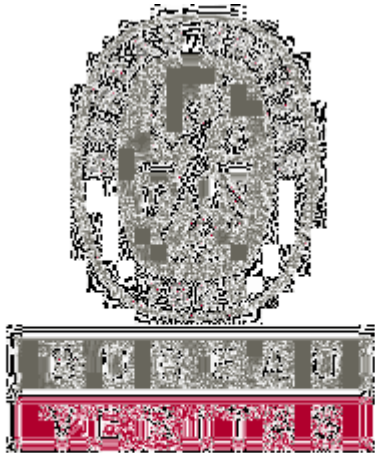
Jennmar
314 East 4th Street
Clare, Michigan 48617

As part of this process, we are submitting this request for information specific to the property. Please provide us with the following information concerning the property:

- 1) The earliest date records are maintained by the Fire Department.**
- 2) Any records of underground or aboveground storage tanks.**
- 3) Any records of spills or releases of petroleum products and/or hazardous materials.**
- 4) The date of last Fire Department inspection.**
- 5) Any OUTSTANDING Fire code violations.**
- 6) Any records of fire incidents for which AFFF was utilized as a suppressant**
- 7) Current or historical operation of a fire suppression system that utilizes AFFF.**

Please provide follow up documentation for any Yes responses to these questions. Responses may be faxed to 410.785.6220, or emailed to RFI-BAPM@bureauveritas.com. If you need additional information to complete this request or the cost to complete this request will exceed \$25, please contact me. Thank you for your prompt attention to this matter.


Sincerely,



Paul Fritz

Field Assessor,

 248.417.4944

 **BUREAU VERITAS**
6021 University Boulevard, Suite 200

Ellicott City, Maryland 21043

 www.bvna.com

This message contains confidential information. To know more, please click on the following link: <https://disclaimer.bureauveritas.com>

September 13, 2024

MI0257
Clare, MI, City of
City Manager
202 W. Fifth Street
Clare, MI 48617

RE: Quarterly Franchise Fee Payment - Update

Dear Franchise Official:

Charter Communications, LLC, dba "Spectrum" holds a video franchise with your community. In the agreement, your community elected a Franchise Fee with Spectrum. Franchise fees are collected from video customers and remitted to the community based on the terms in your franchise agreement.

Beginning with the Third Quarter 2024 payments (payable in November 2024), we are moving to electronic transmission (email) of the franchise fee payment supporting documents.

Your franchise fee payment method will remain unchanged – whether it is received by check or ACH.

The email address on file for **Clare, MI, City of** is: dlyon@cityofclare.org

If you'd like to change the email address on file or add additional email addresses for your community, please send updates to Charter Communications Corporate Accounting, within 14 days, at svc_Corp_MM_franchise_fees@charter.com. Future emails you will receive will be from this email address. Please mark this email address, svc_Corp_MM_franchise_fees@charter.com, as a safe sender so these emails will be delivered to your inbox.

Charter Communications is proud to serve your community and our customers. Please feel free to contact our office via email at svc_Corp_MM_franchise_fees@charter.com or contact your State Government Affairs Manager Joan Movrich at (906) 553-7866 if additional information is required.

Sincerely,



Steve Lottmann
Senior Director, Revenue Accounting



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

MARLON I. BROWN, DPA
DIRECTOR

KATHERINE PERETICK
COMMISSIONER

DAN SCRIPPS
CHAIR

ALESSANDRA CARREON
COMMISSIONER

October 11, 2024

To Cities/Villages/Townships:

This letter is being sent to franchise entities (municipalities) within the state of Michigan regarding Public Act 480 of 2006, the Uniform Video Services Local Franchise Act (the Act). The Michigan Public Service Commission (MPSC) is the agency designated to implement the Act. Pursuant to Section 12(2) of the Act, the MPSC shall file an annual report to the Governor and Legislature that includes information on the status of video service competition in Michigan.

To assist MPSC Staff with gathering information for the report, please complete our electronic survey, which is located at michigan.gov/mpsc beginning **October 14, 2024**. Responses to the survey are due by **November 12, 2024**. Please note that the survey will not be available on the website after November 12, 2024. You may find the survey by following these steps:

1. Go to michigan.gov/mpsc and click on "Regulatory Information" at the top of the page.
2. Next, scroll down and click on "Telecommunications" at the bottom.
3. Lastly, click on "Video/Cable Regulatory Information" and you will find the survey under the "Provider & Franchise Entity Information" category.

The survey is quick and easy and should take only a few minutes of your time. It is important that MPSC Staff receives feedback from franchise entities. Your feedback will help to provide MPSC Staff with a better insight of the video/cable issues that may be occurring in your community. While MPSC Staff cannot provide you with answers to the survey questions, please contact Staff if you require clarification regarding the questions being asked.

In addition to the survey, please find attached two Consumer Tips that provide information regarding filing a video/cable complaint with the MPSC. One is relevant to customers, the other to a municipality. We would encourage you to share this information with your residents. You may also find the complaint information online at michigan.gov/mpsc by clicking the "Consumer Information" link at the top of the page. You may consider posting the MPSC contact information and/or a link of our Consumer Tips to your community's webpage.

Your cooperation in submitting your survey answers to our office is greatly appreciated. Should you have any questions, please contact Erin West at (517) 284-8212 or by email at weste1@michigan.gov.

Sincerely,

Ryan McAnany, Director
Telecommunications Division

Attachments

Filing a Video/Cable Complaint

The MPSC's role in handling video/cable television complaints

On December 21, 2006, Governor Granholm signed legislation to promote competition for video services in the state of Michigan. Public Act 480 of 2006, or as it is more commonly known, the "Uniform Video Services Local Franchise Act" charges the Michigan Public Service Commission (MPSC) with implementing the Act. The MPSC now has the responsibility to handle cable inquiries and complaints.

Are you having a problem with your video/cable television provider?

If you are experiencing problems with your provider, you should first contact your provider and attempt to resolve your dispute with them.

Not satisfied? File an informal complaint with the MPSC.

If you are dissatisfied with the provider's response, or the dispute is not resolved to your satisfaction, you may file an informal complaint with the MPSC.

How does the informal complaint process work?

- A customer contacts the MPSC with a video/ cable television complaint.
- MPSC Staff forwards the complaint to the provider & informally mediates (if necessary) between the provider and the customer.
- The provider is allowed up to 10 business days (under normal circumstances) to respond and provide a detailed resolution to both the customer and the MPSC.

Still not satisfied? File a formal complaint and request a hearing.

If you remain dissatisfied even after the Staff has completed the informal complaint process, you may file a Formal Complaint.

A customer will be permitted to file a formal complaint **only after:**

- the informal complaint process has been completed; and
- a satisfactory resolution has not been reached between the provider and the customer.

To request a formal hearing, prepare a letter of complaint explaining the problem. Send the original and seven (7) copies of the letter/ complaint to the MPSC at the following address:

**Executive Secretary
MPSC
P.O. Box 30221
Lansing, MI 48909**

The written complaint must contain the following information:

- customer name, address, telephone number, and signature;
- the name and address of the provider with whom there is a disagreement;
- the location/address of the disputed action;
- the time and dates of the disputed actions;

Dispute Resolution: Franchise Entity (Municipality) or Provider vs. Provider

The Michigan Public Service Commission's (MPSC) role in informal and formal video/ cable television complaints:

Public Act 4 of 2009 —Providing a dispute resolution process for complaints between municipalities or providers and cable providers.

Who can File an informal complaint on behalf of a municipality/provider?

A municipality/provider may speak on behalf of itself when filing an informal complaint. Legal representation is not required until a formal complaint is filed.

What does a municipality/provider need to do to file an informal complaint?

The municipality/provider shall file a written notice of the dispute with the MPSC.

What information is required in the notice of dispute?

- Identifying the nature of the dispute.
- Language that requests an informal dispute resolution process.
- Language stating the other party has been served the notice of the dispute.

What happens after the notice is filed?

Commission staff will conduct an informal mediation with both parties in an attempt to resolve the dispute.

What if the dispute is not resolved with informal mediation?

If a satisfactory resolution to the dispute is not achieved, any named party in the complaint may file a formal complaint.

How does the formal complaint process begin?

- A representative submits the following, in writing, to the commission:
 - Information that states the section(s) of the public act or franchise agreement that was allegedly violated.
 - Sufficient facts to support the allegations.
 - The relief requested.
 - All information— testimony, exhibits and other documents— in possession the party intends to rely on to support the complaint.

How does the formal complaint process proceed?

- Once the complaint is filed each party has ten days to agree on alternative means to resolve the complaint.
- If no agreement is reached within 10 days, the Commission shall order mediation.
- Within 60 days from the date mediation is ordered, the mediator shall issue a recommended settlement.

**CITY OF CLARE
CORRECTED PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Public Accuracy Test for November 5, 2024, General Election has been scheduled for Monday, October 21, 2024, at 3:00 pm at Clare City Hall, 202 W. Fifth St., Clare, Michigan. The Public Accuracy Test is conducted to demonstrate that the computer program, ballots, and tabulator used to record and calculate the results of the election have been prepared in accordance with the law.

FURTHER NOTICE IS HEREBY GIVEN that for the purpose of registration for Elections at the City of Clare, Elections staff may be reached at Clare City Hall (989) 386-7541; elections@cityofclare.gov. Election staff will be available on Sunday, November 3, 2024, from 7am-3pm to issue and receive Absent Voter Ballots.

The City of Clare is an equal opportunity provider and employer.

Diane Lyon
Clare City Clerk

Publication Date: October 17, 2024