

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, Maegan Jenkins, Nick Loomis, and Carolyn (Gus) Murphy. Absent: None. Also, present: Jeremy Howard, City Manager; Steve Kingsbury, City Treasurer, and Diane Lyon, City Clerk. The audience was in attendance via remote audio and visual (Zoom) public meeting attendance as authorized under the Open Meetings Act.

Rules for Public Comment during the conduct of remote electronic meetings were read to the audience by the Clerk.

2. CONSENT AGENDA:

Moved by Commissioner Murphy second by Commissioner Jenkins to approve the items listed with an asterisk (\*) (Agenda, Minutes, First Reading of Ordinance 2021-001, Communications, Department Reports, Professional Development, and Bills) that are considered to be routine by the City Commission. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, 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: None.

6. UNFINISHED BUSINESS: None.

7. NEW BUSINESS:

**A. DESTINATION CLARE SCULPTURE WALK PRESENTATION**

The Clare County Arts Council, Clare Parks and Recreation, MMDC, and local artist Jeff Best (Devils Rope Art Studio) have been working on putting together information regarding a potential new art installation in the City of Clare. They would like to present their information to the City Commission to get further support, direction and partnership with the City.

This same presentation was given to the DDA board at their February 5, 2021 meeting. After the presentation and further discussion, a motion was made by the DDA to support the Clare County Arts Council in continuing to move forward with planning and development of the Destination Clare Sculpture Walk. The motion was unanimously approved by the board.

The project will cost between \$40,000-\$50,000. Potential funding sources include the Clare County Community Foundation, Patronicity, sponsorships, application fees, grants, sculpture raffle, sale of artwork, etc. No funding from the DDA or the City is requested at this time.

The presentation was provided to the Clare City Commission by Clare County Arts Council President Carol Santini. Various artists will be invited to participate in the temporary sculpture walks planned from May through December. The art installations will be placed in parks and the downtown district. Clare currently has 4 large, permanent sculptures: the Pioneer at Brookwood Park, the Rooster at The Evening Post, the Conductor at the Clare Railroad Depot and the Pioneer Mother at Clare Middle School and several smaller sculptures in Art Alley.

Up to ten sculptures will be placed throughout downtown, the majority of which will be placed on sidewalks and green spaces owned by the city.

Commissioner Bonham had concerns about the artwork occupying sidewalk areas in the downtown district during winter months when snow removal is necessary.

Carol Santini informed the City Commission that snow removal in winter months was taken into consideration, thus the group reviewed numerous locations for placement of the artwork keeping snow removal in mind.

Motion by Commissioner Bonham second by Commissioner Murphy to approve support to the Clare County Arts Council in continuing to move forward with planning and development of the Destination Clare Sculpture Walk by adoption of Resolution 2021-017. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**B. HAMMERBERG FUNDS DISBURSEMENT REQUEST**

By adoption of its Resolution 2019-111, the Clare City Commission previously approved the Hammerberg Endowment Fund Committee's recommended prioritized list of recreation and cultural projects to be funded with money from the Hammerberg Endowment Fund.

The approved project list includes the Clare Rail Trail Gap, Clare Public Schools Tennis Courts, Emerald Isle Recreation Complex-selected projects, Depot Benches, Music Licensing, Park Grills, Art Alley, Gateway Park (project not happening due to lack of funds), Tennis Courts (added project).

A current funding sheet was provided by Joy Simmer which included projects from the above approved and allocated funding list, all prior disbursements, and the remaining needed disbursements from the already approved/allocated projects.

The Hammerberg funds are maintained by the Clare County Community Foundation (CCCF) per the instructions of the Dr. Hammerberg Estate. The City has agreement with the CCCF that requires the disbursement of monies from the Fund are to be approved by the City Commission and then formally submitted by the Clare City Manager.

The City's Parks & Recreation Advisory Board (PRAB) met and has recommended that the City Commission approve requests for the disbursement of \$11,200 (EIRC playground surface-\$10,000 and 2021 Music Licensing-\$1,200) to facilitate the purchase of the items listed in Joy's memos. These items were included in the original prioritized list approved by the Hammerberg Foundation Committee and the City Commission in 2019.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the disbursement request by adoption of Resolution 2021-018. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**C. FIREWORKS PERMIT REQUEST**

The Clare Area Chamber plans to sponsor the annual summer fireworks show in the City on June 26, 2021. In order to "hold" the selected date for the show, the Chamber must submit the approved permit to the fireworks vendor. The State of Michigan requires the governing body hosting fireworks displays to approve said permit for the display. The Commission has traditionally approved the permit in the past and is asked to do so again this year.

Motion by Commissioner Bonham second by Commissioner Jenkins to approve the fireworks permit by adoption of Resolution 2021-019. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**D. INTENT TO ESTABLISH INDUSTRIAL DEVELOPMENT DISTRICT**

By adoption of Ordinance 2019-010, the City approved a Conditional Zoning Request for light industrial at the request of MTW Industries, LLC., for property located at 11250 North Mission Road. The City has received a subsequent request from MTW Industries, LLC. to establish an Industrial Development District at that location in order to facilitate tax abatements (Industrial Facilities Tax Exemptions). In order to allow these exemptions, we have to establish a new Industrial Development District.

We currently have four such districts within the City (the south industrial park, the north industrial park, the industrial zone on East Fourth Street, and the one on Pioneer Parkway). As the Commission is aware, the granting of IFE's in our current districts has been tremendously successful, and we (the City staff) attribute the approval of these numerous IFEs by the City Commission without strings or conditions other than a

“claw-back” clause and issuance by the state a major contributing factor to the continuous growth of our industrial base for the past 15 years. Consequently, we ask the City Commission to consider creating a new Industrial Development District at this property location.

The creation of these economic development districts is governed by PA 198 of 1974. The first step in its creation is scheduling of a public hearing and to solicit comment from neighboring properties. We ask that the City Commission direct this first step to allow us create a new Industrial Development District.

Motion by Commissioner Bonham second by Commissioner Murphy to approve the initiation to develop a new Industrial Development District and direct the City Clerk to schedule and notice a public hearing by adoption of Resolution 2021-020. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**E. PRIVATE WELL REQUEST**

The City has received a request from Mr. Richard Hunt to allow the drilling of a 2”, 30’ deep well for irrigation at his residence at 508 Forest Avenue. The City Commission is the approval authority for all private wells drilled within the City. The City Staff has reviewed the request and recommended approval of the request. The Commission is asked to consider the request.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the private well request by adoption of Resolution 2021-021. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**F. PROGRESSIVE ENGINEERING CONTRACT-LAKE SHAMROCK DREDGING PROJECT**

As the city continues to work through the process of the dredging project for Lake Shamrock, we are now at the point where we need to ask the City Commission to authorize a contract with Progressive AE for their Professional Services. They are the firm that have worked with the City since the beginning of the project and were critical in securing the current permit with the Michigan Department of Environment, Great Lakes, & Energy (EGLE) for dredging and the location for the spoils. Mr. Tony Groves is the engineer that we have worked with and we have already begun meetings to move the process forward. As you can see in the contract, the scope of service includes items like surveying the lake, working with EGLE on approvals and permits, and project coordination and logistics. The City Commission is asked to approve the contractual agreement as drafted with Progressive AE.

Motion by Commissioner Murphy second by Commissioner Bonham to approve the private well request by adoption of Resolution 2021-022. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

**G. PROPOSED ORDINANCE AMENDMENT 2021-001 (SIGNS)**

**(1) \*First Reading**

**(2) Public Hearing**

The Planning Commission has held numerous discussions regarding the city’s proposed sign ordinance amendment over the past year. The Planning Commission, Giffels Webster, City Attorney, and City Staff discussed options and made recommendations for changes to the draft ordinance. Much of the language has been cleaned up and updated to fit with the city’s Master Plan and to address issues and concerns with signs of all types located within the City of Clare.

Jill Bahm of Giffels Webster has provided a memo outlining and highlighting some of the changes requested by the Planning Commission and City Staff as well as some of the discussion held regarding those changes.

At the regularly scheduled Planning Commission meeting of March 10, 2021, a public hearing was held regarding the proposed ordinance amendment. Following discussion, members of the Planning Commission voted to recommend approval of the proposed changes by adoption of Resolution 2021-008PC.

The recommended draft ordinance (markup version and clean version) for regulating signs in the city have been provided to the City Commission at this time for their review and consideration.

All ordinance code changes or amendments require the approval of the City Commission, and all ordinances require two readings and approval of the Commission subsequent to a public hearing. The required public notice announcing the hearing has been published.

Subsequent to the conduct of the hearing, the Commission has the option of allowing a First Reading of the proposed Ordinance or denying the conduct of a First Reading, thereby rejecting the proposed new ordinance.

The City Commission is asked to conduct the required public hearing and approve or deny a First Reading of the proposed ordinance.

Motion by Commissioner Bonham second by Commissioner Murphy to open the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

Public Comment: None.

Motion by Commissioner Bonham second by Commissioner Murphy to close the public hearing. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.*

8. TREASURER'S REPORT: *The Treasurer presented his report.*

9. CITY MANAGER'S REPORT

Planning Commission: The Planning Commission met Wednesday, March 10<sup>th</sup>. The Planning Commissioners approved a replacement Vice Chair after the passing of Darren Acton. They voted unanimously to seat Nick Wyman as the Vice Chair. Please be thinking of individuals who may be interested and available to fill the vacancy on the Planning Commission. The Planning Commission also received a presentation on developing a "Tiny Homes" ordinance in the City of Clare. The Planning Commission has asked staff to work with our consultant Jill Bahm at GW to research the possible options for a tiny home ordinance. Medical Marijuana Special Use Permit renewals for 535, 545, 555 Industrial Drive for Vault MI, LLC (formerly Green Bronco, LLC) were approved. This is the 3<sup>rd</sup> such renewal. The Planning Commission also approved a Special Use Permit and Site Plan for Recreational Marijuana (Class C Grow) for 555 Industrial Drive. This is the first request since the new recreational ordinance went into effect. It should be noted that the approval passed with a 4-3 vote. Vault MI, LLC expects to be up and running for the first building (555 Industrial Drive) within the next month or two. The other item discussed was the finalization of the sign ordinance after many very lengthy discussions. The Planning Commissioners and city staff really put a tremendous amount of time, effort, and thought into this ordinance. Our consultant congratulated the Planning Commissioners on sticking with it and completing the process as many municipalities talk about it for a long time but end up not making it through the full process because of the details and time it takes to do it right.

Bike Rack at Depot: The city was contacted by a citizen to create a bike rack in memorial of a loved one at the Depot. The bike rack is almost completed and will soon be finding its new home at the Depot.

Run Water Order: DPW continued to monitor frost levels throughout the city since the run water order was put into place on February 18<sup>th</sup>. On Monday, March 8<sup>th</sup>, the frost had receded enough that we were able to lift the run water order. The end notice was posted on the City's Facebook pages, Channel 188, city website, and a postcard was sent to each household. As noted, the usage for residents will be adjusted accordingly for the Run Water Notice.

Little Tobacco County Drain Project: Work continues throughout the city on the clearing of the Little Tobacco Drain. The work that is being done is quite impressive. Some of the house demolition is close to being completed on the properties that FEMA purchased. It will be a great improvement when the project is completed.

Board and Commission Meetings: The legislature passed revisions to the Open Meetings Act to allow virtual meetings through the end of March 2021. MML and others are working with the legislature to see if they will be extending the virtual meeting piece of OMA. However, recently MDHHS amended their orders to allow limited face to face meetings or gatherings with up to 25 people at non-residential gatherings. This now allows us the option to meet face to face, masked and social distanced, and have the public participate via zoom. We are hopeful we can do this with some of our other boards and committees as well. We hope that this will enable us to hold the joint Planning Commission/City Commission annual meeting in the near future.

City Buildings Closed to Public: City offices have been closed to the public since November 18<sup>th</sup> in order to comply with the MDHHS orders. The current notice is for the city office to continue to be closed until March 29, 2021 at 11:59 p.m. Some city staff have been working remotely when possible and essential staff have been continuing to work as normal. We have been accommodating requests for appointments when absolutely necessary for the public. We are in the process of evaluating whether some of the buildings can be opened to the public again at the end of this month. City Hall may be one that will need to stay closed except by appointment or walk up due to the MIOSHA order requiring remote work. I will keep you apprised of any changes as there are new orders issued almost every week.

10. \*DEPARTMENT REPORTS *Approved by consent agenda*

11. \*COMMUNICATIONS

FOIA Requests: The most recent FOIA requests & responses were provided for your information.

CDC Vaccination Info: The CDC has released new information on COVID-19 Vaccines and other COVID-19 related information and data.

Disability Network of Mid-Michigan: The DNMM is providing assistance to individuals with disabilities facing hardships due to COVID-19.

SOS News: Secretary of State Joslyn Benson announced that the state has completed more than 250 audits with the results confirming the integrity and accuracy of the November 2020 election.

Charter Communications: Charter Communications has announced changes to their programming services.

11. EXTENDED PUBLIC COMMENT: Pam O'Laughlin (MMDC), Jim McBryde (MMDC), Nathan Rogers, Richard Hunt, and Carol Santini thanked the Commission for the approval various items on tonight's meeting agenda in which they each had interest.

12. COMMISSION DISCUSSION TOPICS: Mayor Humphrey expressed appreciation to the Planning Commission for all of the work they put in to getting the sign ordinance updated and asked about current signage that is not in compliance with the new ordinance. All signs in place prior to the adoption of the ordinance will be grandfathered in until such time as the sign needs to be replaced, modified or requires repair.

13. \*APPROVAL OF BILLS: *Approved by Consent Agenda.*

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

15. ADJOURNMENT: Motion by Commissioner Murphy second by Commissioner Bonham to adjourn the meeting. Roll call vote: Yeas: Commissioners Bob Bonham, Maegan Jenkins, Pat Humphrey, Nick Loomis, and Carolyn (Gus) Murphy. Nays: None. Absent: None. *Motion Carried.* Meeting adjourned at 6:37 p.m.

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Pat Humphrey, Mayor

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Diane Lyon, City Clerk