

The regular meeting of the Clare City Planning Commission was called to order at 6:30 p.m. by Planning Commission Chair Jason Lowe, at Clare City Hall, 202 W. 5th Street, Clare, Michigan. The Chair led the meeting with the Pledge of Allegiance. Present were: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek & Nick Wyman. Absent: None. Also, present were Jeremy Howard, City Manager; Diane Lyon, City Clerk; Terry Acton, Zoning and Code Enforcement Officer; and Jaynie Hoerauf, City Attorney.

APPROVAL OF CONSENT AGENDA:

Moved by Commissioner Pechacek second by Commissioner Clark to approve the Consent Agenda items listed with an asterisk (*) (Agenda, Minutes, Communications, and Professional Development) that are considered to be routine by the Planning Commission. Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek & Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

PUBLIC COMMENT: None.

APPROVAL OF AGENDA: *approved by consent agenda.

APPROVAL OF MINUTES: *approved by consent agenda.

OLD BUSINESS: None.

NEW BUSINESS:

A. SELECTION OF COMMISSION CHAIRPERSON

The By-Laws of the City of Clare Planning Commission stipulates that the Planning Commission shall annually select its Chairperson at the first scheduled meeting of the year. The Planning Commission is asked to take appropriate action to select its Chairperson for 2023.

Nominations for Planning Commission Chairperson were opened.

Motion by Commissioner Carmoney second by Commissioner Wyman to nominate Jason Lowe.

Hearing no other nominations, nominations were closed.

Roll call vote to approve the nomination of Jason Lowe to serve as Chairman of the Planning Commission by the adoption of Resolution 2023-001PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek & Nick Wyman. Nays: None. Absent: None. No other voting action was taken as Commissioner Lowe accepted the nomination. *Motion Carried.*

B. SELECTION OF COMMISSION VICE CHAIRPERSON

The By-Laws of the City of Clare Planning Commission stipulates that the Planning Commission shall annually select its Vice Chairperson at the first scheduled meeting of the year. The Planning Commission is asked to take appropriate action to select its Chairperson for 2022.

Nominations for Planning Commission Vice Chairperson were opened.

Motion by Commissioner Wyman second by Commissioner Pechacek to nominate Joshua Clark.

Hearing no other nominations, nominations were closed.

Roll call vote to approve the nomination of Joshua Clark to serve as Vice Chairman of the Planning Commission by the adoption of Resolution 2023-002PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. No other voting action was taken as Commissioner Clark accepted the nomination. *Motion Carried.*

C. ANNUAL REVIEWS OF BY-LAWS

The By-Laws of the City of Clare Planning Commission governs the procedures and processes followed by the Planning Commission with respect to the rules it adopts and enforces, the conduct of its members, the conduct of its meetings, and the decisions made by the Planning Commission – in essence, everything the Planning Commission formally does or does not do. Consequently, it is deemed appropriate to review and update those rules annually at the Planning Commission's first meeting prior to conducting any other business to ensure the by-laws are up-to-date and are in fact fulfilling the needs and desires of the Planning Commission.

Motion by Commissioner Carmoney second by Commissioner Pechacek to approve the Planning Commission By-Laws by the adoption of Resolution 2023-003PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek & Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

D. REVIEW OF 2022 ANNUAL REPORT

The By-Laws of the City of Clare Planning Commission stipulates that the Planning Commission shall annually prepare and submit to the Clare City Commission an annual report. A draft report was provided to the Planning Commission for review and comment; no recommended changes have been received from the Planning Commission; consequently, the Planning Commission is asked to approve the Report to allow it to be formally submitted to the Clare City Commission for review, consideration, and discussion.

Motion by Commissioner Demasi second by Commissioner Wyman to approve the 2022 Annual Report by the adoption of Resolution 2023-004PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

E. ORDINANCE 2023-001-MARIJUANA

The City of Clare presently permits licensure of all categories of medical marijuana businesses (grow, process, transport, certification, and provisioning) allowed by the State of Michigan as well as the same for adult-use recreational marijuana businesses (except for recreational sales) within its jurisdictional boundaries as per zoning regulations.

Since the adoption of these ordinances, there have been very few issues with any pieces of the ordinance. There have been a few "complaints" of smell predominantly from other businesses in the Industrial Park. After meeting with the licensees as well as the individual who complained about the smell from time to time, further discussions were had with the City Attorney as well as the City Commission in late 2022. At that time, the City Commission asked the staff to work with the City attorney to draft an ordinance amendment that would clean up the language regarding the enforcement of smell. The proposed intent is to retain language which mandates filtration and odor control measures while minimizing Code Enforcement requirements. Additional amendments include language to prohibit greenhouses; to improve the administrative processes by creating one annual renewal date for all licenses; and to allow city staff renewal of the annual Special Use permits unless there is new construction, additions to the facility, façade improvement of any sort, change of name, transfer, or change of ownership.

A draft copy of Ordinance 2023-001 drafted by the City Attorney was provided for review to facilitate formal discussion and consideration of the requested ordinance changes. The first formal step in consideration of the proposed ordinance amendment is to hold a public hearing, entertain formal discussion, and formulate a recommendation by the City's Planning Commission to the City Commission with respect to whether the proposed ordinance changes should be adopted.

The approval authority for all ordinance changes in the City is the Clare City Commission. But in matters related to Chapter 52 (Zoning), the City Planning Commission is required to provide a formal recommendation(s) to be considered by the City Commission in its discussions regarding the proposed ordinance change(s).

The Planning Commission is required to hold a public hearing regarding the proposed ordinance. Public notice has been accomplished. To date, the city has received one public comment via email. Subsequent to the public hearing, the Planning Commission is asked to consider, discuss, and render a formal recommendation(s), which will be forwarded to the City Commission for consideration in its actions related to the proposed ordinance.

Motion by Commissioner Clark second by Moser to open the public hearing. Roll call vote: Roll call vote: Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

Public Comment: The city received an email in opposition to the proposed ordinance draft as follows:

The proposed ordinance will not stop the pot stench from spreading to adjoining properties. It is vague and riddled with ambiguous terms. Jaynie did not do well on the original ordinance, and this is certainly no improvement.

Specifically:

27-96 (d)

- i. Define "sufficient"*
- ii. Odor is listed as being one of the items prohibited, but that is contrary to what is listed later in the ordinance.*

27-97 (a)

- i. Define "reasonable"*
- ii. Define "comfortable use"*
- iii. Define "enjoyment"*
- a. These are ambiguous and make the entire section unenforceable.*

27-97 (b)

- i. Define "objective"*
- ii. There are six factors listed, but a decision-making process is not defined.*
- iii. Do a certain number of events have to occur?*
- iv. A certain order of events?*
- v. Are certain events more important than others?*
- vi. The entire subsection is a word salad of incoherence, and it appears to be incomplete.*

27-97(c)

- i. Define "is designed to contain" This could mean anything. Designed by whom to what standards?*
- ii. What happens if the design is bad?*
- iii. Does the City have the authority to require a design change if it is insufficient as determined by the mess in 27-97 (b)? We don't know as that is not defined.*

Either the City finds the fortitude to enforce a simple ordinance "No smell off the property" or nothing will change. This ordinance would be ineffective and do nothing but allow the issues we are experiencing to continue. I genuinely hope the City puts forth a better effort than this poorly worded and likely useless ordinance.

Please share with the City Commission and Planning Commission members.

Thank you,

Your humble (but disappointed) public servant,

Tom Kunse

Motion by Commissioner Pechacek second by Demasi to close the public hearing. Roll call vote: Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

Following discussion, a motion by Commissioner Wyman second by Commissioner Clark to recommend approval of draft Ordinance 2023-001 by adoption of Resolution

2023-005PC. Roll call vote: Yeas: Commissioners Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Jason Lowe, Brett Moser, Stacy Pechacek, and Nick Wyman. Nays: None. Absent: None. *Motion Carried.*

F. Discussion Topic-Ordinance 52-308-Camper/Boat/Trailer Parking and Storage

The Planning Commission began a discussion last November regarding the issue of camper/boat/trailer parking and storage on city residential lots and is continuing the discussion at tonight's scheduled meeting.

The City contracts with Clare County to manage Code Enforcement. It has been the desire of the Commission to continue, as well as increase, enforcement of existing ordinances and zoning regulations previously adopted. The Code Enforcement Officer begins with education and a request for compliance before moving on to more stringent code enforcement measures issuing and tickets. This approach has made a positive impact on many of the city's compliance and blight issues.

However, the City Commission, Code Enforcement Officer, and city staff have received a number of letters, comments, and questions regarding the enforcement of Section 52-308 (specifically the second half of the paragraph that deals with parking and storage of campers/boats/trailers/etc. in the driveway or in the front yard). Consequently, this matter was placed on the Commission's Agenda as a discussion topic at their October 17, 2022 meeting to receive direction and recommendations from the City Commission for changes to the Ordinance to begin the process of drafting an ordinance amendment that will address the concerns of both the residents and the City Commission as well as clean up some of the "holes" that we have found in the Ordinance.

The City Commission directed the City Manager to pose the recreational vehicle/trailer parking issue on the City Manager's listserv for feedback and to present the list of Ordinance issues to the Planning Commission so that the Planning Commission can work through some of these issues and provide recommendations to draft an Ordinance amendment. The City Commission further requested that Code Enforcement Officer Terry Acton be an active participant in this process of developing an Ordinance amendment with the Planning Commission.

Section 52-308 of the Code was provided to the Planning at their October 17 meeting for reference.

- Sec. 52-308. - Vehicle storage and parking.

No vehicle shall be parked in any portion of a front yard within the city unless in a prepared driveway or parking area of aggregate or hard-surfaced material. The parking or storage of a commercial vehicle, excluding an emergency vehicle, of more than two-ton capacity is prohibited within any residential district. The parking and storage of a recreational vehicle, including a trailer, camper, boat or other similar object shall be permitted only in a required side or rear yard.

(Code 1985, § 5.108; Ord. No. 2008-01, 3-3-2008)

Here is a bulleted list of the items that city staff have been keeping track of (in no particular order):

- Ordinance doesn't address corner lots.
- Ordinance doesn't address house address on a street without a driveway but a driveway on the other street.
- Ordinance does address vacant lots.
- Ordinance does not define front yard and back yard for lakefront and riverside lots.
- Trailers that come and go. What constitutes moving?
- Option to set a specific timeframe (ie Labor Day to Memorial Day) that driveway storage would be allowed?
- If boats/campers allowed during those set months, would enclosed trailers, open trailers, or flatbed trailers also be allowed or would that exception only apply to things like boats and campers?
- Should tickets/fines be incremental or just one "higher" amount?
- If storage of these types of things are allowed, should we address "on blocks", on ground (boats), etc.
- If allowed during a timeframe, does all storage need to be in the driveway or can it be in the "yard" in the front yard.

At the October 17 Planning Commission meeting, Code Enforcement Officer Terry Acton informed the Commission that after October 1, 75-80% of the trailer/camper/boat Ordinance violations cease because the summer season ends and for the most part, this particular zoning violation isn't a big problem in this community. However, for those individuals who continue to violate the Code following verbal advisement of the regulation and/or written notices (typically two or three notices are sent), it may be more effective and less cumbersome to start civil fines at a higher amount (\$250 rather than \$75) and have only two levels of fines (\$250 & \$500) rather than four levels (\$75 1st Offense, \$150, 2nd Offense, \$325 3rd Offense, \$500 4th Offense) to get compliance with code regulations in a timely manner. Clare City Police Chief Saad was in agreement with Mr. Acton in changing the civil fine levels.

Mr. Acton further offered that some communities allow parking and storage of seasonal trailers/campers/boats from May 15 – October 15 annually, while other communities allow off-season storage behind the home. There are also some communities that provide specific side yard setbacks to address corner lot issues.

Planning Commissioners were leaning toward allowing the parking of recreational equipment (boats/trailers/campers/snowmobiles) in the driveway during the season that they are typically in use, but then the equipment should be parked in a rear or side yard or stored at an appropriate storage facility when it is out of season.

Tonight's meeting discussion continues on the topic of boat/trailer/camper storage. The Planning Commission is asked to review the information provided at the meeting and continue the discussion around drafting an ordinance to address the above issues.

Terry Acton was again present at tonight's meeting to answer questions and provide information to the Planning Commission as was City Attorney Jaynie Hoerauf.

Following extensive discussion among the Planning Commission, the Code Enforcement Officer, the City Attorney, and city staff, the Planning Commission provided the following recommendations for an Ordinance amendment:

- Boats, jet skis, snowmobiles, etc. must be stored on registered, licensed, and operational trailers.
- An aggregate surface is required for front yard parking of campers, boats, and trailers.
- Campers, boats, and operational trailers are allowed to be parked in the front yard while in season, and in use for recreation between May 15-Oct. 15.
- Front yard parking (on an aggregate surface) for open snowmobile trailers while in season, and in use for recreation, is allowed from Oct 16-May 14
- An aggregate surface is not required for seasonal trailers, campers, boats, or the like, for side and backyard parking during the off-season.
- Campers, boats, trailers & the like may be parked in a side or rear yard no less than 5' from a public sidewalk, 10' from the curb, or 10' from the edge of a street without a curb.
- Fines \$250 & \$500.
- Recreational vehicles, equipment, or trailers may not be stored on vacant lots (there is no front, rear, or side yard).
- Corner lots - no specific regulations other than those outlined above (corner lot property owners should not be penalized since typically they are charged a slightly higher tax rate due to additional curb cuts, etc.).
- The Planning Commission will determine whether a separate regulation should be established for utility trailers.

The city's Code Enforcement Officer, the City Attorney, and Elaine Demasi left the meeting at 8:35 p.m.

EXTENDED PUBLIC COMMENT: None.

COMMISSION DISCUSSION TOPICS:

Verizon Cell Tower. Progress continues to be made on the cell tower site at Clare City Hall. Cold-patch has been placed into the open power trench and will remain in place until the asphalt plant opens in the spring when a permanent fix can be completed. The fence around the site is also complete. Ironically, Verizon is now waiting on AT&T to run fiber to the tower. We have not received a definitive timeline for the tower to be up and running but we are hopeful that Verizon will soon activate the signal.

Lake Shamrock Dredging. The city finally received a signed, partial (modified) permit from EGLE to start mechanical dredging in the first section (west end) of the lake which starts at the McEwan Street bridge and goes to approximately Shamrock Court (Year 1 area). The approved site for disposal is at the airport in two very specific areas on the north end of the property. We should have the soil erosion permit from the county this week and have also reached out to the contracted trucking company (Marv Heintz) to prepare for hauling the spoils to the approved site thus dredging and hauling will soon begin. At this point, we do not have the approval to go beyond that point but are taking steps to keep moving forward to dredge other areas of the lake. We continue to work with EGLE to get the additional permits and will soon be sending out an RFP for Hydraulic dredging of the main portion of the lake and the dam, both of which will require their own set of permits from EGLE. We will dredge through the winter months as weather allows until we have to pause for fish spawning during April and May.

Wayfinding Signs. DPW crews were been busy installing the new posts and signs. They have completed the installations and the new signs look phenomenal. They are a great addition to the City and we have received many positive comments about the new signs.

City of Clare Website. City staff has partnered with a firm to modernize the city's website. We have been working on the update for months and we are getting very close to launching the new design which will be located at www.cityofclare.gov.

Public Meeting Schedules: The 2023 schedules for public meetings of the City Commission, Planning Commission, DDA, Airport Advisory Board, and Parks & Rec Advisory Board were provided for information.

MACTV Production Guide: MacTV provided a listing and links of their most recent community productions.

PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by Consent Agenda.

COMMUNICATIONS: *Approved by Consent Agenda.

ADJOURNMENT

Moved by Commissioner Wyman second by Commissioner Clark to adjourn at 9:21 p.m. Roll call vote: Roll call vote: Yeas: Commissioners Glenda Carmony, Josh Clark, Angie Cozat, Jason Lowe, Brett Moser, Stacy Pechacek & Nick Wyman. Absent: Elaine Demasi. *Motion Carried.*

Diane Lyon, City Clerk