

TUESDAY, MARCH 4, 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 Don Smith, Heritage Church of Christ.

ROLL CALL:

PRESENT: Councilmember Airriess, Mayor Luebs, Councilmember Moore, Palmer and Phillips

ABSENT: None

LETTER

Dear Ms. Luebs,

Please allow this letter to serve as my formal resignation from the City of Clawson Planning Commission effective immediately. I truly enjoyed serving the City, but my family and I are relocating to the State of Florida. The decision was quite recent and will be completed by the end of March. I regret the short notice and hope it does not come at too great an inconvenience for the City. Please let me know if there is anything I can do to assist in the transition of my replacement.

Thank you the wonderful opportunity. If you have any questions or concerns, please feel free to contact me at your convenience.

Sincerely,
Beth A. Norrow

P.S. A hard copy of this letter will be delivered to the City Office

LETTER

Madam Mayor & Mickey Alderman,

Please accept my resignation from the Parks and Recreation Committee effective February 1, 2008. It has been a pleasure to be a part of such a wonderful city and I will miss Clawson.

Thanks,
Joseph Bedford

AGENDA ITEM NO. 5

Consideration of the following Consent Agenda:

- a. Minutes of the Special City Council Meeting held on Tuesday, February 19, 2008, as presented
- b. Regular City Council Meeting held on Tuesday, February 19, 2008, as presented.
- c. Accepting the resignation of Beth Norrow from the Planning Commission, term to expire December 31, 2009.
- d. Accepting the resignation of Joe Bedford from the Parks & Recreation Board, term to expire May 1, 2008.

There are five (5) items on the consent agenda tonight. The first two items are minutes of a Special City Council Meeting and a Regular City Council Meeting. The final two items are resignations from the Planning Commission and Parks & Recreation Board.

Richard E. Haberman
City Manager

CM 03-042-08 CONSIDERATION OF THE FOLLOWING CONSENT AGENDA

MOTION BY: Councilmember Phillips
SUPPORTED BY: Councilmember Airriess

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

- a. Minutes of the Special City Council Meeting held on Tuesday, February 19, 2008, as presented
- b. Regular City Council Meeting held on Tuesday, February 19, 2008, as presented.
- c. Accepting the resignation of Beth Norrow from the Planning Commission, term to expire December 31, 2009.
- d. Accepting the resignation of Joe Bedford from the Parks & Recreation Board, term to expire May 1, 2008.

CARRIED UNANIMOUSLY:

MEMORANDUM

To: Richard Haberman, City Manager
CC: File
From: Harry C. Anderson, Chief of Police
Date: 3/14/2008
Re: Due Venti, MLCC Police Investigation Request

The Clawson Police Department received a police investigation request from the Michigan Liquor Control Commission (MLCC), case #441236. The applicant, Nicole Seals, DBA "Due Venti," requested a New Small Wine Maker License with an Outdoor Service Permit, to be located at 220 S. Main Street, in Clawson. A criminal and background investigation was conducted on Nicole Seals. Seals did not have a criminal record, nor was there any information located that would cause her to be ineligible to conduct a business in the City of Clawson.

The license request included an Outdoor Service Permit. The MLCC requires an outdoor service area be fully enclosed, with a permanent barrier, with the area visible to the business. The business is responsible for the control of alcoholic beverages in the area. I reviewed the site drawing for "Due Venti" which was submitted for review by the Planning Commission. The site plan indicated a solid barrier surrounding the outdoor area. I spoke with Nicole Seals regarding the outdoor area. She stated that her plan is to open the business without an outdoor service area and add the outdoor area at a later date. Seals stated that the area would be fully enclosed and a wait person would monitor the area for the location and consumption of alcoholic beverages.

The only concern regarding the business location is the question of adequate parking for the business. If the business is successful, I anticipate patrons parking in the residential area surrounding the business. As you are aware, the success of the business "The Breakfast Club," located in the same area, was a source of many residential parking complaints in the past. I am hopeful that on-street parking availability on Main Street will minimize the traffic volume in the residential area.

As a result of the investigation, I found that Nicole Seals is qualified to conduct this business as licensed. The proposed location and plans appear to be satisfactory for the business. I would recommend to the MLCC that Nicole Seals, DBA "Due Venti," request for a New Small Wine Maker license with an Outdoor Service Permit to be located at 220 S. Main Street, in Clawson be granted, pending final approval by the MLCC.

AGENDA ITEM NO. 6

Consideration of a resolution for a request made by Seals Enterprises LLC (DBA Due Venti) for a new Small Wine Maker License with an Outdoor Service Permit.

Seals Enterprises LLC (DBA Due Venti Restaurant, 220 South Main Street) has requested from the Michigan Liquor Control Commission a new Small Wine Maker License with an Outdoor Service Permit. After an investigation from the Police Department there was nothing revealed in the investigation that would preclude the business from obtaining a license. My recommendation is the resolution for a request made by Seals Enterprises LLC for a new Small Wine Maker license with an Outdoor Service Permit be approved.

Richard E. Haberman
City Manager

Police Chief Anderson, was present to discuss the proposed request and answer questions.

CM 03-043-08 CONSIDERATION OF A RESOLUTION FOR A REQUEST MADE BY SEALS ENTERPRISES LLC (DBA DUE VENTI) FOR A SMALL WINE MAKER LICENSE WITH AN OUTDOOR SERVICE PERMIT

MOTION BY: Councilmember Airriess
SUPPORTED BY: Councilmember Palmer

RESOLVED, the resolution for a request made by Seals Enterprises LLC (DBA Due Venti, 220 South Main Street) with the Michigan Liquor Control Commission for a new Small Wine Maker License with an Outdoor Service Permit be approved.

CARRIED UNANIMOUSLY:

CM 03-044-08 LIST OF BILLS

MOTION BY: Councilmember Palmer
SUPPORTED BY: Councilmember Moore

RESOLVED, that the following bills be allowed and paid:

BILLS TO BE ALLOWED AND PAID 03/04/08

<u>ITEM #</u>	<u>VENDOR NAME</u>	<u>AMOUNT</u>
Trust & Agency Invoices		
1	JONATHAN GASKA	\$ 58.06
2	RICHARD NELSON	\$ 43.72
Total T & A Invoices		\$ 101.78
Pooled Fund Invoices		
3	ADP INC	\$ 1,267.92
4	ADVANCED LIGHTING & SOUND	\$ 280.00
5	ARBOR SPRINGS WATER CO., INC.	\$ 50.25
6	BAKER & TAYLOR BOOKS	\$ 16.95
7	BAKER & TAYLOR ENTERTAINMENT	\$ 62.78
8	BLUE CARE NETWORK OF MI	\$ 4,136.93
9	BOARD OF WATER COMMISSIONERS	\$ 4,192.88
10	BORDERS, INC.	\$ 93.34
11	CARLISLE WORTMAN ASSOC, INC	\$ 4,149.59
12	CITY OF CLAWSON WATER DEPT	\$ 516.00
13	CITY OF TROY	\$ 500.00
14	CLAWSON CHAMBER OF COMMERCE	\$ 265.00
15	CLAWSON FIRE DEPARTMENT	\$ 125.00
16	CYNERGY	\$ 262.50
17	DTE ENERGY	\$ 1,030.52
18	DTE ENERGY-SL	\$ 12,760.63
19	DUNN BLUE	\$ 26.50
20	EMPLOYEE HEALTH INSURANCE MGMT	\$ 7,531.30
21	SUSAN ESSLINGER	\$ 100.00
22	FAIR-WAY CARPET & TILE	\$ 1,166.00
23	HUMANA INSURANCE CO	\$ 11,120.00
24	KNIGHTS OF COLUMBUS	\$ 200.00
25	SCOTT MCEWEN	\$ 761.33
26	MEADOWBROOK THEATRE	\$ 450.00
27	MICHIGAN MUNICIPAL RISK MGMNT	\$ 229,530.00
28	MICROMARKETING ASSOCIATES	\$ 52.65
29	MPELRA	\$ 75.00
30	MR. UNIFORM & MAT	\$ 25.50
31	OAKLAND SCHOOLS	\$ 41.02
32	OFFICE DEPOT	\$ 54.36
33	R & R FIRE TRUCK REPAIR INC	\$ 6,954.86
34	RAYLOR OFFICE SUPPLY	\$ 267.07
35	ROMACO BUILDING SERVICES	\$ 145.82
36	ROSE PEST SOLUTIONS	\$ 70.00
37	SHRED-IT DETROIT	\$ 53.60
38	USPS-HASLER	\$ 2,000.00
39	VERIZON WIRELESS	\$ 432.68
40	POSTMASTER	\$ 97.64
41	ADP INC	\$ 70.00
42	AT & T	\$ 88.26
43	DOUGLAS C. BALLARD	\$ 118.70
44	BELL EQUIPMENT COMPANY	\$ 300.00
45	CLAWSON PUBLIC SCHOOLS	\$ 3,715.01
46	COCM	\$ 200.00
47	CONSUMERS ENERGY	\$ 9,050.42
48	CYNERGY	\$ 155.00
49	DTE ENERGY	\$ 57.29

50	EASTMAN FIRE PROTECTION CO	\$	315.84
51	ELDER FORD	\$	316.09
52	ELECTROSONICS	\$	211.50
53	GIL S NORTHWOOD COLLISION	\$	150.00
54	GORDON FOOD SERVICE, INC.	\$	1,712.01
55	GUARDIAN ALARM COMPANY	\$	37.05
56	HALT FIRE INC	\$	119.40
57	HAZCO SERVICES	\$	688.40
58	HI-GLOSS COMPANY	\$	3,427.20
59	LEBCO INC	\$	87.50
60	METROPOLITAN UNIFORM COMPANY	\$	149.97
61	MICROMARKETING ASSOCIATES	\$	397.07
62	MR. UNIFORM & MAT	\$	131.50
63	NELSON BROTHERS	\$	136.00
64	RAYLOR OFFICE SUPPLY	\$	153.10
65	ROCHESTER LAWN EQUIPMENT	\$	1,191.90
66	S.K. ELECTRIC	\$	506.84
67	SEMCOG	\$	1,800.00
68	SMART	\$	436.78
69	STANDARD INSURANCE COMPANY RC	\$	2,766.21
70	VALLEY NATIONAL GASES INC	\$	149.25

General Pooled Invoices Total	\$ 319,503.91
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Grand Total Invoices	\$ 319,605.69
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CARRIED UNANIMOUSLY:

CITY ATTORNEY REPORT

City Attorney Jon Kingsepp gave a report on the following:

- Stated that he has received a number of comments regarding the proposed sign ordinance – observation have been great – the ordinance will be refined and presented back to the Planning Commission – then it will be submitted to City Council for consideration.

American Legion litigation will be in court on March 5, 2008 regarding the gambling games.

CITY MANAGER REPORT

Richard Haberman, City Manager, gave a report on the following items:

- N. Main Street road project is out for bid.
- Water projects S. Main – E. on 14 Mile – S. on Bellevue – Massoit – Crooks is under construction.
- New project list has been submitted to City Council and will be placed on the City website.
- Murray’s should open within the next couple of weeks.

NEW BUSINESS

Mayor Luebs stated that the Council is in the process of evaluation of the City Manager – will be having another closed session meeting.

A workshop will be scheduled to look at the Main Street Parking issue.

2nd Annual Basketball Game – “Cops vs Kids” will be held at the Clawson High School on March 18, 2008 at 6:30 pm – 50/50 raffle – Sponsored by the Clawson Athletic Boosters – tickets are \$3.00 for adults and \$1.00 children.

Councilmember Phillips reviewed the meeting held on Thursday, February 28, 2008 – to review the 2007 Construction Projects – she thanked the residents for attending – she gave an overview of the meeting – good meeting – all left on a positive note.

Councilmember Phillips gave an update on upcoming activities as provided by Tim Burns Oakland County Commissioner:

- Clawson Optimist Club Meeting – Wednesday, March 5, 2008 @ 7pm – featured speaker will be “Roary” the official mascot of the Detroit Lions – “LIONS L.E.A.D.ers for Life (Leadership, Educational, Athletic Development)’
- Consumer Protection Forum – Walsh College on March 6, 2008
- Homeowner Foreclosure Protection – City Hall Council Chamber on March 12, 2008 at 6:30 pm.

Councilmember Airriess, gave thanks to Harry Drinkwine – for taking care of the problem on Massoit with marking dirt pile with barrels – the area is now well lit.

Councilmember Moore, comment to the Police Chief regarding the last Planning Commission meeting – residents were complaining about the parking on W. Tacoma – “No Right Turn” and “2 hr Parking” being enforced. Police Chief Anderson stated that they are working on this.

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 7:49 p.m.

CARRIED UNANIMOUSLY:

Penny Luebs, Mayor

G. Machele Kukuk, City Clerk