

TUESDAY, DECEMBER 7, 2010

7:30 P.M.

A regular meeting of the Council of the City of Clawson, held in the Clawson Municipal Building, 425 N. Main Street, was called to order by Mayor Luebs at 7:30 P.M.

The invocation was given by Mr. Peter Brazle of Heritage Church of Christ.

ROLL CALL:

PRESENT: Mayor Luebs, Councilmember Airriess, Moore and Palmer

ABSENT: Councilmember Phillips

AGENDA ITEM NO. 5

Consideration of the following Consent Agenda:

- a. Minutes of the Regular City Council Meeting held on Tuesday, November 16, 2010, as presented.
- b. Reappointment of Brian Sutherland to the Downtown Development Authority, term to expire October 31, 2014.

There are two (2) items on the consent agenda this evening the minutes of a Regular City Council Meeting and a reappointment to the Downtown Development Authority.

Mark Pollock
City Manager

CM 12-187-10 CONSIDERATION OF THE FOLLOWING CONSENT AGENDA

MOTION BY: Councilmember Airriess

SUPPORTED BY: Councilmember Moore

RESOLVED, the following consent agenda items are approved as listed.

- a. Minutes of the Regular City Council Meeting held on Tuesday, November 16, 2010, as presented.
- b. Reappointment of Brian Sutherland to the Downtown Development Authority, term to expired October 31, 2014.

AYES: Mayor Luebs, Councilmember Moore, Palmer and Airriess

NAYS: None

ABSENT: Councilmember Phillips

ABSTAINED: None

MOTION CARRIED:

MEMORANDUM

To: Mark Pollock, City Manager

From: James Albus, Director of Building & Planning

Date: Tuesday, November 23, 2010

Re: Requested Lot Split and Combination
Owners: Ms. Hug, Ms. Davis & Mr. Wells
Location: 276 & 306 Bauman
Zoning: R-2 Single Family Residential District
Parcel ID #: 16-25-03-153-024 & 16-25-03-153-025
West ½ of Lot 48, Lot 49, Lot 50, Lot 51, & East ½
of Lot 52.

Ms. Hug proposes to split and sell the west 12 feet of Lot 50 to Ms. Davis and Mr. Wells, who then propose to combine the split portion with their existing Parcel. This will result in the widening of Parcel A by 12 feet.

The resulting parcels are dimensioned as follows:

Parcel A: 72 ft. wide x 199 ft. deep fronting on Bauman
“ B: 88 ft. wide x 199 ft. deep fronting on Bauman

After review by the City’s Planner, it is recommended to Council to grant the lot split and combination as requested.

LETTER

**McKENNA ASSOCIATES
235 EAST MAIN STREET SUITE 105
NORTHVILLE, MI 48167**

November 8, 2010

Mr. Jim Albus, Director of Building and Planning
City of Clawson
425 North Main Street
Clawson, MI 48017

Subject: 276 and 306 Bauman Avenue; Lot Split and Combination Review #1 (based on plat map, registered survey and application form dated 10/13/10).

Dear Mr. Albus:

We have reviewed the above referenced lot combination request submitted by Derrick J. Wells and Lisa R. Davis (276 Bauman) and Terrie Ann Hug (306 Bauman). The applicants are the owners of the subject properties involved in the request.

COMMENTS

- Proposal.** Mr. Wells and Ms. Davis own all of Lot 51 and the east half of Lot 52 of Artesia Park (Parcel A), while Ms. Hug owns all of Lot 49 and 50 and the west half of Lot 48 of Artesia Park Subdivision (Parcel B). Ms. Hug proposes to split and sell the west 12 feet of Lot 50 to Mr. Davis and Ms. Wells, who then propose to combine the split portion with their existing Parcel. This will result in the widening of Parcel A by 12 feet.
- Zoning and Land Use.** Both Parcels A and B have an existing single family dwelling on each of them. Parcel A has a detached shed, while Parcel B has a detached garage located within their respective rear yards. The parcels are located in the R-2 (Single Family Dwelling) District, and abut similar R-2 zoning to the east and west, single family residential properties within the City of Royal Oak to the south and front on Bauman Avenue to the north.

The required front and rear yard setbacks are 25 feet and 35 feet, respectively. Required side yard setback is 5 feet on one side and 10 feet on the other. The existing dwelling on Parcel B meets all setback requirements. The existing dwelling on Parcel A is non-compliant with regard to the east side yard setback (approximately 4 feet). The proposed lot split and combination will make the residence conforming with a 16+ foot east side yard. The proposal will not change the conforming status of the dwelling on Parcel B.

3. **Lot Area and Width (Section 34-1222).** The minimum lot area and width requirement in the R-2 district are 5,500 square feet and 50 feet, respectively. Subsequent to the lot split and combination Parcel A will have a lot width of 72 feet and lot area of 14,313 square feet, while Parcel B will have a lot width of 88 feet and lot area of approx. 17,512 square feet, which far exceeds the Ordinance minimums.
4. **Application Requirements (Section 34-1223).** The ordinance requires several items of information to be submitted to meet the requirements for a lot split. The applicant has at this time submitted a survey of the parcel drawn by a registered land surveyor on a scale of 1"=40 feet. The survey notes the existing and proposed legal descriptions, lot line dimensions, location of structures, driveway location and existing setbacks from property lines as required by the Ordinance. The following items must be addressed on a revised survey:
 - a. Notation of zoning designation of the parcels.
 - b. Identification of Parcels as 'A' and 'B' (as described in comment 1)
 - c. Labeling of the legal description noted on the survey as "proposed" instead of "as surveyed".
5. **Depth to Width Ratio (Section 34-1225).** The proposed parcel is within the maximum permitted width to depth ratio of 1:4.
6. **Access (Section 34-1226).** The parcels have frontage along Bauman Avenue, which is a paved public street.

RECOMMENDATION

Most of the application requirements have been met at this time. Based on our review of the application and information submitted, we recommend that the City Council grant approval to the request for lot split of 306 Bauman and it's combination with 276 Bauman Avenue, subject to the applicant submitting a revised survey addressing the items noted in Comment 3, above.

Respectfully submitted,
McKenna Associates
/s/ Vidya Krishnan
Senior Planner

AGENDA ITEM NO. 6

Consideration of a request by Terrie Ann Hug (306) Bauman to split and sell the west 12 feet of Lot 50 of said property to Derrick Wells and Lisa Davis (276 Bauman) who propose to combine the split portion with their existing parcel.

Terrie Ann Hug proposes to split and sell the west 12 feet of Lot 50 to Lisa Davis and Derrick Wells, who then propose to combine the split portion with their existing Parcel. This will result in the widening of Parcel A by 12 feet. This has been reviewed by the City's Planner and it is recommended that City Council grant the lot split and combination as requested. My recommendation is the request by Terrie Ann Hug (306) Bauman to split and sell the west 12 feet of Lot 50 of said property to Derrick Wells and Lisa Davis (276 Bauman) who propose to combine the split portion with their existing parcel be approved.

Mark Pollock
City Manager

Jim Albus, Director of Building and Planning, was present and reviewed the requested lot split and combination.

CM 12-188-10 CONSIDERATION OF A REQUEST BY TERRIE ANN HUG (306 BAUMAN) TO SPLIT AND SELL THE WEST 12 FEET OF LOT 50 OF SAID PROPERTY TO DERRICK WELLS AND LISA DAVIS (276 BAUMAN) WHO PROPOSE TO COMBINE THE SPLIT PORTION WITH THEIR EXISTING PARCEL

MOTION BY: Councilmember Airriess
SUPPORTED BY: Councilmember Palmer

RESOLVED, the request by Terrie Ann Hug (306) Bauman to split and sell the west 12 feet of Lot 50 of said property to Derrick Wells and Lisa Davis (276 Bauman) who propose to combine the split portion with their existing parcel be approved.

AYES: Councilmember Moore, Palmer, Airriess and Mayor Luebs
NAYS: None
ABSENT: Councilmember Phillips
ABSTAINED: None

MOTION CARRIED:

PLANNING COMMISSION RECOMMENDATION

MOTION BY: T. Airress
SUPPORTED BY: Romano

WHEREAS, Notice of a Public Hearing to be held by the Planning Commission on Tuesday, November 23, 2010 to consider the proposed amendments to Chapter 34 of the Land Development Regulations, Division 21. Sign Ordinance, Section 34-1107 and 34-1108 to delete setback from property lines and add specifications for ground sign location, and; Division 23. City Center District, Section 34-1195 to clarify the number of required open space amenities based on façade length rather than number of storefronts, was published in the Daily Tribune on Friday, November 5, 2010 and said notice was posted in a prominent location in the Municipal Building; and

WHEREAS, the Planning Commission for the City of Clawson conducted a Public Hearing on Tuesday, November 23, 2010 to consider public comment on the proposed ordinance amendment to Chapter 34 of the land Development Regulations, Division 21. Sign Ordinance, and Division 23. City Center District; and

NOW, THEREFORE, LET IT BE RESOLVED, that the City of Clawson Planning Commission does hereby offer a recommendation to amend Chapter 34 of the Land Development Regulations, Division 21. with changes to existing Section 34-1107 and 34-1108 deleting some text and add specifications for ground sign location; and changes to existing Section 34-1195(g) to clarify the number of required open space amenities be submitted to the Clawson City Council for adoption.

AYES: Moore, Romano, Shepard, Tite, T. Airriess and Blanchette
NAYS: None
ABSENT: Funk
ABSTAINED: None

MOTION CARRIED:

PROPOSED ORDINANCE AMENDMENT

CITY OF CLAWSON OAKLAND COUNTY, MICHIGAN ORDINANCE NO. ____

An ordinance to amend chapter 34, Division 21. Sign ordinance, Section 34-1107 and 34-1108 sign regulations in residential and non-residential districts, to delete some text and add specifications for ground sign location, and; Division 23. City Center district, Section 34-1195. development standards, sub-section (g) to clarify the number of required open space amenities

THE CITY OF CLAWSON HEREBY ORDAINS:

Chapter 34 shall be amended as follows:

PART I. Division 21, Section 34-1107. Residential Ground Sign Regulations and 34-1108. Non-Residential sign Regulations, existing tables shall be revised as follows:

Ground sign locations restricted to “Not closer than 10 feet to any property line or to edge of pavement of any driveway entrance off of the right-of-way” and “No such sign shall be located within 10 feet of any road or street right-of-way” shall be deleted and replaced with:

Such sign shall be located completely within private property, shall not affect line of sight on abutting streets or be located within the clear vision triangle area (as defined in sec. 34-1036). No portion of said sign shall project or overhang a public/private right-of-way.

PART II. Division 23, Section 34-1195. Development Standards, sub-section (g). open space and community design features (1), shall be revised as follows:

- (1) Commercial/retail, service, or restaurant use. To the extent not in conflict with the provision of Division 23, the following amenities shall be provided/installed per 50 lineal feet (or fraction thereof) of street frontage on a public right-of-way, per property: patio/seating area, pedestrian plaza with benches, pedestrian walkways perpendicular to the public road and between the buildings, ornamental planters, bicycle racks, trash receptacles, pieces of art or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the City, adequately enhances and/or serves the community and public spaces. Any such areas and/or features shall have direct access to the public sidewalk network and shall be constructed of materials that are comparable to and compatible with the principal materials required of the building and landscape design. Existing amenities installed by the City and/or DDA along the public sidewalk shall not be counted towards the required number of amenities by any individual business along whose frontage such an amenity is located. The Planning Commission shall have the authority to direct an applicant to provide an alternative amenity to the one(s) proposed, if the proposal calls for an amenity already in abundance or does not meet with the intent of the District.

PART III. Conflicts.

If any provision of the Clawson Land Development Regulations conflicts with this amendment to the regulations, the most restrictive provision shall be applied.

PART IV. Severability.

Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

PART V. Adoption.

AGENDA ITEM NO. 7

Consideration of the introduction and 1st reading of an ordinance to amend Chapter 34, Division 21. Sign Ordinance, Section 34-1107 and 34-1108 Sign Regulations in Residential and Non-Residential Districts, to delete some text and add specifications for ground sign location, and; Division 23. City Center District, Section 34-1195. Development Standards, Sub-Section (g) to clarify the number of required open space amenities.

The Planning Commission at its November 23, 2010 meeting discussed and approved the issues in the proposed ordinance. I recommend the ordinance to amend Chapter 34, Division 21. Sign Ordinance, Section 34-1107 and 34-1108 Sign Regulations in Residential and Non-Residential Districts, to delete some text and add specifications for ground sign location, and; Division 23. City Center District, Section 34-1195. Development Standards, Sub-Section (g) to clarify the number of required open space amenities be introduced and entered into 1st reading.

Mark Pollock
City Manager

CM 12-189-10 CONSIDERATION OF THE INTRODUCTION AND 1ST READING OF AN ORDINANCE TO AMEND CHAPTER 34, DIVISION 21. SIGN ORDINANCE, SECTION 34-1107 AND 34-1108 SIGN REGULATIONS IN RESIDENTIAL AND NON-RESIDENTIAL DISTRICTS, TO DELETE SOME TEXT AND ADD SPECIFICATIONS FOR GROUND SIGN LOCATION, AND; DIVISION 23. CITY CENTER DISTRICT, SECTION 34-1195. DEVELOPMENT STANDARDS, SUB-SECTION (G) TO CLARIFY THE NUMBER OF REQUIRED OPEN SPACE AMENITIES

MOTION BY: Councilmember Moore
SUPPORTED BY: Councilmember Airriess

RESOLVED, the ordinance to amend Chapter 34, Division 21. Sign Ordinance, Section 34-1107 and 34-1108 Sign Regulations in Residential and Non-Residential Districts, to delete some text and add specifications for ground sign location, and; Division 23. City Center District, Section 34-1195. Development Standards, Sub-Section (g) to clarify the number of required open space amenities be introduced and entered into 1st reading.

AYES: Councilmember Palmer, Airriess, Mayor Luebs and Councilmember Moore
NAYS: None
ABSENT: Councilmember Phillips
ABSTAINED: None

MOTION CARRIED:

NOTICE

COMMUNITY DEVELOPMENT BLOCK GRANT 2010 REQUEST TO WAIVE RECAPTURE FORM

The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th). To help comply with the regulation, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two

most recent program years. Therefore, all unobligated 2008 and older funds are at risk of recapture December 31, 2010.

A community may protect unobligated 2008 funds from recapture for one additional year by requesting a waiver. **Submittal of the following information and a governing body resolution** from the community requesting a one year deferral of recapture constitutes the Request to Waive Recapture. **A separate form must be submitted for each 2008 line item.**

Community Name: **City of Clawson**

Date request submitted: **December 7, 2010**

2008 CDBG Project Title: **Parks & Recreation Facilities**

Amount of funds to be retained: **\$ 33,238.00**

Description and Location of activity:
Installation of decorative lighting in Clawson City Park.

Reason for NOT completing project as specified on original 2008 application:

Project money was recently reprogrammed. Recently received donated light poles and had delay in consulting with DTE on installation.

Provide a corrective action plan and specific project implementation plans scheduled for the next calendar year. Projects must be completed by December 31, 2011

Date Corrective Action

Specifications for the lighting project were prepared by the city's engineering consultant and advertised on November 26, 2010. The bid opening is scheduled for December 10, 2010 and will be awarded in January, 2011. The project is anticipated to be completed in early spring.

AGENDA ITEM NO. 8

Consideration of a Resolution requesting approval of a Community Development Block Grant 2010 Request to Waive Recapture Form for unobligated 2008 funds for one additional year.

2008 Community Development Block Grant Funds (CDBG) that are not under contract by December 31, 2010 may be protected through 2011 with a waiver request and a legislative resolution which **must be submitted to Oakland County by December 17, 2010.** These funds have been designated for the lamp posts in the City Park but a contract has not been awarded as of yet. This project has been advertised to bid with bids coming in on December 10, 2010 which would not be on an agenda until December 21, 2010 which is past the deadline. My recommendation is the Resolution requesting approval of a Community Development Block Grant 2010 Request to Waive Recapture Form for unobligated 2008 funds for one additional year be approved.

Mark Pollock
City Manager

Councilmember Moore stated that we need a plan of where the lights will be installed.

Councilmember Moore stated that he had heard complaints from the committee for parks that when the field lights are turned off it is difficult to see to when leaving the park.

Mickey Alderman, Parks & Recreation Director, was present and stated that when it is a school activity they control the lights and that they would look into this complaint.

CM 12-190-10 CONSIDERATION OF A RESOLUTION REQUESTING APPROVAL OF A COMMUNITY DEVELOPMENT BLOCK GRANT 2010 REQUEST TO WAIVE RECAPTURE FORM FOR UNOBLIGATED 2008 FUNDS FOR ONE ADDITIONAL YEAR

MOTION BY: Councilmember Palmer

SUPPORTED BY: Councilmember Airriess

RESOLVED, the Resolution requesting approval of a Community Development Block Grant 2010 Request to Waive Recapture Form for unobligated 2008 funds for one additional year be approved and forward to Oakland County.

AYES: Councilmember Airriess, Mayor Luebs, Councilmember Moore and Palmer

NAYS: None

ABSENT: Councilmember Phillips

ABSTAINED: None

MOTION CARRIED:

AGREEMENT

**CITY OF CLAWSON
LEASE AGREEMENT**

This Lease Agreement ("Agreement") dated the 1st day of December by and between the City of Clawson ("Clawson/Lessor") and the Infinite Path Martial Arts ("Infinite Path/Lessee").

In consideration of the promises herein made the parties agree to the following:

1. For a term of twelve (12) months, Lessor shall lease to Lessee space consisting of one (1) room located at 509 Fisher Court, Clawson, Michigan, 48017, more fully described as Room 8.
2. Lessee's use shall be limited during the tenancy to only room use.
 - a. Lessee shall be solely responsible for all equipment, maintenance, and staffing needs.
 - b. Lessee shall carry suitable fire, liability, and casualty and workers compensation insurance on the lease premises in suitable amounts to Lessor designating as a named insured.
3. Lessee shall pay Lessor rent in the amount of \$575.00 per month, payable on the 1st of each month.
4. Lessee shall have the right of exclusive access to the leased premises and all rights of access at reasonable hours to the building in which the lease premises is located.
5. The terms of this lease shall be twelve (12) months commencing January 1, 2011. Prior to the termination of this lease, the parties shall meet to negotiate the terms and provisions of a new lease. So long as Lessee shall honor the terms of this Agreement, it shall and may peacefully enjoy the lease premises during the term hereof.

6. It is the understanding of the parties that no financial obligation shall arise to Lessor as a result of Lessee's activities.

CITY OF CLAWSON

INFINITE PATH MARTIAL ARTS

By: _____
Penny Luebs, Mayor Date

By: _____
Christopher Scafone Date

By: _____
G. Machele Kukuk, City Clerk Date

Its: _____
Owner

AGENDA ITEM NO. 9

Consideration of renewing the lease agreement with Infinite Path Martial Arts.

The Recreation Director has negotiated renewing the lease agreement with Infinite Path Martial Arts which expires on December 31, 2010 for use of the Hunter Community Center. The new lease would be for twelve (12) months beginning January 1, 2011 in the amount of \$575.⁰⁰ per month. I recommend the lease be approved for twelve (12) months in the amount of \$575.⁰⁰ per month beginning January 1, 2011.

Mark Pollock
City Manager

Mickey Alderman, Parks & Recreation Director, reviewed the lease renewal.

CM 12-191-10 CONSIDERATION OF RENEWING THE LEASE AGREEMENT WITH INFINITE PATH MARTIAL ARTS

MOTION BY: Councilmember Airriess
SUPPORTED BY: Councilmember Moore

RESOLVED, the lease agreement beginning January 1, 2011 through December 31, 2011, with Infinite Path Martial Arts in the amount of \$575.⁰⁰ per month be approved.

AYES: Mayor Luebs, Councilmember Moore, Palmer and Airriess
NAYS: None
ABSENT: Councilmember Phillips
ABSTAINED: None

MOTION CARRIED:

AGREEMENT

**CITY OF CLAWSON
LEASE AGREEMENT**

This Lease Agreement ("Agreement") dated the 1st day of December by and between the City of Clawson ("Clawson/Lessor") and the YWCA of Metropolitan Detroit ("YWCA/Lessee").

In consideration of the promises herein made the parties agree to the following:

2. For a term of twelve (12) months, Lessor shall lease to Lessee space consisting of one (1) room located at 509 Fisher Court, Clawson, Michigan, 48017.
2. Lessee's use shall be limited during the tenancy to only room use.
 - a. Lessee shall be solely responsible for all equipment, maintenance, and staffing needs.

- b. Lessee shall carry suitable fire, liability, and casualty and workers compensation insurance on the lease premises in suitable amounts to Lessor designating as a named insured. (Minimum of \$300,000).
- 7. Lessee and Lessor will each receive revenue regularly collected from use of the fitness room after direct supervisory cost of facility. Net revenue shall be shared equally.
- 8. The Parks and Recreation Department will collect all fees for participants using facility.
- 9. Lessee shall have the right of exclusive access to the leased premises and all rights of access at reasonable hours to the building in which the lease premises is located.
- 10. The terms of this lease shall be twelve (12) months commencing January 1, 2011. Thirty (30) days prior to the termination of this lease, the parties shall meet to negotiate the terms and provisions of a new lease. So long as Lessee shall honor the terms of this Agreement, it shall and may peacefully enjoy the lease premises during the term hereof.
- 11. Lessee must provide copy of 501C non-profit status.
- 12. If either the lessor or lessee does not abide to the contract, the contract can be cancelled after a 30 day written notice to the undersigned or other agent.
- 13. Lessee shall be and is responsible for any training in the use of the fitness equipment.
- 14. Lessee shall be solely responsible for any staffing of fitness programs/activities performed in accordance with the terms of the lease.
- 15. The hours of use shall initially be from 7:30 A.M. to 7 P.M. Monday through Friday and from 8:30 to 11:30 A.M. on Saturday. Any adjustment to hours of operation will be mutually agreed upon.
- 16. Receipts from participants in the program shall be distributed to the Lessee in the amount set forth herein as received by Lessor, on the last day of the succeeding month of any payment.

City of Clawson

YWCA of Metropolitan Detroit

By: _____
 Penny Luebs, Mayor Date

By: _____
 Emma Peterson Date

By: _____
 G. Machele Kukuk, City Clerk Date

Its: _____

AGENDA ITEM NO. 10

Consideration of renewing the lease agreement with the YWCA at Hunter Community Center for a fitness center.

The Recreation Director has negotiated renewing the lease agreement with the YWCA for use of space at Hunter Community Center for a fitness room. I am recommending a one (1) year lease for one (1) room at Hunter Community Center beginning January 1, 2011 through December 31, 2011 with the agreement that the City of Clawson will share equally in the revenues collected be approved.

Mark Pollock
 City Manager

CM 12-192-10 CONSIDERATION OF RENEWING THE LEASE AGREEMENT WITH THE YWCA AT HUNTER COMMUNITY CENTER FOR A FITNESS ROOM

MOTION BY: Councilmember Palmer
SUPPORTED BY: Councilmember Moore

RESOLVED, that a one (1) year lease for one (1) room at Hunter Community Center beginning January 1, 2011 through December 31, 2011 with the agreement that the City of Clawson will share equally in the revenues collected be approved.

AYES: Councilmember Moore, Palmer, Airriess and Mayor Luebs
NAYS: None
ABSENT: Councilmember Phillips
ABSTAINED: None

MOTION CARRIED:

2011 MEETING SCHEDULE

**CITY OF CLAWSON
 2011 Schedule of Public Meetings**

CITY COUNCIL MEETINGS	7:30 p.m.	1st & 3rd Tuesday of every month	Municipal Building Council Chambers 425 N. Main Street
CABLE TELEVISION AND INTERNET SERVICE ADVISORY BOARD	7:00 p.m.	1st Thursday of every month	Municipal Building Conference Room 425 N. Main Street
BLAIR MEMORIAL LIBRARY BOARD	9:00 a.m.	2nd Tuesday of every month	Blair Memorial Library 416 N. Main Street
CITY PLANNING COMMISSION	7:30 p.m.	2nd & 4th Tuesday of every month	Municipal Building Council Chambers 425 N. Main Street
DOWNTOWN DEVELOPMENT AUTHORITY	4:00 p.m.	3rd Wednesday of every month	Municipal Building Community Center 425 N. Main Street
HISTORICAL COMMISSION	7:00 p.m.	2nd Tuesday of Jan., Apr., July & Oct.	Museum - 41 Fisher Court
PARKS & RECREATION BOARD	7:00 p.m.	2nd Monday of every month	Hunter Community Center - 509 Fisher Ct.
TRAFFIC & SAFETY BOARD	7:30 p.m.	1st Thursday of every month	Municipal Building Council Chambers 425 N. Main Street
ZONING BOARD OF APPEALS	7:30 p.m.	3rd Thursday of every month	Municipal Building Council Chambers

AGENDA ITEM NO. 11

Consideration of approving the 2011 meeting schedule for city boards and commissions.

A requirement of the Michigan Open Meetings Act is for the governing body to annually adopt a meeting schedule for all boards and commissions, which come under the Act. I recommend the schedule be approved, posted on the city hall bulletin board and published in the Daily Tribune.

Mark Pollock
City Manager

Mickey Alderman, Parks and Recreation Director reminded everyone about the Holiday Beautification Awards – will be judging Monday Night, December 13, 2010 –submit nominations by Friday, December 10, 2010 @ 5:00 pm.

Also, The General Federation of Women’s Club will be hosting its annual Lunch With Santa on Saturday, December 11 at the Hunter Community Center

CM 12-193-10 CONSIDERATION OF APPROVING THE 2011 MEETING SCHEDULE FOR CITY BOARDS AND COMMISSIONS

MOTION BY: Councilmember Palmer
SUPPORTED BY: Councilmember Airriess

RESOLVED, the schedule for the City of Clawson boards and commissions be approved, posted on the city hall bulletin board and published in the Daily Tribune.

AYES: Councilmember Palmer, Airriess, Mayor Luebs and Councilmember Moore
NAYS: None
ABSENT: Councilmember Phillips
ABSTAINED: None

MOTION CARRIED:

LETTER

JON H. KINGSEPP PLLC
Member American College Civil Trial Mediators
Affiliated www.premi.us
321 Wilcox
Rochester, Michigan 48307

November 23, 2010

Mayor Penny Luebs & Members of Council
City of Clawson
425 N. Main
Clawson, MI 48017

RE: Complete Streets

Dear Mayor Luebs and City Council Members,

“Complete Streets” is a design or planning principle to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. On August 1, 2010 Governor Granholm signed a Complete Streets legislative package into law. The new legislation does not mandate any local road agency adopt a Complete Streets policy or spend any additional dollars for non-motorized facilities. While adoption of a Complete Streets policy is optional for local governments, the changes in the law have the potential to benefit communities that do adopt such policies. The following is a summary of the changes to Act 51 under PA 135:

Revisions to Section 10(k) (Non-motorized transportation facilities)

- Counties, cities, villages, and MDOT will consult with one another when planning a non-motorized project affecting a transportation facility that belongs to another road agency.
- Section 10(k) improvements must meet accepted practices or established best practices.
- Act 51 agencies will notify one another when their five-year non-motorized programs are finalized.
- Identifies non-motorized facilities contributing to complete streets as eligible for funding under this section.

New Section 10(p) (Complete Streets)

- Requires the State Transportation Commission (STC), within two years, to adopt a Complete Streets policy for MDOT, and to make model Complete Streets policies available to municipalities and counties.
- State and local road agencies must now consult with each other and agree on how to address Complete Streets for projects that affect a roadway under another road agency’s jurisdiction. This is important language that injects the desires of a local community into the planning and design of a project when MDOT or a road commission is planning a project within a municipality.
- Allows MDOT to provide technical assistance and coordination to local agencies in the development and implementation of their policies.
- Requires MDOT to share expertise in non-motorized and multi-modal planning in the development of projects within municipal boundaries.
- Allows agencies to enter into agreements with one another to provide maintenance for projects constructed to implement a Complete Streets policy.
- Creates a 16-member Complete Streets Advisory Council within MDOT, to advise the STC and local agencies in the development, implementation, and coordination of Complete Streets policies.

The following is a summary of the changes to the Michigan Planning Enabling Act under PA 134:

- Modifies the definition of “streets” to specifically include all legal users, including bicyclists and pedestrians.
- Expands the elements that may be included in a master plan to encompass all transportation systems that move people and goods.
- Specifies that transportation improvements identified in a plan are appropriate to the context of the community and considers all legal users of the public right of way.
- Ensures that transportation elements of the master plan will be implemented in cooperation with applicable county road commission or MDOT.

The City of Clawson already incorporates many of the goals of the complete streets philosophy in to the projects it undertakes. This is evidenced by the recent renovations of the downtown main intersection and streetscape projects. The attached resolution pledges the City’s continued commitment to the complete streets philosophy and may assist the City in applications for funding available under the revised statutes discussed above.

Very truly yours,

/s/ Lauren Tribble-Laucht

AGENDA ITEM NO. 12

Consideration of a resolution supporting a “Complete Streets” Policy for the City of Clawson.

“Complete Streets” is a design or planning principle to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. The City of Clawson already incorporates many of the goals of the “Complete Streets” philosophy into the projects it undertakes. This is evidenced by the recent renovations of the downtown main intersection and streetscape projects. The resolution supporting a “Complete Streets” Policy pledges the City’s continued commitment to the complete streets philosophy and may assist the City in applications for funding available under the revised statutes. My recommendation is the resolution supporting a “Complete Streets” Policy for the City of Clawson be approved and forwarded to the Michigan Department of Transportation (MDOT) and State Transportation Commission (STC).

Mark Pollock
City Manager

**CM 12-194-10 CONSIDERATION OF A RESOLUTION SUPPORTING A
“COMPLETE STREETS” POLICY FOR THE CITY OF CLAWSON**

MOTION BY: Councilmember Airriess
SUPPORTED BY: Councilmember Moore

RESOLVED, the resolution supporting a “Complete Streets” Policy for the City of Clawson be approved and forwarded to the Michigan Department of Transportation (MDOT) and State Transportation Commission (STC).

**A RESOLUTION
of the Council of the City of Clawson, Michigan
Supporting a “Complete Streets” Policy for the City of Clawson**

WHEREAS, “Complete Streets” are defined as a design framework that enables safe and convenient access for all users, including pedestrians, bicyclists, transit riders, and drivers of all ages and abilities; and

WHEREAS, “Complete Streets” are achieved when transportation agencies routinely plan, design, construct, reconstruct, operate, and maintain the transportation network to improve travel conditions for bicyclists, pedestrians, transit, and freight in a manner consistent with, and supportive of, the surrounding community; and

WHEREAS, development of pedestrian, bicycle, and transit infrastructure offers long-term cost savings and opportunities to create safe and convenient non-motorized travel; and

WHEREAS, streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and transit are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles; and

WHEREAS, increasing active transportation (e.g., walking, bicycling and use public transportation) offers the potential for improved public health, economic development, a cleaner environment, reduced transportation costs, enhanced community connections, social equity, and more liveable communities; and

WHEREAS, the City of Clawson’s Master Plan addresses multiple forms of transportation; and

WHEREAS, “Complete Streets” principles have been and continue to be adopted nation-wide at state, county, MPO, and city levels in the interest of proactive planning and adherence to federal regulation that guide transportation planning organizations to promote multi-modal transportation options and accessibility for all users; and

WHEREAS, in response to the Complete Streets Initiative, the State of Michigan adopted an amendment to the Planning Enabling Act in 2010 stating that a community’s master plan shall include all components of a transportation system and their interconnectivity including streets and bridges, public transit, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of the public right-of-way.

NOW, THEREFORE, THE CITY OF CLAWSON RESOLVES:

That the Council of the City of Clawson hereby declares its support of “Complete Streets” policies.

That the Planning Commission is hereby directed to review the master plan in order to determine whether the elements required under Public Act 134 of 2010 Section 33(b)(i) have been satisfied and if not, to prepare an amendment which will bring the master plan into compliance with Public Act 134 of 2010.

Introduced and Passed at a Regular City Council Meeting on Tuesday, December 7, 2010.

AYES: Councilmember Airriess, Mayor Luebs, Councilmember Moore and Palmer
NAYS: None
ABSENT: Councilmember Phillips
ABSTAINED: None

MOTION CARRIED:

CM 12-195-10 LIST OF BILLS

MOTION BY: Councilmember Palmer
SUPPORTED BY: Councilmember Moore

RESOLVED, the following bills be allowed and paid.

BILLS TO BE ALLOWED AND PAID 12-7-2010

<u>Item #</u>	<u>Vendor Name</u>	<u>Amount</u>
<u>Trust & Agency Invoices</u>		
1	BARBARA BOUSE	302.29
2	DANNY'S HOLDING CO. INC.	175.27
3	NATIONAL CITY MORTGAGE	1,078.62
Total T & A Invoices		\$ 1,556.18

General and Pooled Invoices

4	A T & T	196.93
5	ACCONTEMPS	546.00
6	ADP INC	2,072.59
7	AIRGAS GREAT LAKES	352.90
8	AIS CONSTRUCTION EQUIPMENT	385.42
9	BAKER & TAYLOR	20.93
10	BARRETT PAVING MATERIALS, INC.	491.87
11	BEECH & REED SERVICE CORP	259.72
12	BRESSER S	1,192.00
13	CITY OF CLAWSON WATER DEPT	421.50
14	COMCAST	59.09
15	DATA AND VOICE SERVICES INC	500.00
16	ANNE DAVIS	364.00
17	SANDY DENELL	554.40
18	DITTMAN TREE SERVICE	1,400.00
19	DTE ENERGY	5,072.75
20	DTE ENERGY-SL	13,261.54
21	ED RINKE CHEVROLET BUICK GMC	102.20
22	ELECTROSONICS	111.00
23	GIL S NORTHWOOD COLLISION	319.02
24	GREAT LAKES POWER PRODUCTS	235.37
25	HOME DEPOT CREDIT SERVICES	303.50
26	INDUSTRIAL BROOM & BRUSH	1,505.57
27	JACK DOHENY SUPPLIES INC	552.74
28	JEM INDUSTRIES INC	105.20
29	GARY KNUREK INC	142.89
30	LEAGUE EMPLOYEE BENEFIT SRVCS	47,177.24
31	LIGHTING SUPPLY COMPANY	58.00
32	M.A.C.E.O.	90.00
33	MADISON NATIONAL LIFE INSUR CO	528.28
34	MCKENNA ASSOCIATES INC	5,513.61
35	MICROMARKETING ASSOCIATES	53.98
36	LAURA MOORE	252.00
37	OAKLAND CNTY TREASURER'S ASSOC	60.00
38	OAKLAND COUNTY-SEWAGE DISPOSAL	145,026.28
39	PK CONTRACTING INC	6,554.90
40	PNC BANK	244.15
41	RAL LAWN & SHRUB CARE	395.00
42	RAYLOR OFFICE SUPPLY	778.56
43	RHODES WELDING CO., INC.	390.00
44	ROCHESTER LAWN EQUIPMENT	329.32
45	SAM S CLUB CC	202.31
46	LEANNE SCOTT	100.00
47	SOCRRA	28,283.00
48	SOUTHEAST OAKLAND COUNTY	40,473.75
49	STAPLES ADVANTAGE	9.42
50	TERMINAL SUPPLY CO	64.28
51	TRI-CITY ACE HARDWARE	21.40
52	TROY GYMNASTICS	308.00
53	USPS-HASLER	2,000.00
54	VERIZON WIRELESS	699.80
55	ZEP MANUFACTURING COMPANY	492.17
56	ACCONTEMPS	546.00
57	ADP INC	697.25
58	AKZO NOBEL PAINTS LLC	45.73
59	BRIAN D ANDERSON	55.00
60	AT&T LONG DISTANCE	53.84
61	BAKER & TAYLOR	1,891.38
62	ZULMA BARRIO	455.00
63	BLUE CARE NETWORK OF MI	8,929.26
64	BOARD OF WATER COMMISSIONERS	5,323.53
65	CITY OF TROY	525.00
66	CLAWSON HIGH SCHOOL	70.00

67	CO-OP OPTICAL	537.80
68	COPS HEALTH TRUST	8,827.51
69	THERESA DORSETT	339.90
70	DTE ENERGY	216.87
71	HUMANA INSURANCE CO	12,722.40
72	JUDITH KULCEC	25.00
73	NORA-LEE LUTTRELL	724.50
74	PAMELA MARWIN	336.00
75	METROPOLITAN UNIFORM COMPANY	69.99
76	MICROMARKETING ASSOCIATES	195.29
77	OAKLAND COMMUNITY COLLEGE	60.00
78	OAKLAND COUNTY ASSOCIATION	30.00
79	OAKLAND COUNTY CLERK S ASSOC	50.00
80	OAKLAND COUNTY TREASURERS	600.00
81	OCBOA-BLOOMFIELD HILLS	35.00
82	PRINCIPAL FINANCIAL GROUP	3,558.35
83	PSI PRINTING SYSTEMS, INC	14.77
84	RAYLOR OFFICE SUPPLY	32.98
85	ROMACO BUILDING SERVICES	1,149.09
86	ROSE PEST SOLUTIONS	71.00
87	FRAN SCISLOWICZ	50.00
88	SHRED-IT DETROIT	55.00
89	STACEY HODGES, TREASURER	360.08
90	STANDARD INSURANCE COMPANY RC	2,389.70
91	THE TAPE COMPANY 2	126.89
92	ADVANCED LIGHTING & SOUND	947.00
93	ADVANCED MARKETING PARTNERS	280.00
94	ADVANCED PUBLIC SAFETY INC	181.30
95	AIS CONSTRUCTION EQUIPMENT	31.32
96	AKZO NOBEL PAINTS LLC	9.94
97	ALLEGRA PRINT & IMAGING	236.05
98	BAKER & TAYLOR	41.14
99	BEECH & REED SERVICE CORP	1,065.31
100	BELL EQUIPMENT CO	1,487.13
101	BLAIR MEMORIAL LIBRARY	120.66
102	IAN CALAMITA	794.38
103	CDW-GOVERNMENT INC	5,915.00
104	CITY OF CLAWSON	20.82
105	CMP DISTRIBUTORS	548.00
106	COMCAST	9.60
107	CONSUMERS ENERGY	3,186.46
108	CONTRACTORS CONNECTION	18.00
109	CORRIGAN MOVING SYSTEMS	11,500.00
110	DUNN BLUE	10.00
111	EAST JORDAN IRON WORKS, INC	486.12
112	EASTERN MICHIGAN KENWORTH	1,920.17
113	ED RINKE CHEVROLET BUICK GMC	162.51
114	ELDER FORD	54.08
115	FBINAA	78.00
116	FLEET SERVICES	7,944.64
117	G2 CONSULTING GROUP INC	2,467.00
118	GIL S NORTHWOOD COLLISION	987.06
119	GREAT LAKES POWER PRODUCTS	242.71
120	GUARDIAN ALARM COMPANY	76.10
121	HI-GLOSS COMPANY	1,965.00
122	JOHN DEERE LANDSCAPES	1,552.00
123	GARY KNUREK INC	18.17
124	LIBRARY DESIGN ASSOCIATES, INC	12,420.02
125	MACOMB COMMUNITY COLLEGE	100.00
126	MEADOWBROOK THEATRE	260.00
127	METROPOLITAN UNIFORM COMPANY	236.97
128	MICHIGAN ASSOCIATION OF MAYORS	100.00
129	MISTER MAT RENTAL SERVICE	156.50
130	CALVIN MORRISH	100.00
131	NELSON BROTHERS	125.00

132	OAKLAND COMMUNITY COLLEGE	1,080.00
133	OFFICE DEPOT	33.92
134	PAUL S CLAWSON AUTO WASH	175.00
135	RAYLOR OFFICE SUPPLY	606.23
136	JON H. REINHARDT	471.00
137	ROMACO BUILDING SERVICES	103.82
138	RYAN CABINETRY	2,974.62
139	LEANNE SCOTT	100.00
140	SIRCHIE FINGER PRINT	39.36
141	SOCRRA	28,283.00
142	STATE OF MICHIGAN-MDOT	25,272.94
143	STATE WIRE & TERMINAL INC	298.38
144	THE LIBRARY NETWORK	2,938.77
145	TOSHIBA AMERICA BUSINESS SOLUT	215.00
146	TROY AGGREGATE CARRIERS, INC.	341.41
147	UNCLE LUKE S FEED STORE	55.98
148	JONATHAN VANDERSALL	562.79
149	WE COUNT PEOPLE, LLC	240.00

Total General & Pooled Invoices	\$ 483,451.07
Total All Invoices	\$ 485,007.25

AYES: Mayor Luebs, Councilmember Moore, Palmer and Airriess
 NAYS: None
 ABSENT: Councilmember Phillips
 ABSTAINED: None

MOTION CARRIED:

CITY ATTORNEY’S REPORT

Lauren Tribble-Laucht, Assistant City Attorney, gave the following report:

- Legislation for Sunday Morning Liquor Sales
 - Resolution by City to opt out
 - If no problem – State LCC will issue permits starting 12/16/2010
 - Explained liquor sales – businesses need permit from MLCC
- ACLU – Medical Marijuana Law Suit in Livonia, Birmingham and Bloomfield Hills – ban all uses to any residents – prohibited.

After considerable discussion regarding Sunday Liquor Sales, the Council were all in agreement that it wouldn’t make sense to opt out as it would be doing a disserve and people would go elsewhere out of the city to purchase and it would be a deterrent to businesses in the City.

CITY MANAGER’S REPORT

There was no City Manager’s report:

UNFINISHED BUSINESS

Mayor Luebs stated that the Jeremy Fick, Life Scout of Troop 1006 collected 60 flags to properly dispose of – last Sunday they had a ceremony for the proper disposal.

NEW BUSINESS

Councilmember Palmer stated the Library is outstanding – invited everyone to be sure to visit.

Mayor Luebs gave the following updates:

- Lunch with Santa – The General Federation of Women’s Club will be hosting its annual Lunch with Santa on Saturday, December 11 at the Hunter Community Center at 11:00 am.
- Community Christmas Caroling on Saturday, December 11, 2010 from 6:00 - 7:30 p.m. Groups, families and individuals are invited to Christmas Carol on the streets of Clawson – hot chocolate and cookies at City Hall.
- Pearl Harbor Day today – remember those lost.

Councilmember Airriess thanked Don Smith for the tree lighting and new tree and lights were great. Also, stated that 13 S. Main was looking good.

PUBLIC DISCUSSION – ITEMS NOT ON THE AGENDA

There was no one present wishing to speak.

MOTION BY: Councilmember Palmer
SUPPORTED BY: Councilmember Airriess

RESOLVED, that this meeting be adjourned at 8:10 p.m.

AYES: Councilmember Moore, Palmer, Airriess and Mayor Luebs
NAYS: None
ABSENT: Councilmember Phillips
ABSTAINED: None

MOTION CARRIED:

Penny Luebs, Mayor

G. Machele Kukuk, City Clerk