

## AGENDA REPORT

TO: Mayor Pat Humphrey & Clare City Commissioners  
FROM: Diane Lyon, City Clerk  
DATE: November 3, 2022  
RE: \*Communications

For the Agenda of November 7, 2022

**\*Note: This is a Consent Agenda item and is considered as 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 which 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 November 7, 2022.**

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FOIA Requests & Responses: Osceola County Sheriff's Department.

Isabella County Master Plan Public Hearing.: The city received notice of a scheduled public hearing on November 10, 2022 for proposed amendments to the Isabella County Master Plan.

Community Giving Program:

The Clare County Department of Health and Human Services is promoting a Community Giving Program for low-income households with children. The deadline for the Project Kids Christmas Outreach is November 10, 2022.

Resident Letter: The city received a letter from the Colmus family regarding the trailer parking ordinance. This letter should have been included in last meetings packet.

Charter Programming Change:

Charter Communications has announced changes to their channel line-up.

MPSC Consumer Tips: The Michigan Public Service Commission offers tips to consumers who wish to file a video/cable complaint.

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

The city has made a request to rezone property at the southern tip of Clare to develop a new industrial park.

Attachments. As noted above.

## Diane Lyon

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**From:** cityclare@web4.shumakergroup.com  
**Sent:** Tuesday, October 25, 2022 12:37 PM  
**To:** Diane Lyon; Shannon Sirpilla; Jeremy Howard; Sarah Schumacher; Jennifer Kinberg;  
FOIA; Elections  
**Subject:** FOIA Request

Name: Osceola Co Sheriff's Office Att: U/S Avery  
Date of Birth: 00/00/0000  
Address: 325 W UPTON AVE  
Phone: 2318322288  
Email: javery@osceola-county.org

### Request Information

Date/Time of Incident: any and all  
CPD Comp #: unknown  
Type of Incident: any  
Location of Incident: city of clare

### Records Requested

Records Requested: Requesting any police reports that list Bethany Kaye Wyman DOB as a suspect, witness, Victim, or complainant.

Purpose of Request: Copying  
True Copy: on



## COMMUNITY DEVELOPMENT

200 North Main, Mt. Pleasant, MI 48858

Phone: (989) 317-4061

Fax: (989) 775-6681

October 24, 2022

CITY OF CLARE PLANNING COMMISSION  
202 W FIFTH ST  
CLARE, MI 48617

RE: Isabella County Master Plan Public Hearing

To Whom It May Concern:

As Per Michigan Planning Enabling Act requirements, this notice is being sent to advise you that the Isabella County Planning Commission will conduct a public hearing on proposed amendments to the Isabella County Master Plan. The hearing will be held November 10, 2022 at 7:00 p.m. at the Isabella County Building, 200 N. Main Street, Mt. Pleasant, MI 48858. The public is invited to attend and present its comments on the proposed amendments.

A copy of the public hearing notice can be found on the Isabella County website by clicking the below link.

<https://www.isabellacounty.org/wp-content/uploads/2022/09/November-Public-Hearing-Notice.pdf>

Once again, the Planning Commission appreciates your cooperation in this process and looks forward to receiving any comments that you may have on the proposed amendments. If you have any questions, please contact my office at (989) 317-4067 or by email at [rjohnson@isabellacounty.org](mailto:rjohnson@isabellacounty.org).

Sincerely,

Ray Johnson  
Isabella County Planner/Zoning Administrator

**COMMUNITY GIVING PROGRAM  
RELEASE OF INFORMATION**  
Department of Health and Human Services

Local organizations, individuals, churches, and clubs ask for the names of people to whom they may give a gift. Completion of this form allows the release of your name, or the names of your family, to these organizations. The information on this form may be shared with these organizations.

Please mail or drop off the completed form to **your local county or district** Department of Health and Human Services office before the due dates listed on the reverse side.

**PLEASE PRINT**

Grantee Name (Last, First)	Case Number	
Phone Number (    )	Message Number (    )	
Address (Apt. #, Lot #, P.O. Box #)	City	Zip
Driving Directions to Your Home – List Major Cross Streets		
Name of township your home is located in (such as Hayes, etc.).		
Source of Income: Employment, FIP, SSI, Food Assistance, Veteran's Benefits, Other:		

**Household Member Information**

NAME (Last/First)	M  F	AGE	SIZE	GIFT SUGGESTIONS Please list the type of toys, clothing, food or other gifts for each household member requesting assistance.
Adult 1				
Adult 2				
Child 1				
Child 2				
Child 3				
Child 4				
Child 5				

Please attach names of additional household members (adults or children) on a separate piece of paper.

Is there anything you need for the entire family?  
Are there any special needs? (dietary, disability, pregnancy, illness)

**Completion of this form does not guarantee receipt of a gift.  
Falsification of information may result in removal from the community giving program.**  
Please notify the DHS Community Resource Coordinator if you change your address or phone number.

Signature of Adult	Date
Department of Human Services (DHS) will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.	
AUTHORITY: Director RESPONSE: Voluntary. PENALTY: If not completed family will not receive gift distribution.	

**SEE BACK OF FORM FOR FURTHER INSTRUCTION**

Dear Families,

The Holiday Season is fast approaching, and the Clare County Christmas Outreach Committee invites **low income households with children** to sign up for Clare County Christmas Giving Programs. Please complete this form on both front and back sides and return as soon as possible, as we will be filling the slots of the different programs based on need and on a first come first serve basis. Also notice that there are registration deadlines for all the programs listed below.

**From the following choices listed below please check the program you would like to participate in by first choice (1) and second choice (2).** This in no way guarantees a slot in a specific program but gives us an idea of how to attempt to better serve you.

\_\_\_\_\_ **Project Kids Christmas Outreach:**

- Scheduled for pick up on **December 9<sup>th</sup>, 2022**, at DHHS in Harrison. Appt. only.
- This program serves low-income households with children.
- All households will receive hats and blanket. **1 blanket per family.**
- Toy and gift distribution for parents of children ages 0-17, if attending school.
- **There is a limit of 200 children this year.**
- **Registration deadline for Project Kids Christmas Outreach is November 10<sup>th</sup>, 2022.**

\_\_\_\_\_ **Angel Tree:**

- This program is only for households with children.
- Trees with the child's name and gift wish hung on them are hosted by groups and businesses in the community. Gift wishes are selected by community people to purchase the gift and return to the tree.
- Do not select this option if any of the children in your family are over the age of 10.
- **Angel Tree program registration deadline is October 21<sup>st</sup>, 2022.**

\_\_\_\_\_ **Adopt a Family:**

- This program is for low-income households with children.
- Community organizations, groups or individuals adopt a household and purchase gifts for all household members.
- **Registration deadline for Adopt a Family is October 28<sup>th</sup>, 2022.**

Please fill out the Community Giving Program Release of Information on the other side of this notice.  
**When the front and back page is completed and signed you can bring or mail back to:**

Clare County Department of Health and Human Services  
725 Richard Dr.  
Harrison, MI 48625

This Community Giving Program Release of Information form is for low-income Clare County residents.

## Diane Lyon

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**From:** Jeremy Howard  
**Sent:** Wednesday, September 28, 2022 1:33 PM  
**To:** The Colmus Family  
**Subject:** RE: Trailer ordinance

Mr. Hunt,

Thank you very much for reaching out to me and sharing your concerns. The City Commission did ask this year that the ordinance be enforced (it hasn't been for decades). However, they also realize that there may be some changes/compromises that need to be done on the ordinance.

At this time, no tickets are being issued, just letters informing residents of the rules. In an upcoming meeting the City Commission will be discussing this topic in a work session to see how the ordinance might need to be tweaked. One such idea is as you have hinted at below. There would be a "season" or set months that the would be allowed and then would have to be stored during other months.

I will add your comments/concerns to the list for discussion.

Let me know if there is anything else I can help you with or answer any additional questions.

Have a great day.

Jeremy

Jeremy Howard  
Jeremy Howard, CMC, MiPMC  
City Manager  
City of Clare  
202 West Fifth Street, Clare, MI 48617  
Office: (989) 424-4065  
Mobile: (989) 621-1688  
jhoward@cityofclare.org  
www.cityofclare.org

-----Original Message-----

From: The Colmus Family <colmusfamily@yahoo.com>  
Sent: Monday, September 26, 2022 1:17 PM  
To: Jeremy Howard <JHoward@cityofclare.org>  
Subject: Trailer ordinance

Dear Mr Howard,

I live at 508 Forest Ave in Clare. I've been hearing about the trailer ordinance and wanted to put my 2 cents in. I have a 6x10 flat bed trailer which is parked in my driveway during the warm weather months. I use it to haul grass, mowers, and other things from Forest to my wife's old homestead out near 5 Lakes. If the trailer ordinance was to be enforced it would be more difficult for me than at present because I would need to park the trailer out near 5 Lakes and it would

mean more trips, to and from, there. The trailer is not in my driveway from about mid October to mid April. I hope the trailer ordinance is not enforced. Thank You and God bless!

Dick Hunt  
502-310-9003

## 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;





- a description of exactly what happened – include all details, the names and addresses of any persons involved, disputed charges and costs.
- Identify the specific section(s) of the Video Act that are alleged to have been violated and state sufficient facts to support the alleged violation (s). Specify the relief requested.

### Next Action

An MPSC Staff attorney will review the formal complaint, and if the disputed amount is under \$5,000 and all required information is included, the Commission shall appoint a mediator within seven (7) business days of the date the complaint is filed. Mediation may include a review of the complaint and discussions with the customer and company. If through this process the customer and company are still unable to agree, the mediator will issue a recommended solution within 30 days from the date of appointment. The customer and company have 10 days to either accept or reject the recommendation. If the customer or company rejects the solution, the complaint proceeds to a formal hearing. If the dispute involves an amount over \$5,000, it proceeds directly to a contested case hearing with no prior mediation.

### Formal Complaint Hearing Process

A formal complaint hearing is a trial-like proceeding. This means that the customer, the cable company, and MPSC Staff will come before an administrative law judge. A formal complaint proceeding is separate from any informal proceeding related to the problem that may have taken place. Lawyers represent the cable company.

Customers may hire a lawyer, represent themselves (excluding some businesses), or bring someone to assist them. The customer must present information and witnesses to prove or justify his/her position. The MPSC cannot provide a lawyer or pay any legal fees. After the hearing, the judge will issue a proposed decision. However, the MPSC will make the final decision, and will issue its decision in a MPSC order. During this process the customer and the company may continue to try to settle the problem. However, the MPSC must approve any agreement that is reached.

### Required Costs

If the customer or company rejects the mediator's decision and is found by MPSC order to be at fault, that party will be responsible for the legal costs of the other party. If both the customer and the company reject the mediator's decision, each party pays their own legal costs.

### For more information:

For more information about filing a complaint, PA 480, or the dispute resolution process, go to the MPSC website at: [michigan.gov/mpsc](http://michigan.gov/mpsc). Click on the Telecommunications and then the Video/Cable button.

### You may also contact the MPSC at:

Telecommunications Division  
Attn: Video Franchising  
P.O. Box 30221  
Lansing, MI 48909  
Phone: (800) 292-9555  
Fax: (517) 284-8200

### Filing Satellite Complaints

The Federal Trade Commission (FTC) at: (877) 382-4357 or [ftc.gov](http://ftc.gov) handles satellite complaints/inquiries.



## 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.



### **What happens after the proposed settlement is presented?**

- Each party shall file, with the Commission, a written acceptance or rejection of the recommended settlement within 7 days.
- If the parties accept the recommendation, then the recommendation shall become the final order.
- If a party rejects or fails to respond within 7 days to a proposed settlement, then the complaint will proceed to a contested case hearing.
- A party that rejects the recommended settlement shall pay the opposing party's actual costs of proceeding to a contested case hearing.

### **What is the format of a contested case hearing?**

A contested case hearing is provided under section 203 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2203

[http://www.legislature.mi.gov/\(S\(wfspd4xxva0zoz1n54hd5vor\)\)/documents/mcl/pdf/mcl-Act-179-of-1991.pdf](http://www.legislature.mi.gov/(S(wfspd4xxva0zoz1n54hd5vor))/documents/mcl/pdf/mcl-Act-179-of-1991.pdf)

### **For more information:**

For more information about filing a formal complaint, Public Act 480, or the dispute resolution process (PA 4 of 2009), go to the MPSC website at: [michigan.gov/mpsc](http://michigan.gov/mpsc); click on Regulatory Information, then Telecommunications, and lastly Video/Cable Regulatory Information.

### **You may also contact the MPSC at:**

Telecommunications Division  
Attn: Video Franchising  
7109 W. Saginaw Hwy.  
P.O. Box 30221  
Lansing, MI 48909  
Phone: (800) 292-9555  
Fax: (517) 284-8200

### **Online Formal Complaint Form:**

Complaints can be filed online via the video/cable website at: [michigan.gov/mpsc](http://michigan.gov/mpsc); click on Consumer Information and then File A Complaint.



**CITY OF CLARE  
PUBLIC NOTICE**

The City of Clare Planning Commission will hold a public hearing on Wednesday, November 9, 2022, 6:30 p.m. at Clare City Hall to receive public comment pertaining to a Request for Change in Zoning from C-1 Commercial to Industrial, of City owned property, located in the southeast section of the City of Clare, Isabella County, Michigan. The parcels to be rezoned are identified as 18-002-30-016-00, 18-002-20-015-00, and the section of parcel 18-002-10-013-02 located on the south side of Clare Industrial Parkway. The City of Clare Planning Commission will accept verbal comment during the hearing or written comment provided that the written comment is received by the Clare City Clerk not later than 4:00 p.m. on the date of the hearing.

The City of Clare City Commission will hold a public hearing on Monday, November 21, 2022, 6:00 p.m. at Clare City Hall to receive public comment pertaining to the Request for Change in Zoning as noted above. The Clare City Commission will accept verbal comment during the hearing or written comment provided that the written comment is received by the Clare City Clerk not later than 4:00 p.m. on the date of the hearing.

A copy of the application for the Request for Change in Zoning is available for review by contacting the Clare City Clerk, 989-424-4068 or email [dlyon@cityofclare.org](mailto:dlyon@cityofclare.org).

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

Diane Lyon  
Clare City Clerk

