

The regular meeting of the Clare City Commission was called to order at 6:00 p.m. at Clare City Hall 202 West Fifth Street, Clare, Michigan by Mayor Pat Humphrey who led with the Pledge of Allegiance. Present were: Commissioners Bob Bonham, Pat Humphrey, Kim Bussell, Maegan Jenkins, and Carolyn (Gus) Murphy. Absent: None. Also, present were Jeremy Howard, City Manager; Luke Potter, DPW Superintendent, Dave Saad, Police Chief, and Sarah Schumacher, Deputy Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Jenkins second by Commissioner Murphy to approve the items listed with an asterisk (\*) (Agenda, Minutes, Board & Committee Appointments, Professional Development, Communications, Second Reading of Proposed Ordinance 2023-001, and Bills) that are considered to be routine by the City Commission. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Kim Bussell, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

3. \*APPROVAL OF MINUTES:

*Approved by Consent Agenda.*

4. \*APPROVAL OF AGENDA:

*Approved by Consent Agenda.*

5. PUBLIC COMMENT: Tom Kunse provided public comment opposing Ordinance 2023-001 reiterating his written opposition presented at the previous commission meeting. Mr. Kunse stated that the term ‘reasonable’ as it relates to persons, is too loose and cannot be enforced. He also stated that when the land was initially sold there was an agreement that no odors would cross the property lines. The building was erected after the current ordinance requiring no smell was in place and they should adhere to it. Tom opined that the original ordinance can and should be enforced.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

A. \*BOARD & COMMITTEE APPOINTMENT – Tree Advocacy Board (Larry Wyman, John Audretsch & Mel Johns)

*Approved by consent agenda. Resolution 2023-012.*

B. \*BOARD & COMMITTEE APPOINTMENT – Cherry Grove Cemetery Advisory Board (Larry Wyman & Jason Koch)

*Approved by consent agenda. Resolution 2023-013.*

C. SECOND READING OF PROPOSED ORDINANCE 2023-001 – MARIJUANA

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

Since the adoption of these ordinances, there have been very few issues with the ordinance. There have been a very small number of “complaints” of smell from other businesses in the Industrial Park. After meeting with the licensees as well as one of the business owners who has expressed concerns regarding the smell from time to time, further discussions were held with the City Attorney and the City Commission in late 2022. At that time, the City Commission asked City 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 to approve the Special Use permits administratively for annual renewals, change of name, transfer, or change of ownership; the Planning Commission would still approve the Special Use Permits/Site Plans in relation to new facility construction, additions to existing facilities, façade improvements of any sort, and new licensing.

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 to be considered by the City Commission in its discussions regarding the proposed ordinance changes. The City's Planning Commission held a public hearing on January 11, 2023, to consider the ordinance amendment. The city received and shared one public comment regarding the proposed ordinance amendment with the Planning Commission. Following discussion and consideration of the proposed Ordinance amendment, the Planning Commission decided to recommend approval of Ordinance 2023-001 to the City Commission by adopting Resolution 2023-005PC.

All changes to zoning within the City must be accomplished by ordinance change. All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and approval of the City Commission subsequent to a public hearing.

The City Commission was asked at its meeting on January 16, 2023, whether it desired to adopt the proposed ordinance amendment – and if so to commence the process for ordinance adoption. The required public notice announcing the hearing was published the City Commission held a public hearing and directed the First Reading of the Ordinance at that meeting.

The Commission now has the option of allowing a Second Reading of the proposed Ordinance 2023-001 or denying the conduct of a Second Reading, thereby rejecting the proposed new ordinance.

The Commission is now asked to allow a Second Reading and either approve or deny the adoption of the proposed Ordinance.

Public Comment: Tom Kunse spoke in opposition to the amended ordinance stating that the existing ordinance needs to be enforced.

Motion by Commissioner Murphy second by Commissioner Jenkins to adopt Ordinance 2023-001 – Marijuana. Roll call vote: Yeas: Commissioners Kim Bussell, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: Bob Bonham, Pat Humphrey. Absent: None. *Motion Carried.*

8. TREASURER'S REPORT: The Treasurer presented her report.

9. CITY MANAGER'S REPORT

Planning Commission / City Commission Annual Joint Meeting: The City Commission and Planning Commission will be holding their joint meeting to discuss the Planning Commission Annual Report for the previous year along with any other topics of interest this Wednesday, February 8<sup>th</sup> at 5:30 p.m. before the regular meeting of the Planning Commission at 6:30 p.m. The meeting will be held at City Hall in the City Commission Chambers. The approved 2022 Planning Commission Annual Report is provided for preview before the meeting.

Verizon Cell Tower: The Verizon tower signal has been turned on and has been broadcasting a signal. The City has been told that currently the signal is running off of another tower and Verizon is still working with AT&T to place the fiber. The 5G signal is supposed to be turned on in the next month or so.

Lake Shamrock Dredging: Dredging work and hauling with the 40-yard trucks has been continuing steadily every day. The RFP for Hydraulic dredging of the main portion of the lake, which will require its own set of permits from EGLE, has been sent out and is scheduled for opening at 2:00 p.m. on Monday, February 13, 2023. The RFP for the design/build of the replacement of the dam/walkway/emergency spillway is also being drafted.

Assessing Contract: The city recently received notice that our Assessor (Ed with V&V Assessing) is terminating his contract with the City of Clare and another significant portion of the municipalities he currently supports due to health issues. He has given us over the required 60 days' notice and will be able to get us through the March Board of Review as well as get the roll set. Staff and I have already begun exploring our options to find another contract Assessor, and I will keep you posted as we move through that process.

10. \*COMMUNICATIONS
- FOIA Requests & Responses: The most recent FOIA requests and responses are attached for information: American Transparency request.
- COVID Research Study Flyer: The Department of Health & Human Services, the National Institutes for Health, and Michigan Medicine have teamed up to conduct a study on the priorities of communities following the COVID pandemic.
- Clare County Hazard Mitigation Plan 30 Day Review: The most recent Clare County Hazard Mitigation Plan is currently under a 30-day review period. The Plan can be found at <https://clareco.net/wp-content/uploads/2023/01/Clare-County.-Rough-Draft.-1-3-23.pdf> if you wish to review the document.
- Site Plans, Special Use Permits, Variance Requests & Public Notices:
- Special Use/Site Plan from Michigan Pure Green, LLC. to conduct Adult-Use Marijuana processing at 690 Industrial Drive.
  - Site Plan from Bolle Contracting to construct a 12' x 48' addition to a hangar on Lot 203 of the Clare Municipal Airport.
  - RFP-Hydraulic Dredging of Lake Shamrock.
  - March Board of Review Dates set.
11. EXTENDED PUBLIC COMMENT: None.
12. COMMISSION DISCUSSION TOPICS:  
Mayor Pat Humphrey informed the commission that he will be absent from both City Commission meetings in March 2023.
13. \*APPROVAL OF BILLS: *Approved by Consent Agenda.*
14. \*PROFESSIONAL & EDUCATIONAL TRAINING OPPORTUNITIES: *Approved by Consent Agenda.*
15. ADJOURNMENT: Motion by Commissioner Jenkins, second by Commissioner Murphy to adjourn the meeting. Roll call vote: Yeas: Commissioners Bob Bonham, Pat Humphrey, Kim Bussell, Maegan Jenkins, and Carolyn (Gus) Murphy. Nays: None. Absent: None *Motion Carried.* The meeting adjourned at 6:20 p.m.

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Pat Humphrey, Mayor

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Sarah Schumacher, Deputy Clerk