

**TUESDAY, FEBRUARY 5, 2008**

**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 Reverend Roger Mangold, Grace Apostolic Church.

**ROLL CALL:**

**PRESENT:** Councilmember Airriess, Mayor Luebs and Councilmember Moore

**ABSENT:** Councilmember Palmer and Phillips

**CM 02-026-08      CONSIDERATION OF AMENDING THE CONSENT AGENDA TO  
ADD APPOINTMENT TO THE PLANNING COMMISSION**

**MOTION BY:** Councilmember Moore

**SUPPORTED BY:** Councilmember Airriess

**RESOLVED**, the amendment to the consent agenda by adding appointment of Kurt Hack to the Planning Commission.

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

**NAYS:** None

**ABSENT:** Councilmember Palmer and Phillips

**ABSTAINED:** None

**MOTION CARRIED:**

**LETTER**

January 17, 2007

Mary Liz Curtin  
Chair, Clawson DDA

Dear Ms. Curtin:

I am writing to inform you of my need to immediately resign from my seat on the Board of Directors of the Clawson Downtown Development Authority. Due to health reasons. I have sold my interest in the store.

I enjoyed the time I was able to serve and I wish the DDA luck in their redevelopment efforts of Clawson's downtown.

Sincerely,

Mike Elliott

## **MEMORANDUM**

**TO:** Richard E. Haberman, City Manager

**FROM:** Machele Kukuk, City Clerk

**DATE:** January 31, 2007

**RE:** COIN OPERATED LICENSE

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The following business has had the required inspections and approvals. It is now being submitted for Council Approval.

### **COIN OPERATED LICENSE**

AMERICAN LEGION, 655 SOUTH MAIN STREET

FABRICARE CLEANERS & COIN LAUNDRY, 107 NORTH MAIN STREET

FRATERNAL ORDER OF EAGLES, 174 BOWERS

MOOSE WINOOSKI'S, 38 SOUTH MAIN STREET

NATIONAL CONEY ISLAND, 1331 WEST MAPLE ROAD

RENSHAW LOUNGE, 210 EAST 14 MILE ROAD

TAVERN ON THE MAIN, 235 SOUTH MAIN STREET

THE HIDE-OUT, 1110 WEST 14 MILE ROAD

THE LAUNDRY PALACE, 140 SOUTH MAIN STREET

### **DANCE LICENSE**

AMERICAN LEGION, 655 SOUTH MAIN STREET

CLAWSON STEAK HOUSE, 56 SOUTH ROCHESTER ROAD

KNIGHTS OF COLUMBUS, 870 NORTH MAIN STREET

MOOSE WINOOSKI'S, 38 SOUTH MAIN STREET

TAVERN ON THE MAIN, 235 SOUTH MAIN STREET

## **MEMORANDUM**

**TO:** Richard Haberman, City Manager

**CC:** Lt. Scott Sarvello

**FROM:** Harry C. Anderson, Chief of Police

**DATE:** 2/1/08

**RE:** Coin Operated Amusement Devices

On Thursday, January 31, 2008, The Police Department conducted inspections of businesses with coin operated amusement devices. These inspections were conducted for the annual approval of their licenses. The video games were checked and found in compliance with the Clawson city ordinance. The Renshaw Bar had one Mega Touch video game that was not listed on the City Clerk list of games. The Hide-Out Bar had two video games that weren't listed on the City Clerk list of games. Representatives of those businesses were advised that they had to update the City Clerk list of games to be licensed. I recommend the renewal of all of the businesses coin operated licenses.

## AGENDA ITEM NO. 5

Consideration of the following Consent Agenda:

- a. Minutes of the City Council Study Session held on Tuesday, January 15, 2008, as presented.
- b. Minutes of the Regular City Council Meeting held on Tuesday, January 15, 2008, as presented.
- c. Accepting the resignation of Michael Elliott from the Downtown Development Authority Board, term to expire October 31, 2009.
- d. Coin Operated Licenses:
  1. American Legion, 655 South Main Street
  2. Fabricare Cleaners & Coin Laundry, 107 South Main Street
  3. Fraternal Order of Eagles, 174 Bowers
  4. Moose Winooski's, 38 South Main Street
  5. National Coney Island, 1331 West Maple Road
  6. Renshaw Lounge, 210 East 14 Mile Road
  7. Tavern on the Main, 235 South Main Street
  8. The Hide-Out, 1110 West 14 Mile Road
  9. The Laundry Palace, 140 South Main Street
- e. Dance Licenses:
  1. American Legion, 655 South Main Street
  2. Clawson Steak House, 56 South Rochester Road
  3. Knights of Columbus, 870 North Main Street
  4. Moose Winooski's, 38 South Main Street
  5. Tavern on the Main, 235 South Main Street

There are five (5) items on the consent agenda for City Council consideration this evening.

- The first two items are minutes of a City Council Study Session and Regular City Council Meeting.
- The third item is a resignation from the Downtown Development Authority Board.
- The final two items are approval of Coin Operated Licenses and Dance Licenses.

Richard E. Haberman  
City Manager

### **CM 02-027-08      CONSIDERATION OF THE FOLLOWING CONSENT AGENDA**

**MOTION BY:** Councilmember Airriess

**SUPPORTED BY:** Councilmember Moore

**RESOLVED**, the following consent agenda items be approved as listed:

- a. Minutes of the City Council Study Session held on Tuesday, January 15, 2008, as presented.
- b. Minutes of the Regular City Council Meeting held on Tuesday, January 15, 2008, as presented.
- c. Accepting the resignation of Michael Elliott from the Downtown Development Authority Board, term to expire October 31, 2009.
- d. Coin Operated Licenses:
  1. American Legion, 655 South Main Street
  2. Fabricare Cleaners & Coin Laundry, 107 South Main Street
  3. Fraternal Order of Eagles, 174 Bowers
  4. Moose Winooski's, 38 South Main Street

5. National Coney Island, 1331 West Maple Road
6. Renshaw Lounge, 210 East 14 Mile Road
7. Tavern on the Main, 235 South Main Street
8. The Hide-Out, 1110 West 14 Mile Road
9. The Laundry Palace, 140 South Main Street

e. Dance Licenses:

1. American Legion, 655 South Main Street
2. Clawson Steak House, 56 South Rochester Road
3. Knights of Columbus, 870 North Main Street
4. Moose Winooski's, 38 South Main Street
5. Tavern on the Main, 235 South Main Street

f. Appointment of Kurt Hack to Planning Commission term to expire 12/31/2011.

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

**MOTION CARRIED:**

**LETTER**

**CLAWSON LIONS CLUB  
P.O. BOX 64  
CLAWSON, MI 48017**

January 25, 2008

City of Clawson, Mayor, Council and Manager

The Clawson Lions Club requests the city's approval to hold their annual "Down on Main Street" car show. This years' event is scheduled to be held on August 9, 2008.

As in the past this project requires closing Main Street from 14 Mile to the south border of the city. With the assistance of the DPW the Lions will place and remove the roadblocks. We have not had any problems with this show in the past years.

This will be the tenth year for this event and most everyone is aware the benefit it brings not only to the Lions club but the exposure the city also receives. The show brings in a large number of people, enabling them to view our improved downtown area up close and the additional foot traffic is beneficial to all local businesses.

Thank you all for your consideration,

Gregory Kucera Jr.

President Clawson Lions Club

**AGENDA ITEM NO. 6**

Consideration of the request by the Clawson Lions Club to hold the 10<sup>th</sup> Annual "Down on Main Street" Car Show on August 9, 2008.

The Clawson Lions Club has submitted its request for what will be the 10<sup>th</sup> Annual "Down on Main Street" Car Show, to be held on August 9, 2008. The Club is also requesting the Department of Public Works and the Police Department be authorized to work cooperatively with the Lions Club, as they both have in the past. I recommend the request be approved.

Richard E. Haberman  
City Manager

Greg Kucera, President Clawson Lion's Club, was present to answer any questions of the City Council.

**CM 02-028-08      CONSIDERATION OF THE REQUEST BY THE CLAWSON LIONS CLUB TO HOLD THE 10<sup>TH</sup> ANNUAL "DOWN ON MAIN STREET" CAR SHOW**

**MOTION BY:** Councilmember Moore  
**SUPPORTED BY:** Councilmember Airriess

**RESOLVED**, the request from the Clawson Lions Club to conduct its 10<sup>th</sup> Annual "Down on Main Street" car show on August 9, 2008, be approved and that Main Street be closed from approximately 11:30 a.m. to 9:00 p.m. on that day.

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

**MOTION CARRIED:**

**MEMORANDUM**

To: Madam Mayor, City Council, City Manager

From: Chief Doug Ballard

Re: Expenditure for Fire Engine 16-3

Date: January 24, 2008

This is to inform you that we had to have an emergency repair to fire apparatus 16-3. In the last couple of months we have experienced the apparatus not engaging or staying in pump at certain times. If this failed in an emergency situation, it could create an unsafe situation for the residents and fire fighters. I had R&R Fire Truck Repair Company respond to mitigate this problem. What they found was the sprocket, bearings and shift collar were worn due to the age of the truck. I am asking for this to be paid through the contingency fund at the sum of \$ 6954.86. If you have any questions, feel free to contact me at my office. 248-288-3222

/s/ Douglas C. Ballard  
Chief Douglas C. Ballard  
Clawson Fire Department

City Manager Haberman reviewed the request for a budget amendment.

### **AGENDA ITEM NO. 7**

Consideration of a budget adjustment in the 2007-2008 fiscal year budget contingency funds for emergency fire equipment repair.

Sec. 2-202 of the Clawson Code of Ordinances covers Discretionary spending by City Manager, "Except as provided in Charter § 14.02, the city manager may make expenditures of city funds without consent of the council, provided that information about the expenditure is furnished to the council at the next regular council meeting."

Fire Chief Douglas Ballard advised the City Manager of the need to repair the pump of fire engine #3. Until the pump was evaluated, it was not possible to set a price on the repair which was \$6,954.<sup>86</sup>. The City Manager was advised of the need and authorized the expense under Section 2-202. The invoice was received on January 24<sup>th</sup> for the work and in accordance with Section 2-202 the item is on the agenda for approval at the next regular meeting. The recommendation to pay for the repair from the Account 998.000 General Contingency and Reserve, by policy, requires Council approval.

Richard E. Haberman  
City Manager

### **CM 02-029-08      CONSIDERATION OF A BUDGET ADJUSTMENT IN THE 2007-2008 FISCAL YEAR BUDGET CONTINGENCY FUND FOR EMERGENCY FIRE EQUIPMENT REPAIR**

**MOTION BY:** Councilmember Airriess  
**SUPPORTED BY:** Councilmember Moore

**RESOLVED**, that the approval of paying for the emergency repair of a pump on fire engine #3 from the General Contingency and Reserve Fund in the amount of \$6,954.<sup>86</sup>.

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

**MOTION CARRIED:**

### **AGENDA ITEM NO. 8**

Consideration of a Proclamation proclaiming February 11 – 17, 2008 as Random Acts of Kindness Week.

Random acts of kindness inspire people to practice kindness and to "pass it on to others". Millions of people internationally, including our neighbor the City of Madison Heights, believe that the power of kindness effects positive change. When kindness is expressed, healthy relationships are created, community connection nourished and people are inspired to pass kindness of a smile, word of praise or gesture on. My recommendation is the week of February 11 – 17, 2008 be proclaimed Random Acts of Kindness Week in the City of Clawson.

Richard E. Haberman  
City Manager

Mayor Luebs gave an explanation of the "Random Acts of Kindness" proclamation and encouraged all to get involved.

**CM 02-030-08      CONSIDERATION OF A PROCLAMATION PROCLAIMING  
FEBRUARY 11-17, 2008 – RANDOM ACTS OF KINDNESS  
WEEK**

**MOTION BY:**            Councilmember Airriess  
**SUPPORTED BY:**      Councilmember Moore

**RESOLVED**, that the week of February 11-17, 2008 be proclaimed Random Acts of Kindness Week in the City of Clawson.

**PROCLAMATION**

**"Random Acts of Kindness Week"  
February 11 – 17, 2008**

- WHEREAS**,      the Random Acts of Kindness program was created as a counterbalance to random acts of violence; and
- WHEREAS**,      Random Acts of Kindness are those considerate things that are done for no reason; and
- WHEREAS**,      the goal is to reverse the tide of anger and violence in our society by increasing self-esteem and deepening our connection through the practice of simple, day-to-day kindness to our fellow humankind; and
- WHEREAS**,      the daily acts of kindness of most of the citizens of Clawson often go unrecognized and unattended; and
- WHEREAS**,      by recognizing these daily acts of kindness during this week, all citizens of Clawson can become more aware of the importance of being kind to others throughout the year; and
- WHEREAS**,      by acknowledging these small acts of kindness during this week, everyone can participate in making Clawson a kinder, safer and better place to live.
- NOW, THEREFORE, I**, Penny Luebs, Mayor of the City of Clawson, do hereby proclaim the week of February 11 – 17, 2008 as

***"Random Acts of Kindness Week"***

and urge all citizens to share this ideal with family, friends, acquaintances, and strangers, and to live their lives with the 'kindness movement' every day.

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

**MOTION CARRIED:**

**AGENDA ITEM NO. 9**

Consideration of scheduling a Goal Setting Workshop.

As in previous years the City Council and Department Heads schedule a Goal Setting Workshop to discuss various items and goals for the upcoming fiscal year. My recommendation is that the workshop be scheduled for Tuesday, March 11, 2008 @ 6:00 p.m. in the City Hall Community Center.

Richard E. Haberman  
City Manager

**CM 02-031-08      CONSIDERATION OF SCHEDULING A GOAL SETTING WORKSHOP**

**MOTION BY:** Councilmember Moore  
**SUPPORTED BY:** Councilmember Airriess

**RESOLVED**, that a Goal Setting Workshop be scheduled for Tuesday, March 11, 2008 @ 6:00 p.m. in the City Hall Community Center.

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

**MOTION CARRIED:**

**CM 02-032-08      LIST OF BILLS**

**MOTION BY:** Councilmember Moore  
**SUPPORTED BY:** Councilmember Airriess

**RESOLVED**, that the following bills be allowed and paid:

**BILLS TO BE ALLOWED AND PAID 02/05/08**

<u>ITEM #</u>	<u>VENDOR NAME</u>	<u>AMOUNT</u>
<b>Trust &amp; Agency Invoices</b>		
1	PAUL SLADE	\$ 55.48
2	TITLE SOURCE	\$ 80.34
3	JAMES WILLIAMS	\$ 59.24
4	JUDY DEMSKI	\$ 51.17
<b>Total T &amp; A Invoices</b>		<b><u>\$ 246.23</u></b>
<b>Pooled Fund Invoices</b>		
5	A & M AUTO SERVICE	\$ 251.91
6	A&M SERVICE CENTER, INC.	\$ 25.00
7	AT & T	\$ 77.25
8	BAKER & TAYLOR BOOKS	\$ 21.39
9	SHIRLEY BARRINGER	\$ 125.00
10	BEECH & REED SERVICE CORP	\$ 2,675.00
11	BELLE TIRE	\$ 1,160.63
12	BOARD OF WATER COMMISSIONERS	\$ 4,192.88
13	BORDERS, INC.	\$ 14.39
14	BRODART CO	\$ 778.20
15	C.E. TENANT	\$ 30.00
16	CAMSEE INC	\$ 1,602.29
17	CARLISLE WORTMAN ASSOC, INC	\$ 2,517.50
18	MAXINE KRASKA CARPENTER	\$ 125.00
19	COMCAST	\$ 65.56
20	CONTRACTORS CONNECTION	\$ 164.30
21	CREATIVE AWARDS	\$ 58.45
22	LOIS CURCIO	\$ 150.00
23	CYNERGY	\$ 220.00
24	ANNE DAVIS	\$ 187.60
25	DEMCO	\$ 83.37
26	DTE ENERGY	\$ 889.76
27	ELECTROSONICS	\$ 831.96

28	EQ INDUSTRIAL SERVICES	\$	66,116.48
29	DOROTHY FRASER	\$	125.00
30	MOLLY ELIZABETH GLAD	\$	125.00
31	PEGGE GLAD	\$	125.00
32	ELEANOR GREENLEAF	\$	125.00
33	MARTHA GREGG	\$	125.00
34	ALYSSA RACHELE HALL	\$	125.00
35	BARBARA JO HAYES	\$	125.00
36	HD EDWARDS & CO	\$	261.00
37	BARBARA HODGES	\$	125.00
38	VERONICA HOLLINGSWORTH	\$	150.00
39	CHESTER ISAACSON	\$	125.00
40	JEAN ISAACSON	\$	125.00
41	JERRY JONES	\$	150.00
42	MARJORIE JONES	\$	125.00
43	SHARON JONES	\$	125.00
44	HEATHER NICOLE KUKUK	\$	125.00
45	VIRGINIA LANGSTON	\$	125.00
46	LEXIS NEXIS MATTHEW BENDER	\$	55.80
47	CHERYL LINDSEY	\$	16.00
48	JUDITH ANNE LYONS	\$	125.00
49	MCKENNA ASSOCIATES INC	\$	2,943.37
50	DONALD A MCRAE	\$	125.00
51	GLORIA MCRAE	\$	125.00
52	METROPOLITAN UNIFORM COMPANY	\$	309.96
53	MICROMARKETING ASSOCIATES	\$	185.29
54	MR. UNIFORM & MAT	\$	184.50
55	R KENNETH MUNYAN	\$	125.00
56	OAKLAND COUNTY-SEWAGE DISPOSAL	\$	106,406.34
57	OCAA0	\$	20.00
58	PERFORMANCE PRINTING, INC.	\$	147.00
59	POST, SMYTHE, LUTZ & ZIEL, LLP	\$	465.00
60	POSTMASTER	\$	1,500.00
61	RAYLOR OFFICE SUPPLY	\$	370.56
62	THOMAS REED	\$	125.00
63	ROSE PEST SOLUTIONS	\$	69.00
64	JOYCE ROSS	\$	150.00
65	BONNIE SCHWAB	\$	150.00
66	MICHAEL THOMAS SHANAHAN	\$	125.00
67	MICHAEL SMITH	\$	125.00
68	STATE WIRE & TERMINAL INC	\$	29.68
69	TECH LOCK & SAFE INC.	\$	77.00
70	TERMINAL SUPPLY CO	\$	532.80
71	THE LIBRARY NETWORK	\$	7,715.83
72	TROY GYMNASTICS	\$	449.06
73	JULIA ULLMAN	\$	150.00
74	VALLEY NATIONAL GASES INC	\$	149.25
75	VERIZON WIRELESS	\$	453.46
76	VERMEER OF MICHIGAN INC	\$	42.83
77	CHRISTINE VOGELSANG	\$	125.00
78	GERALDINE WALIGORA	\$	125.00
79	BARBARA WALTER	\$	125.00
80	XEROX CORPOR.	\$	518.18
81	XO COMMUNICATIONS	\$	1,289.32
82	NICOLE CASSANDRA YARNALL	\$	125.00
83	A-PLUS PRINTING	\$	640.00
84	ADP INC	\$	520.36
85	ADVANCED LIGHTING & SOUND	\$	238.00
86	AMERICAN CANCER SOCIETY	\$	150.00
87	APT US & C	\$	200.00
88	ASCAP	\$	294.00
89	BABI BUILDERS	\$	5,000.00
90	BLUE CARE NETWORK OF MI	\$	5,659.83
91	CAMSEE INC	\$	365.90
92	CLAWSON FIRE DEPARTMENT	\$	1,348.20
93	CO-OP OPTICAL	\$	441.00
94	DTE ENERGY	\$	161.37

95	DTE ENERGY-SL	\$	12,760.63
96	EASTMAN FIRE PROTECTION CO	\$	376.23
97	EMPLOYEE HEALTH INSURANCE MGMT	\$	5,920.42
98	EMPLOYEE HEALTH INSURANCE MGMT	\$	914.50
99	FAIRFIELD INN	\$	357.00
100	GORDON FOOD SERVICE, INC.	\$	2,118.82
101	GUARDIAN ALARM COMPANY	\$	37.05
102	HUMANA INSURANCE CO	\$	11,120.00
103	KEARNS BROTHERS INC	\$	100.00
104	TAMARA KUKUK	\$	125.00
105	NANCY MCGRATH	\$	100.00
106	METROPOLITAN UNIFORM COMPANY	\$	99.00
107	MICHIGAN MUNICIPAL TREASURER S	\$	550.00
108	MICHIGAN STATE UNIVERSITY	\$	8.00
109	MICROMARKETING ASSOCIATES	\$	200.42
110	OFFICE DEPOT	\$	47.69
111	DAVID OUELLETTE	\$	61.47
112	BEVERLY OWENS	\$	43.71
113	PERRYS PIZZA	\$	85.00
114	PETRA CONST. INC.	\$	100.00
115	RAYLOR OFFICE SUPPLY	\$	617.52
116	RICHARD PAUL AND ASSOCIATES	\$	500.00
117	ROOF ONE	\$	100.00
118	ROYAL OAK TENT & AWNING	\$	100.00
119	JON RUTHENBECK	\$	580.00
120	SHRED-IT DETROIT	\$	53.90
121	STACEY HODGES, TREASURER	\$	364.53
122	STANDARD INSURANCE COMPANY RC	\$	2,536.21
123	TRAFFIC IMPROVEMENT	\$	3,400.00
124	TROELSEN EXCAVATING	\$	243,691.23
125	ERIK VILLA	\$	100.00
126	WALLSIDE INC	\$	500.00
127	MICHAEL WALSH	\$	90.00
128	DANIEL ZALEWSKI	\$	45.00
	<b>General Pooled Invoices Total</b>		
			<hr/>
			<b>\$ 513,252.14</b>
			<hr/>
	<b>Grand Total Invoices</b>		
			<hr/>
			<b>\$ 513,498.37</b>
			<hr/>

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

**MOTION CARRIED:**

**CITY ATTORNEY REPORT**

There was no City Attorney Report.

**CITY MANAGER REPORT**

Richard Haberman, City Manager gave a summary of the following report regarding Development Regulations with respect to business “friendliness”:

Date: February 5, 2008

To: Clawson City Council

From: Rich Haberman, City Manager

Subj: Preliminary Report on Development Regulations with respect to business “friendliness”

During the last workshop, Councilor Airriess brought up a circumstance where City regulations prevented a property owner from occupying his new place of business until completion of the site plan review. The general discussion that followed focused on whether the City was friendly to persons who want to open a business. I was directed to investigate and report findings to Council at the next meeting.

The current Clawson Land Development Regulations require a site plan be submitted to the Planning Commission for all permitted uses and virtually all proposals for development, except single-family detached and two-family dwellings, their accessory buildings and certain approved home occupations. Article X, Division 4 Site Plan Review and Approval is very specific requiring the applicant to provide between 8 and 13 copies of plans to the Building Department. Staff review and comment, revisions if recommended, and review by the Planning Commission are part of the approval process. The process will require a minimum of 71 to 85 days. This timeline presumes the applicant is able to provide the necessary information and/or revisions in a timely manner. Any additional time is frequently because submissions or resubmissions miss deadlines or fail to provide the requested information. Because of the need to advertise for public hearings and meetings, missed deadlines often results in more than two weeks delay.

The applicant does have the option to request a variance from site plan review requirements or administrative review requirements from the Zoning Board of Appeals. The applicant also has the right to seek temporary use for a period not to exceed one-year from the ZBA. However, the application timeline for appeals to the ZBA involve 81 to 95 days. Thus, the applicant seemingly is better off simply following the site plan review process.

In the CMD-1 single-story, buildings have been declared as non-conforming. So too, for structures set back from the front lot line. Unless the applicant is intent on bringing the building into conformance, the site plan review must be accompanied by a special use permit application. This process while often running parallel to the site plan review process adds time to the review process due to additional requirements and the need for a public hearing and hearing notice. In addition, the CMD-1 Ordinance does call for a review by the Design Review Committee that often adds more than two weeks to the review process.

In the experience of the administration, longer review processes most often involve architects not meeting deadlines or the applicant failing to provide the necessary information in a timely manner. Last year we began to provide additional emphasis to the applicants of the need to make sure they met deadlines to ensure the process moved smoothly. Where applicants have taken this to heart, their projects have moved ahead in a timely manner.

One year ago, the City Council did amend the zoning ordinance to allow for an administrative review in lieu of Planning Commission review. However, while the authority allows for conversion of an existing building from one permitted use to another within the same district provided the building conforms to the current ordinance requirements and has received site plan approval in the preceding 12 months. This is a very limited authority. Administrative reviews under this provision can be accomplished in only a few weeks.

Finally, I have frequently been asked by business owners and members of Council why the City Manager cannot relax some of the standards to allow for faster occupancy. Section 34-512(d) states, "Under no circumstances is the city manager permitted to make changes to this article nor to vary the terms of this article in carrying out his duties in administering and enforcing the terms of this article." The article in reference is Article X Zoning.

To the question of temporary occupancy while the property is under review, this is not currently authorized in any of our legislation. While such a provision may seem logical and more business friendly, we have had one negative experience where the City did, by special agreement approved by Council, allow a business to occupy during the review process. Unfortunately, the landlord failed to continue in the process and the City was forced to withdraw the Certificate of Occupancy resulting in the business closing. In reviewing this question with Mr. Albus I see more pitfalls than benefits to such a change.

The requirements stated above are not extraordinary when compared to other communities. This has been acknowledged by applicants who have properties in other communities or have done business in other communities. In that context, our regulations would not seem to make Clawson business unfriendly.

Some of the requirements in the CMD-1 and zoning regulations are being questioned by members of Council and the DDA. In the coming months I would expect these questions to generate much discussion and may result in recommendations for changes in our regulations.

The new Master Plan was discussed with the Planning Commission in a recent workshop. The Master Plan contains several redevelopment corridors throughout the City. Future plans and regulations in these corridors anticipate a market based approach to development so as to allow changes in the real estate market to be reflected in these areas. Similarly, the DDA has been approaching changes within the CMD-1 with an eye toward regulations that are more sensitive to changing market conditions. If the intent of Council is to amend our current regulations it is my recommendation you direct the Administration to work with the DDA and Planning Commission to draft changes in our current land development regulations to reflect this market based approach. Further, that changes are done with an eye toward simplifying our approval process, provide broader administrative latitude to approve small scale changes of use and structure all aimed at reducing the amount of time for approvals.

After considerable discussion regarding this issue the following motion was made.

**CM 02-033-08      CONSIDERATION OF ADMINISTRATION PREPARING A  
REPORT TO CITY COUNCIL REGARDING THE PROCESS OF  
NEW BUSINESSES TO THE CITY OF CLAWSON**

**MOTION BY:** Councilmember Airriess  
**SUPPORTED BY:** Councilmember Moore

**RESOLVED**, that administration be directed to consult with the Downtown Development Authority, Planning Commission and any other boards that may have input in order to develop a preliminary report to City Council within 60 days specific areas of site planning, review and development administrative measures that may be implemented to accelerate under minimal or extraordinary circumstances, the approval process.

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

**MOTION CARRIED:**

**NEW BUSINESS**

Mayor Luebs reported the following items of new business:

- February 28, 2008 at 7:00 pm – Residents and Businesses input regarding the 2007 Construction projects – complete the survey if unable to attend – meeting will be video taped – encourage the residents to attend.
- February 19, 2008 – City Council Workshop – City Manager Haberman stated that this will be a Special Council Meeting – Closed Session - to discuss labor negotiations.
- March 4, 2008 – Special Council Meeting – Closed Session – City Manager Evaluation.
- March 13, 2008 – State of the City and School Address – Clawson Steak House at 11:30 am – Contact the Clawson Chamber of Commerce for reservations or further information.

Councilmember Airriess questioned if the construction meeting on February 28<sup>th</sup> would include the Massoit project – no this is scheduled for the 2007 Construction year.

Councilmember Moore questioned the Certificate of Appreciation for past boardmembers – Mayor Luebs stated that they are mailed to the past boardmembers.

**PUBLIC DISCUSSION**

There was no one present wishing to speak.

**MOTION BY:** Councilmember Airriess  
**SUPPORTED BY:** Councilmember Moore

**RESOLVED**, that this meeting be adjourned at 8:09 p.m.

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

**MOTION CARRIED:**

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Penny Luebs, Mayor

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G. Machele Kukuk, City Clerk