

The special meeting of the Clare City Planning Commission was called to order in the city commission chamber of Clare City Hall, 202 W. Fifth St., Clare, MI, at 6:32 p.m. by Vice Chair Darren Acton who led the Pledge of Allegiance. Present were: Commissioners Darren Acton, Glenda Carmoney, Elaine Demasi, Nick Wyman and Jan Winter. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. Also present were Ken Hibl, City Manager; and Diane Lyon, City Clerk.

**APPROVAL OF AMENDED AGENDA:**

Moved by Commissioner Winter second by Commissioner Demasi to approve the agenda as amended (addition of agenda items C & D). Ayes: All. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

**APPROVAL OF MINUTES:**

Moved by Commissioner Carmoney second by Commissioner Wyman to approve the prior meeting minutes. Ayes: All. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** None.

**A. 1312 VINEWOOD-SPECIAL USE PERMIT**

The City requested and approved an application from Vicki Ferrell to operate a Home Day Care facility at a residence at 1312 Vinewood in Clare. Home Day Care (1-5 children) is an allowed use in a residential district and requires the approval of the City Manager.

Subsequent to this approval, we learned from Mr. Mark Fitzpatrick, the Clare County Building Official, that Ms. Ferrell applied for and received a state license to operate a Group Day Care Facility (6-12 children). Consequently, the City advised Ms. Ferrell that even though she received a state license, she could not operate a Group Day Care Facility in Clare without first obtaining a Special Use Permit approved by the City's Planning Commission.

Ms. Ferrell immediately applied for a Special Use Permit and offered an explanation for this situation. The City is unequivocally convinced that the situation was caused by a series of miscommunications and strongly recommends that Ms. Ferrell not be penalized, nor should her application for a special use permit be jeopardized as a result.

The Planning Commission is the approval authority for the special use permit. A public hearing is required prior to the Planning Commission's consideration of the permit; notice of the requisite hearing has been made. Subsequent to the hearing, the Commission is asked to consider the application and render a decision pertaining to the permit. The City Staff collectively reviewed the application on April 20th and unanimously recommended approval.

Ms. Ferrell provided a brief history of the how and why she and her daughter in-law came to Clare to operate a child care business and why this specific location in the city was deemed desirable for this service. Ms. Ferrell also presented her Site Plan which includes the addition of a fence to the property to surround her back yard.

Motion by Commissioner Carmoney second by Commissioner Demasi to open the public hearing. Ayes: All. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

Public Comment: None.

Motion by Commissioner Winter second by Commissioner Wyman to close the public hearing. Ayes: All. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

Motion by Demasi second by Carmoney to approve the Special Use request and Site Plan application by adoption of 2017-007PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Elaine Demasi, Nick Wyman, and Jan Winter. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

#### **B. ORDINANCE 2017-001 – MEDICAL MARIHUANA**

Our City Attorney has drafted a recommended change to Chapter 52 of our ordinance codes. The proposed amendment “cleans up” a number of minor errors and omissions of our current ordinance code. But most importantly, it addresses clarification on processes, procedures, permitting, and land use related to Medical Marihuana.

The Clare City Commission is the approval of all ordinance amendments. However, the City Planning Commission is required to provide recommendations on any changes, amendments, or alterations of any aspect of the City’s ordinance codes related to zoning. Consequently, the Planning Commission is asked to review the proposed Ordinance 2017-001 and provide any recommendation regarding its enactment to the City Commission.

Prior to discussing or considering the proposed ordinance, the Planning Commission is required to hold a public hearing to receive comment pertaining to the ordinance amendment. A public notice announcing the hearing has been published.

The Commission is asked to hold the public hearing and subsequently make any recommendations pertaining to Ordinance 2017-001 deemed necessary or appropriate

Motion by Commissioner Winter second by Commissioner Wyman to open the public hearing. Ayes: All. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

Public Comment: None.

Motion by Commissioner Carmoney second by Commissioner Demasi to close the public hearing. Ayes: All. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

Concern about allowing more than one provisioning center to come in to the City was expressed but the majority of the commission had no concerns about it due to the level of safety measures that will be required by the State and local law enforcement, not to mention that the businesses will want to protect their investments.

Motion by Winter second by Wyman to approve the Ordinance amendment by adoption of 2017-008PC. Roll call vote: Ayes: Darren Acton, Glenda Carmoney, Elaine Demasi, Nick Wyman, and Jan Winter. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

#### **C. EXCUSAL OF COMMISSIONERS CLARK, COZAT & MOSER**

The Planning Commission bylaws stipulate “if a Planning Commissioner shall miss three consecutive meetings or 30% or more of scheduled meetings in any calendar year, his/her office shall be considered vacant unless the Planning Commission shall formally excuse such absence in advance and a record of said excusal is annotated in the official proceedings of the Planning Commission.”

It is recommended that as a matter of record the Planning Commission begin the practice of excusing commissioners who are in otherwise good standing from attendance at scheduled meetings for good cause.

Chairperson Josh Clark notified the city in writing that he would not be able to attend the Special Planning Commission Meeting of April 26, as did Brett Moser. Ms. Angie Cozat did not provide notice of her absence however the Planning Commission may excuse her from tonight’s meeting if they desire to do so. Mr. Steve Barnes has sporadically attended meetings over the past year and he has been absent from the last three meetings so we consider his seat to be vacant.

Commissioner Demasi asked for a review of this topic at the next regular meeting so that all Commissioners are aware of the meeting attendance requirements going forward.

Motion by Winter second by Acton to excuse Commissioners Clark, Moser, and Cozat from tonight's special meeting by adoption of 2017-009PC. Roll call vote: Ayes: Darren Acton, Glenda Carmony, Elaine Demasi, Nick Wyman, and Jan Winter. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

#### **D. INTRACOMMISSION COMMUNICATIONS:**

The City of Clare will be conducting a presentation on Municipal Finance at the May 3, 2017, Clare Rotary meeting. The Planning Commission is encouraged to RSVP by May 2 to attend this event.

Commissioner Winter asked some few months ago to resign from the Planning Commission for personal reasons if the city had others who were interested in serving. We currently have one vacancy on the Planning Commission and have received notice from three individuals (Kristin Heintz, Jason Lowe, and Mr. Spitzley) who are interested in serving on the Planning Commission. We provided this opportunity for Jan to resign therefore tonight's meeting will be Commissioner Winter's last Planning Commission meeting. The City Commission will recognize Jan at their May 1 meeting. The Planning Commission is invited to attend the meeting. We will ask the Planning Commission at the next meeting to retain Jan as a member of the Depot Committee.

The second grade tour of City Facilities is tentatively scheduled for May 2. If Commissioners are available to assist with the tour please contact the City Clerk

We polled the Planning Commission tonight for their availability to hold a special meeting on May 17 because we have received a request to hear a special use request and review a site plan from a group of investors, Joey and Omar, who are interested in opening a medical marijuana provisioning center. We have received a request for zoning variance for 820 Industrial Drive from these same individuals who are interested in opening a medical marijuana provisioning center at that location. The variance request will go before the Zoning Board of Appeals on May 1. The City will make a recommendation that the variance not be approved because the investment group has other options. Two of the Commissioners present will not be available on May 17 and one Commissioner is resigning therefore Diane will send an email to poll the Planning Commission to find out their availability for May 24 and for the 31<sup>st</sup> (if we cannot get quorum on the 24<sup>th</sup>).

Auto Zone is constructing a facility on the former Hammerberg property (located outside city limits). We encouraged them to annex to the city but they declined.

The real estate office at 314 E. Fifth Street has been demolished because the property is in the flood plain and the building was condemned. The (Little Tobacco) Intercounty Drain Board now owns that property and it cannot be built upon.

The City presently has two requests submitted for building façade improvement grants in the downtown district. The MEDC (Michigan Economic Development Corporation) came up for a site visit two weeks ago and because we have additional interest in this program from other downtown businesses for a potential phase two façade project. The Venue and Four Leaf Brewing are still moving forward with their (first round) façade improvements. We have asked for a one year delay on Brewin on McEwan due to the change in management. Millies on McEwan pulled out from the first round grant process and will completing their own façade improvement.

**PUBLIC COMMENT:** None.

**ADJOURNMENT**

Moved by Commissioner Wyman second by Commissioner Carmony to adjourn.  
Ayes: All. Nays: None. Absent: Steve Barnes, Josh Clark, Angie Cozat and Brett Moser. *Motion approved.*

Meeting adjourned at 7:28 p.m.

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Diane Lyon, City Clerk