



City of the Village of Clarkston
375 Depot Rd
Clarkston, Michigan 48346
City Council Regular Meeting
02 08 2021

Regular City Council Meeting
Mon, Feb 8, 2021 7:00 PM - 9:00 PM (EST)

You may join the meeting from your computer, tablet or smartphone using the following link:

<https://global.gotomeeting.com/join/666639237>

Or you may call in using the following phone number and access code: (872) 240-3311 , Access Code: 666-639-237

1. Call To Order
2. Pledge Of Allegiance
3. Roll Call
Mayor Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie
4. Approval Of Agenda - Motion
5. Public Comments:
Individuals have the opportunity to address the City Council on subjects not on the Agenda, limiting their comments to three minutes. Alternatively, public comments may be emailed to City Manager Jonathan Smith @ smithj@villageofclarkston.org or City Clerk Jennifer Speagle @ speaglej@villageofclarkston.org and they will be read out loud during this time. If preferred, comments may be stated or submitted anonymously.
6. FYI:
 - 6.a. FYI: Oakland County Covid Stickers & Poster
Oakland County Floor Window/Door Stickers and Poster Handouts are available at City Hall. Limited Quantities.

Documents:

[OAKLAND COUNTY MASK STICKERS 02 08 2020.PDF](#)

7. City Manager Report

Documents:

[CITY MGR REPORT 02 08 2021.PDF](#)

8. Motion Acceptance Of The Consent Agenda As Presented

Minutes and Treasurer's Report

Minutes

Final 01 11 2021

Draft 01 25 2021

Treasurer's Report 02 08 2021

Documents:

[02 08 2021 CONSENT AGENDA.PDF](#)

9. Old Business

9.a. Discussion: Short Term Rental

Documents:

[RECONSIDER SHORT TERM RENTAL ACTION 02 08 2021.PDF](#)

9.b. Discussion: Paid Parking

10. New Business

10.a. Discussion: RPDD Recommendation

Residential Planned Development District (RPDD) Ordinance Review and Recommended Amendments.

Documents:

[RPDD RECOMMENDATION 02 08 2021.PDF](#)

10.b. Resolution: Oakland/Macomb Interceptor Repair Reimbursement

Documents:

[RESOLUTION REIMBURSEMENT FOR OAKLAND-MACOMB INTERCEPTOR REPAIR.PDF](#)

11. Adjourn

Only those matters that are on the agenda are to be considered for action.

Window Sticker (3" x 5")



Floor Sticker (9.5" x 9.5")



Poster (11" x 17")



THE ONLY WAY TO BEAT COVID-19 IS TO FACE IT.

You can't forget the danger. Especially in the next few months.
We can beat this virus if we all face it together.



Wear the mask.



Wash your hands.



Practice physical distancing – at least 6 feet apart.



Consider virtual gatherings for the holidays.



Order food for curbside pickup.



Shop locally.

For more holiday safety tips,
visit oakgov.com/covid.

#FACEIT

#OAKLAND *Together*

Paid for by Oakland
County Health Division.



City of the Village of Clarkston
City Manager Report
February 8, 2021

Main Street “Your Speed” Sign

The new electronic “Your Speed” signs on North Main Street are now active. To save battery life, the signs have been programmed to not display anything in this 30 MPH zone if the approaching vehicle is driving less than 25 MPH. Additionally, to discourage drivers from attempting to see how high they can run up the speed display, speeds over 45 MPH will not be displayed. I have notified Oakland County Sheriff Lieutenant Todd Hill of these settings as well as asked if he feels added (paid) patrols would be appropriate. He recommended that we revisit the matter in the spring/summer months.

2021-2022 Fiscal Year Budget

This week the Finance Committee kicked-off the annual process of developing a budget recommendation for the next Fiscal Year. The Committee – made up of Mayor Eric Haven, Council Members Al Avery and Joe Luginski, Treasurer Greg Cote and myself – will meet multiple times in public meetings over the next four months to meet the required deadline of presenting the Draft Budget in a Public Hearing on May 24th and Final Approval on June 28th.

Skating Rink Success!

The new skating rink purchased by the Clarkston Area Optimists and the Clarkston Community Schools has been a huge success! More people have been seen skating on the rink this year than the last several years combined. My continued thanks to the Optimists, Steve Wyckoff of CCS’s Construction Tech Program and the City DPW staff for their efforts to install and maintain the rink.



Respectfully submitted,

Jonathan Smith,
City Manager
February 4, 2021



City of the Village of Clarkston
Artemus M. Pappas Village Hall
375 Depot Road
Clarkston, Michigan 48346
City Council Regular Meeting Minutes
01 11 2021 **Final Minutes**

1/11/2021 - Minutes

1. Call To Order
By Mayor Haven @ 7:00pm.
2. Pledge Of Allegiance
3. Roll Call
Haven, Avery, Bonser, Casey, Kneisc, Wylie - Present (all calling in from Clarkston, Mi). Luginski - Absent
4. Approval Of Agenda - Motion
Motion by Wylie Second by Avery to approve the Agenda as presented. Haven, Avery, Bonser, Casey, Kneisc, Wylie - Yes. Motion Carried.
5. Public Comments:
By Chet Pardee
6. FYI:
7. Sheriff Report For December 2020
8. City Manager Report
9. Acceptance Of The Consent Agenda As Presented - Motion
Motion by Bonser Second by Casey to approve the Consent Agenda as presented. Haven, Avery, Bonser, Casey, Kneisc, Wylie - Yes. Motion Carried.
10. Old Business
11. New Business

11.a. Motion: Depot Park Optimist Ice Rink

Motion by Avery Second by Wylie to approve the Clarkston Area Optimist Club, the Clarkston Community School District Technical Center Construction Program and the City of the Village of Clarkston, as interested parties, all agree to cooperate together to purchase, install, dismantle and store a pre-constructed, modular ground surface ice rink in Depot Park. Clarkston Area Optimist Club along with Clarkston Community Schools will co-fund the ice rink. Clarkston Area Optimist Club will add The City of the Village of Clarkston on to their Liability Insurance. The City of the Village of Clarkston, Clarkston Area Optimist Club and the Clarkston Community Schools Technical Center Construction Program will work together to install, maintain and dismantle the ice rink. The City of the Village of Clarkston will store the Ice Rink in the off season. Haven, Avery, Bonser, Casey, Kneisc, Wylie - Yes. Motion Carried.

11.b. Discussion: Clarkston Restaurant Relief Grant

Update on the Oakland County Restaurant Relief Grant given by City Manager Jonathan Smith.

11.c. Resolution: Agreement For Legal Services

Motion by Casey Second by Bonser to approve the hiring of Mark W. Peyser of Howard & Howard as additional legal council for the Bisio v City of Clarkston, Oakland County Circuit Court case number 2015-150462-CZ currently pending before the Honorable Leo Bowman. Included in the agreement is the immediate payment of a retainer of \$5,000 and an initial budget allocation of \$14,000 as well as a Budget Amendment to transfer \$14,000 from the General Fund (101) Fund Balance to the Legal Fees Budget account (101-266-803.000). Haven, Avery, Bonser, Casey, Kneisc, Wylie - Yes. Luginski - Absent. Motion Carried.

11.d. Resolution: Smart Credit Contract For FY 2021

Motion by Avery Second by Casey to approve the transfer of \$874.00 in SMART Credits to Independence Township for use in their Senior Center bus transportation program. Haven, Avery, Bonser, Casey, Kneisc, Wylie - Yes. Luginski - Absent. Motion Carried.

12. Adjourn

Motion by Avery Second by Bonser to adjourn at 7:53pm. Haven, Avery, Bonser, Casey, Kneisc, Wylie - Yes. Luginski - Absent. Motion Carried.

Respectfully Submitted by Jennifer Speagle, City Clerk.



City of the Village of Clarkston
Artemus M. Pappas Village Hall
375 Depot Road
Clarkston, Michigan 48346
City Council Regular Meeting Minutes
01 25 2020 **Draft Minutes**

1/25/2021 - Minutes

1. Call To Order
By Mayor Pro Tem Sue Wylie at 7:02pm
2. Pledge Of Allegiance
3. Roll Call
Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Present (All calling in from Clarkston, Mi). Haven - Absent.
4. Approval Of Agenda - Motion
Motion by Luginski Second by Bonser to approve the Agenda as presented. Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carried.
5. Public Comments:
By Cher Pardee
6. FYI:
7. City Manager Report

Luginski ask for an update on the Your Speed Signs. Smith replied that the data was downloaded Monday January 25th and they will be activated Tuesday Jan 26th.

Luginski also asked when the Finance Meetings will start. Smith replied within the next 2 weeks. In the meetings they will start by discussing the usage of the sewer billing to recoup the cost of the Oakland/Macomb interceptor repair instead of doing A SAD which is very timely and costly.

Wylie stated that she is glad to see the that the Construction Flow Chart is being worked on.
8. Motion Acceptance Of The Consent Agenda As Presented
Motion by Casey Second by Avery to approve the Consent Agenda as presented. Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carried.
9. Old Business
10. New Business
 - 10.a. Resolution: Olde Village Cafe Temporary Use Of City Property
Motion by Avery Second by Casey to approve the temporary usage through Sunday, May 2nd, 2021 of 2 Parking spaces and the adjacent sidewalk on E. Washington by the Olde Village Cafe for the placement of 1 greenhouse to expand their outdoor seating capacity during the COVID pandemic, provided that the Cafe owners list the City as an additionally insured party on their insurance policy and that all existing operational, health and fire ordinances that currently apply to the Cafe are extended to the outdoor space. Avery, Bonser, Casey, Kneisc, Luginski, Wiley - Yes Motion Carries.

11. Adjourn

Motion by Avery second by Casey to Adjourn at 7:32pm. Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carried.

Respectfully Submitted by Jennifer Speagle, City Clerk.

DRAFT

TREASURER'S REPORT FOR CITY COUNCIL MEETING:

2/8/2021

Treasurer's Report:

I. Disbursements from 01/1/2021-01/31/2021	
101 General Fund -	\$ 19,793.06
202 Major Streets -	\$ 4,047.07
203 Local Street	\$ 1,611.37
231 Parking Meter Fund	\$ 72.57
236 Friends of Depot Park	\$ -
295 Mill Pond Lake -	\$ 408.00
301 2012 GO Bond Debt	\$ -
305 2007 GO Bond Debt	\$ -
401 Capital Projects Fund -	\$ 1,504.26
590 Sewer Fund -	\$ 65.94
703 Tax Fund -	\$ 169,562.65
856 Area 1,2,4 SAD	\$ -
Total	\$ 197,064.92
II. Invoices for review and payment approval	
Carlisle Wortman - Master Plan, Bldg Adm, Planner & Other	\$ -
HRC - Professional Services	\$ -
HRC - Main Street Traffic Claiming	\$ -
HRC - Depot Park Restroom Relocation	\$ -
HRC - Sidewalk Plans & Specs	\$ -
HRC - Office Expansion Study	\$ -
HRC - Parking Study	\$ -
Tom Ryan - Professional Services (January Invoice)	\$ 1,282.50
Tom Ryan - Clarkston Court Prosecution (January Invoice)	\$ 142.50
Total	\$ 1,425.00
III. Other Checks for Review	
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
Total	\$ -
Grand Total	\$ 198,489.92

02/04/2021

CHECK DISBURSEMENT REPORT FOR CITY OF THE VILLAGE OF CLARKSTON
CHECK DATE FROM 01/01/2021 - 01/31/2021

Check #	Date	Payee	Description	Account	Dept	Amount
10102	01/06/2021	COMCAST	TELEPHONE EXPENSE	850.000	264	569.07
10103	01/06/2021	THOMAS J RYAN PC	LEGAL FEES	803.000	266	1,163.75
10103	01/06/2021	THOMAS J RYAN PC	LEGAL FEES	803.000	266	95.00
		CHECK GEN 10103 TOTAL FOR FUND 101:				<u>1,258.75</u>
10104	01/06/2021	WEINGARTZ SUPPLY CO., INC	EQUIPMENT MAINTENANCE	932.001	441	195.38
10105	01/06/2021	SHERMAN PUBLICATIONS, INC	PUBLICATIONS	901.000	215	159.30
10106#	01/06/2021	CARDMEMBER SERVICE	MISC EXPENSE	955.000	101	65.00
10106	01/06/2021	CARDMEMBER SERVICE	SUPPLIES	726.000	253	135.77
10106	01/06/2021	CARDMEMBER SERVICE	SUPPLIES-VH BUILDING	726.004	265	56.33
10106	01/06/2021	CARDMEMBER SERVICE	PHYSICAL EXPENSE	720.000	441	53.77
10106	01/06/2021	CARDMEMBER SERVICE	MATERIAL & OUTSIDE LABOR-DUMP TRUCK	861.007	446	201.82
		CHECK GEN 10106 TOTAL FOR FUND 101:				<u>512.69</u>
10107	01/06/2021	DOUG WEAVER	BLDG INSPECTORS' SALARIES	703.004	371	390.00
10108	01/06/2021	JEFF SHAFER	BLDG INSPECTORS' SALARIES	703.004	371	260.00
10109	01/06/2021	MERLE WEST	BLDG INSPECTORS' SALARIES	703.004	371	260.00
10110#	01/06/2021	GREAT LAKES ACE HARDWARE	SUPPLIES-VH BUILDING	726.004	265	9.99
10110	01/06/2021	GREAT LAKES ACE HARDWARE	DPW SUPPLIES	750.000	441	16.76
		CHECK GEN 10110 TOTAL FOR FUND 101:				<u>26.75</u>
10111	01/06/2021	TRANSPORTATION IMPROVEMENT ASSOC	PLANNING COMMISSION	717.000	721	315.00
10112	01/06/2021	HUTCHINSON'S ELECTRIC, INC	PARK MATERIALS	728.000	265	204.91
10113	01/13/2021	CARLISLE/WORTMAN ASSOC INC	VH-PLANNER FEES	811.000	721	95.00
10113	01/13/2021	CARLISLE/WORTMAN ASSOC INC	VH-PLANNER FEES	811.000	721	315.00
10113	01/13/2021	CARLISLE/WORTMAN ASSOC INC	VH-PLANNER FEES	811.000	721	1,957.50
		CHECK GEN 10113 TOTAL FOR FUND 101:				<u>2,367.50</u>
10114#	01/13/2021	DTE ENERGY	DETROIT EDISON-VH	920.000	265	200.54
10114	01/13/2021	DTE ENERGY	DETROIT EDISON-VH	920.000	265	1.95
10114	01/13/2021	DTE ENERGY	DETROIT EDISON-VH	920.000	265	22.07
10114	01/13/2021	DTE ENERGY	DTE UPPER PARKING LOT	923.000	265	15.45
10114	01/13/2021	DTE ENERGY	DTE UPPER PARKING LOT	923.000	265	297.55
10114	01/13/2021	DTE ENERGY	DTE UPPER PARKING LOT	923.000	265	14.95
10114	01/13/2021	DTE ENERGY	DTE DEPOT PARK	923.001	265	25.21
10114	01/13/2021	DTE ENERGY	DTE STREET LIGHTING	926.000	448	1,297.69
		CHECK GEN 10114 TOTAL FOR FUND 101:				<u>1,875.41</u>
10116	01/13/2021	MAZZA AUTO PARTS	DPW SUPPLIES	750.000	441	53.88

01/13/2021	10118	RICOH USA, INC	OFFICE SUPPLIES	727.000	264	146.80
01/13/2021	10119	CHARTER TOWNSHIP OF INDEPENDENCE	VEHICLES - GAS & OIL	862.000	446	295.37
01/13/2021	10120	CARLISLE/WORTMAN ASSOCIATES, INC.	BLDG DEPT PROFESSIONAL FEES	809.000	371	1,500.00
01/13/2021	10121	HOWARD & HOWARD	LEGAL FEES	803.000	266	5,000.00
01/20/2021	10123	SHIVER TREE SERVICE	TREE TRIMMING & MAINTENANCE	817.001	446	1,850.00
01/20/2021	10124	BLUE CARE NETWORK	HEALTH INSURANCE	709.000	441	344.32
01/20/2021	10125	OPTIV	PROFESSIONAL & CONTRACTUAL SERVICES	805.001	264	527.00
01/24/2021	10127	BS&A SOFTWARE	TECHNOLOGY/INTERNET EXPENSE	852.000	264	583.00
01/24/2021	10128	CONSUMERS ENERGY	VH - UTILITIES CONSUMERS	921.000	265	216.80
01/24/2021	10130	RICOH USA INC	RICOH COPIER LEASE	941.000	264	202.65
01/27/2021	10131	STAPLES	OFFICE SUPPLIES	727.000	264	171.62
01/27/2021	10131	STAPLES	OFFICE SUPPLIES	727.000	264	6.86
		CHECK GEN 10131 TOTAL FOR FUND 101:				178.48
01/31/2021	10132	STATE OF MICHIGAN	STORM WATER DISCHARGE PERMIT	935.000	265	500.00
			Total for fund 101 GENERAL			19,793.06
01/13/2021	10117*	ROAD COMM FOR OAKLAND CTY	SALT - WINTER MAINTENANCE	778.001	453	566.92
01/20/2021	10126*	ROCK BOT'TOM STONE SUPPLY	SIDEWALK - SALT - WINTER	778.000	453	181.72
01/24/2021	10129*	ROAD COMM FOR OAKLAND CTY	SALT - WINTER MAINTENANCE	778.001	453	3,298.43
			Total for fund 202 MAJOR STREET			4,047.07
01/13/2021	10117*	ROAD COMM FOR OAKLAND CTY	SALT - WINTER MAINTENANCE	778.001	453	209.68
01/20/2021	10126*	ROCK BOTTOM STONE SUPPLY	SIDEWALK - SALT - WINTER	778.000	453	181.72
01/24/2021	10129*	ROAD COMM FOR OAKLAND CTY	SALT - WINTER MAINTENANCE	778.001	453	1,219.97
			Total for fund 203 LOCAL STREET			1,611.37
01/13/2021	1106	PASSPORT LABS, INC	MISC EXPENSE	757.000	264	1.00
01/27/2021	1107	SPRINT / NEXTEL COMMUNICATIONS	PHONE EQUIPMENT	760.000	264	71.57
			Total for fund 231 PARKING METER FUND			72.57
01/13/2021	257	LAKE PRO, INC.	WEED CONTROL - MILL POND MAINT	813.000	265	408.00
			Total for fund 295 MILL POND LAKE IMPROVEMENT FUND			408.00

01/13/2021	10115	ECONO SIGNS LLC	ELECTRONIC SPEED CONTROL & MAINT.	970.015	901	104.26
01/13/2021	10122	POCO SALES	ELECTRONIC SPEED CONTROL & MAINT.	970.015	901	1,400.00
			Total for fund 401 CAPITAL PROJECT FUND			1,504.26
01/20/2021	2071	GREAT LAKES WATER AUTHORITY	IWC CHARGES IND TWP	814.002	536	65.94
			Total for fund 590 SEWER			65.94
01/06/2021	647(E)	CLARKSTON COMMUNITY SCHOOLS	TAX COLLECTIONS	220.000	000	593.25
01/06/2021	648(E)	OAKLAND COUNTY TREASURER	TAX COLLECTIONS	220.000	000	14,637.03
01/06/2021	649(E)	CITY OF CLARKSTON CVT	TAX COLLECTIONS	220.000	000	90,452.61
01/06/2021	650(E)	CITY OF CLARKSTON 2007 BOND	TAX COLLECTIONS	220.000	000	155.10
01/06/2021	651(E)	CITY OF CLARKSTON 2012 BOND	TAX COLLECTIONS	220.000	000	292.62
01/06/2021	652(E)	CLARKSTON INDEPENDENCE DISTRICT LIBR	TAX COLLECTIONS	220.000	000	18,252.40
01/06/2021	653(E)	INDEPENDENCE TOWNSHIP DELQ WATER	TAX COLLECTIONS	220.000	000	587.53
01/06/2021	654(E)	MILL POND ASSOCIATION	TAX COLLECTIONS	220.000	000	1,601.37
01/06/2021	655(E)	CITY OF CLARKSTON SEWER-DELQ	TAX COLLECTIONS	220.000	000	4,446.48
01/20/2021	656(E)	CLARKSTON COMMUNITY SCHOOLS	TAX COLLECTIONS	220.000	000	414.82
01/20/2021	657(E)	OAKLAND COUNTY TREASURER	TAX COLLECTIONS	220.000	000	4,317.94
01/20/2021	658(E)	CITY OF CLARKSTON CVT	TAX COLLECTIONS	220.000	000	27,228.92
01/20/2021	659(E)	CITY OF CLARKSTON 2007 BOND	TAX COLLECTIONS	220.000	000	30.83
01/20/2021	660(E)	CITY OF CLARKSTON 2012 BOND	TAX COLLECTIONS	220.000	000	58.16
01/20/2021	661(E)	CLARKSTON INDEPENDENCE DISTRICT LIBR	TAX COLLECTIONS	220.000	000	5,504.75
01/20/2021	662(E)	MILL POND ASSOCIATION	TAX COLLECTIONS	220.000	000	624.84
01/20/2021	663(E)	CITY OF CLARKSTON SEWER-DELQ	TAX COLLECTIONS	220.000	000	364.00
			Total for fund 703 TAX			169,562.65
		TOTAL - ALL FUNDS				197,064.92

*E-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND
 (INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT

Thomas J. Ryan, P.C.

2055 Orchard Lake Road
Sylvan Lake, MI 48320

Invoice submitted to:
Jonathan Smith
City Manager
375 Depot Road
Clarkston, MI 48346

February 01, 2021

In Reference To: Clarkston Court/Prosecution

Invoice #10946

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
1/8/2021 Review correspondence from 52/2 District Court re: Notice to Appear re: Clarkston vs Davis	0.50 95.00/hr	47.50
1/11/2021 Correspondence to Oakland County Sheriff's Department re: request for police report (Clarkston vs. Davis)	0.50 95.00/hr	47.50
1/12/2021 Review correspondence from Sheriff's Department re: attached police report (Clarkston v. Davis)	0.50 95.00/hr	47.50
For professional services rendered	<u>1.50</u>	<u>\$142.50</u>
Previous balance		\$95.00
Accounts receivable transactions		
1/15/2021 Payment - Thank You No. 10103		(\$95.00)
Total payments and adjustments		<u>(\$95.00)</u>
Balance due		<u><u>\$142.50</u></u>

Thomas J. Ryan, P.C.

2055 Orchard Lake Road
Sylvan Lake, MI 48320

Invoice submitted to:
Jonathan Smith
City Manager
City of the Village of Clarkston
375 Depot Road
Clarkston, MI 48346

February 01, 2021

Invoice #10947

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
1/1/2021 Review correspondence from Rich Little re: 1/4/21 Planning Commission Meeting re: 7 Buffalo Street	0.50 95.00/hr	47.50
1/4/2021 Phone call to Jonathan Smith re: Planning Commission Meeting on 1/4/21; Phone call to Rich Little re: Planning Commission meeting on 1/4/21	1.00 95.00/hr	95.00
Preparation of Memorandum re: Amendment to Public Act 228 - Open Meetings Act; Preparation of Resolution to Adopt Rules for Electronic Meetings, as amended	1.00 95.00/hr	95.00
1/6/2021 Review correspondence from Jon Stuckey, Assistant Attorney General re: SHPO Review Board Meeting, via zoom, on 1/29/21 at 10::00 a.m. re: Line vs. Clarkston HDC	0.50 95.00/hr	47.50
1/8/2021 Correspondence to Mr. Meloche re: SHPO hearing on 1/29/21 at 10:00 a.m. re: 10 Miller Road	0.50 95.00/hr	47.50
1/11/2021 Review Council packet for 1/11/21 council meeting	0.50 95.00/hr	47.50
Attend City Council meeting	1.00 95.00/hr	95.00
Preparation of Memorandum regarding Council Packet for 1/11/21 and Preparation of Acceptance of Grant Equipment from Oakland County	1.50 95.00/hr	142.50
1/12/2021 Phone call to Mr. Meloche re: agenda changes per Public Act 254	0.50 95.00/hr	47.50
1/25/2021 Attend City Council meeting	0.50 95.00/hr	47.50

	<u>Hrs/Rate</u>	<u>Amount</u>
1/25/2021 Review City Council packet for 1/25/21 council meeting	0.50 95.00/hr	47.50
1/26/2021 Correspondence to HDC Chair, Mr. Meloche, re: 1/29/21 SHPO hearing re: Line vs HDC	0.50 95.00/hr	47.50
1/27/2021 Review correspondence from City Manager re: Oakland County Restaurant Relief Grant	0.50 95.00/hr	47.50
1/28/2021 Phone call to City Manager re: miscellaneous city matters	0.50 95.00/hr	47.50
1/29/2021 Attend SHPO hearing (virtually) re: Line vs HDC	4.00 95.00/hr	380.00
For professional services rendered	<u>13.50</u>	<u>\$1,282.50</u>
Previous balance		\$1,163.75
Accounts receivable transactions		
1/15/2021 Payment - Thank You No. 10103		(\$1,163.75)
Total payments and adjustments		<u>(\$1,163.75)</u>
Balance due		<u><u>\$1,282.50</u></u>

Planning Commission Request to Council to Re-Open and Reconsider Short-Term Rental (STR) Action – February 1, 2021

1. This Request:

In mid-2020, City Council tabled action on regulating or banning Short Term Rentals (aka Airbnb's). Since our current Ordinance does not specifically allow short term rentals, they are currently not permitted. However, there is evidence of 4 to 6 operating within the Village. STR's are a controversial topic in most municipalities. Registering and regulating them makes them visible, safer and less likely to generate complaints. Banning them preserves the residential integrity of neighborhoods and enhances the safety and privacy of the citizens.

The Planning Commission is asking Council to take action on this topic and give guidance to the Planning Commission to (1) Regulate or (2) Ban STR's. In return, the PC will provide the Ordinance language necessary to protect the City.

2. Short Term Rental Deliberations – Detailed History of Last 14 Months in Clarkston

Monday, December 2nd, 2019

The Planning Commission (PC) discussed the topic of short-term housing rentals recently made popular by using Airbnb and other websites. The Planning Commission agreed that our current City ordinance, created before this boom became popular, should be updated to spell out how the City plans to control this usage. There are currently a handful of advertised Airbnb properties within the Village. The main question is whether the City wishes to continue "as-is", control the rentals through specific regulations or ban this practice altogether in the City.

Monday, December 9th, 2019

The Planning Commission asked Council for preliminary direction on this topic before the PC spent time on further research. City Council referred the topic back to the PC and asked that the PC recommend a series of regulations to control short term rentals.

Monday, January 6, 2020 and Monday, February 2, 2020

As requested by Council, the PC drafted a set of proposed short term rental regulations to make these properties visible, safe, less frequent and less intrusive. Below is a list of proposed regulation for City Council to review and debate:

Proposed Regulations from PC:

1. All short-term rental properties must be registered annually with the City to obtain an annual permit. The yearly renewal period for permits is between January 2nd and January 15th.
2. Any short-term property rental advertisements (Airbnb or other) must contain the City's assigned short term rental permit registration number for that property.
3. Each property owner must pay an annual fee to the City of \$150 to operate a short-term rental. This fee will be collected during the permit application process.
4. A short-term rental host must reside in the City of the Village of Clarkston and can only establish one permitted property within the Village.
5. Short term rental occupancy is limited to two times the number of bedrooms (Example: a three-bedroom house may host 6 guests).
6. All short-term rental properties must have a Building Department "safety" inspection during each permit application or renewal.
7. A short term rental property is limited to a total of 90 rental nights per calendar year (consecutive or collective). The minimum stay is 2 nights.

8. An approved short term rental property may not be within 2000 feet of another approved short term rental property.
9. Short term rental owners who do not adhere to these regulations are subject to loss of City permit.

Spring 2020

Council debated the “regulations” that the PC submitted. At that time, there was also discussion in Council about banning short-term rentals completely, rather than regulating them. Also, at that time, there was action in Lansing that could have possibly reduced local control of STR’s. Council tabled the question until Lansing finished their work.

Late Summer 2020

Council reopened the topic again, discussed banning STR’s, but soon tabled it.

February 1, 2021

PC is now asking Council to re-open this topic and give direction to the PC to “regulate” or “ban” STR’s.

Submitted to Council for the Planning Commission on February 1, 2021 by Rich Little – PC Chair



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

1.

TO: City Council, The City of the Village of Clarkston
Jonathon Smith, City Manager
Rich Little, Planning Commission Chair

FROM: Richard K. Carlisle, FAICP
Ben Carlisle, AICP

DATE: February 3, 2021

RE: Residential Planned Development District (RPDD) Ordinance Review and Recommended Amendments

Recently the Planning Commission and Historic District Commission considered a concept plan for a Residential Planned Development District (RPDD) multiple family development at the southeast corner of Waldon Road and Main Street. The RPDD is an existing valuable zoning tool in the zoning ordinance that permits flexibility in zoning regulations to permit for more creative and innovative development. While the Planning Commission acknowledged that the proposed density for the development was too intense, it was noted that the current RPDD allowed for limited zoning flexibility and offered few incentives for its use to allow for more creative development.

With that recognition, Carlisle|Wortman Associates was asked to review the RPDD regulations and suggest amendments for Planning Commission consideration. The Planning Commission considered the recommended amendments at three separate meetings. At their February 1, 2021 meeting, the Planning Commission voted 5-0 to forward the following amendments to the City Council for their consideration. Please note that the Planning Commission has not drafted revised ordinance language but will do so once they receive direction from the City Council.

Many of the recommended amendments are procedural; however, the Planning Commission recommends three substantial amendments:

1. Allowance for mixed use;
2. Increased allowable height; and
3. Increased allowable density.

Existing Regulations:

There are three different districts that permit multiple family residential, all with varying density allowances:

District			Density		
RM, Multiple Family Residential			Efficiency/1 Bedroom (6000 sq/ft per unit) = 7.3 units/acre	2-Bedroom (8000 sq/ft per unit) = 5.5 units/acre	3-Bedroom (10000 sq/ft per unit) = 4.4 units/acre

VC, Village Commercial	No set cap in the ordinance. Density would be limited by height, setback, and parking requirements.
RPDD, Residential Planned Development District	Based on underlying zoning district.

Please note that density is also controlled through other various zoning regulations including parking, height, and setbacks. These in combination with set density restrictions also limit density. For example, both the VC-Village Commercial and RM-Multiple Family Residential is capped at 2.5 stories. In addition, RM, Multiple Family Residential has a variety of setbacks from property lines and building-to-building setbacks that may also greatly restrict density. Although the VC, Village Commercial does not have a set cap, density is regulated through other zoning regulations.

As for RPDD-Residential Planned Development District, the maximum density shall comply with the dimensional standards of the underlying zoning district. For sites such as the corner of Waldon and Main which is zoned R-1-Low Density Single Family, the maximum density is 2.7 units per acre. Furthermore, the PUD Ordinance permits very limited discretionary authority for the Planning Commission to recommend and for the City Council to permit greater density through the PUD process. In other words, the City would have to have a strong basis for deviating from Ordinance requirements. Thus, the PUD has little incentive as written because it does not allow density increases and offers very little deviations to the underlying zoning with regards to setbacks, lot areas, and widths.

Like Communities:

As part of our analysis we reviewed similar communities in southeast Michigan for comparison. Similar to Clarkston, many of the “Downtown” or “Mixed Use” districts do not have a set cap regarding density with regards to units per acre; however they have an artificial cap through the height restrictions, setback restrictions, or parking requirements that in essence restrict density.

Most communities cap density in multiple family residential districts by a unit per acre factor. The range varies from 4.4 units / per acre to 24 units per acre.

Municipalities	District	Density
Plymouth	B2, Downtown	No set cap in the ordinance
	RM-2, High Density Residential	16.1 to 24.2 units/acre (based on bedroom type)
Northville	CBD, Central Business District	No set cap in the ordinance
	R4, High Density Residential	4.4 units / per acre
Saline	C-1, Central Area District	No set cap in the ordinance
	R3, Multiple Family residential	5.6 units / per acre
Howell	MXD, Mixed Use District	No set cap in the ordinance
	R-M, Multiple Family Residential District	6 to 10 units / per acre (based on bedroom type)
Rochester	CBD, Central Business District	No set cap in the ordinance
	RM-1, Multiple Family Residential District	11.6 to 19.4 units / per acre (based on bedroom type)
Holly	CBD, Central Business District	No set cap in ordinance

	RM, Moderate Density	7.3 to 10.9 units/acre (based on bedroom type)
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Looking at like communities, we find that Clarkston’s density provisions for multiple family are consistent. However, a cap of 4.4 units per acre for 3-bedrooms and 5.5 units per acre for 2-bedrooms are lower than comparable communities.

Proposed Regulatory Consideration:

The details to these recommendations are listed below in the table. The left column is the identified issue to be addressed. The middle column in the existing ordinance language (actual language in italics). The right column is the suggested amendment.

Issue to be addressed:	Existing Ordinance (section)	Proposed Revisions
The only uses allowed in RPDD are residential	<i>Detached single-family dwelling units: open space or cluster housing projects with one or more types of residential uses. (8.03)</i>	Consider allowing for mixed-use development which may include office or commercial and residential. To establish a parameter, add language that states for site that are master planned as residential or mixed use residential, non-residential uses may only account for 10% of the overall floor area.
Height in a RPDD is limited to 2.5 stories and 35-feet	<i>The maximum height of buildings in the RPDD district shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet. (8.18.D)</i>	Consider allowing up to 3 stories and 40-feet if contextually appropriate. Contextually appropriate can included consideration of: <ol style="list-style-type: none"> 1. Height of adjacent structures 2. Topography 3. Architectural style 4. Public benefit achieved as a result of increased height The increase in height is purely discretionary and reviewed on a case-by-case basis by both the Planning Commission and the City Council.
Deviations for density and bulk regulations are very limited with current regulations	<i>Maximum density, minimum floor area and maximum height shall comply with the dimensional standards of the underlying zoning</i>	Amend Section 8.03: <ol style="list-style-type: none"> 1. Allow density consistent with future land use plan (for mixed use residential

	<p><i>district, but the lot area, setback and width requirements may be reduced by up to twenty percent (20%) with the resultant area preserved as open space. (8.03)</i></p>	<p>that would be between 6 to 8 units and acre) and permit a density increase to that of up to 25%.</p> <p>2. Allow greater flexibility to reduce lot area, setback, and width requirements.</p> <p>A density of 6 to 8 units would be in-line with like communities.</p> <p>The allowable density increase is purely discretionary and reviewed on a case-by-case basis by both the Planning Commission and the City Council.</p>
<p>The application process requires the “contractual agreement” to occur after the rezoning and the preliminary site plan is approved. Most ordinances require the “contractual agreement” as part of the initial rezoning approval.</p>	<p>A. <i>The application process for a RPDD involves: Request for rezoning to appropriate RPDD designation and a conceptual (preliminary) site plan.</i></p> <p>B. <i>A Final Site Plan(s). City of the Village of Clarkston VIII-3 Article VIII Zoning Ordinance Residential Planned Development District</i></p> <p>C. <i>A Contractual Agreement between the applicant and the City.</i></p> <p>D. <i>A Final Site Plan review for each building or project phase, where appropriate. (8.04)</i></p>	<p>Make contractual agreement as part of Step A and rename it “RPDD Agreement.”</p>
<p>Application process seems superfluous. Unsure of the purpose of having the Clerk forward to City Council, who then forwards to the Planning Commission.</p>	<p><i>D. The petition shall be filed with the City Clerk who shall transmit the petition and the area plan to the City Council. The City Council shall forward the petition to the Planning Commission. (8.05.D)</i></p>	<p>Once filed with City Clerk, allow Clerk to forward to the Planning Commission.</p>
<p>Unnecessary timeline review requirements</p>	<p>Multiple sections of the ordinance (8.05.E, 8.05.F, 8.05.H, 8.16.A) put time requirements on when the Planning Commission or City Council must consider an application.</p>	<p>Overall we recommend on eliminating any requirement that the Planning Commission or City Council must review the application within a certain timeframe. Due process is important and necessary,</p>

		but we find no legitimate purpose on putting an unnecessary “shot clock” on the Planning Commission or City Council.
The application process requires the “contractual agreement” to occur after the rezoning and the preliminary site plan is approved. Most ordinances require the “contractual agreement” as part of the initial rezoning approval. Same issue as noted in Section 8.04	<i>Upon approval of the Final RPDD Site Plan, the applicant shall submit a written agreement setting forth the conditions upon which the RPDD approval was based, as specified, including a specific list of any approved deviations from the standards of this Ordinance. The Planning Commission shall review the agreement, with assistance from the City Attorney. The agreement City of the Village of Clarkston VIII-5 Article VIII Zoning Ordinance Residential Planned Development District shall be recorded in the office of Oakland County, Register of Deeds at the expense of the applicant. (8.08)</i>	Amend Section 8.08 to make Contractual Agreement to be reviewed and approved by the City Council as part of the RPDD and Conceptual Site Plan approval.
RPDD review standards	There are seven standards for Planning Commission and City Council to consider when reviewing a RPDD (8.11)	Amend Section 8.11 (Standards for Approval of Conceptual RPDD Site Plan) to strengthen standards for the Planning Commission and City Council to apply when considering a RPDD.
There is no provision in the existing ordinance that sets forth the procedure if an applicant desires or is required (often due to engineering issues) to amend the RPDD after preliminary site plan approval and prior to final site plan approval	<i>Upon approval of the Conceptual RPDD Site Plan by the City Council, the property shall be rezoned to an appropriate Residential Planned Development District Zoning District, with the underlying zoning district noted on the Official Zoning Map for a Residential Planned Development District. (8.12)</i>	Amend Section 8.12 (Approval of Conceptual RPDD Site Plan) to give authority to the Planning Commission to determine if a requested change is major or minor. Add provision that any major change to the approved RPDD will require a resubmittal and public hearing with the Planning Commission and approval by the City Council.
How to measure elevation changes	Minor Changes to approved RPDD: <i>Horizontal and/or vertical elevations may be altered by up to five percent (5%). (8.16.B.4)</i>	Not sure to measure percent change in elevations. Amend language to use “consistency” as a standard for elevation change.

There is no requirement of a performance guarantee in existing language. Performance guarantee is a financial commitment from the developer to ensure the project will be completed as approved.	Not Applicable	Add provision to the RPDD that notes that a performance guarantee may be required in accordance with Section 15.20.
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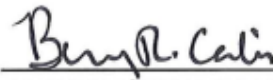
The purpose of these amendments is to (1) protect Clarkston's historic character, (2) ensure high quality development standards, and (3) encourage creative development that is complementary to the single-family fabric of the community. Please note that the Planning Commission has not drafted revised ordinance language but will do so once they receive direction from the City Council.

I look forward to discussing these options at an upcoming meeting. Please let me know if you have further questions.

Yours Truly,



CARLISLE/WORTMAN ASSOC., INC.
Richard K. Carlisle, AICP
President



CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

City of the Village of Clarkston

375 Depot Road
Clarkston, Michigan 48346

Resolution - Reimbursement for Oakland-Macomb Interceptor Repair Cost

WHEREAS, in June 2020, the City was notified of a required \$84M repair of the Oakland-Macomb Interceptor (OMID) in Detroit, a critical component of the Great Lakes Water Authority's sewage disposal system, and;

WHEREAS,

the Clinton-Oakland communities are responsible for 33.1% of the \$84M, or **\$27,513,429**, and

Independence Twp is responsible for 2.4123% of Clinton-Oakland, or **\$2,012,636**, and

the City of the Village of Clarkston is responsible for 4.915% of the Township, or **\$98,921.06**, and;

WHEREAS, in November 2020, the City Council approved the payment of \$98,921.06 to Independence Township to reimburse them, leaving less than \$60K in the City's Sewer Fund, and;

WHEREAS, the Finance Committee has reviewed this matter, concluding that the \$98,921.06 expense must be recouped proportionately from the City's sewer users based on the City's 557 Residential Equivalent Units (REU's), and;

WHEREAS, City Auditor Rana Emmons has compared the use of the Sewer Billing System to a Special Assessment District, concluding that using the Sewer Billing System will be both simpler and less costly (see attached letter), and;

WHEREAS, under the recommendation, each REU in the City would be billed \$177.60 ($\$98,921.06 / 557 = \177.60), or four quarterly payments of \$44.40 in addition to the current REU cost of \$117.42, and;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of the Village of Clarkston accepts the recommendation to utilize the City's Sewer Billing System to recoup \$177.60 from each Residential Equivalent Unit (REU), or 4 payments of \$44.40, to pay for the City's \$98,921.06 portion of the Oakland-Macomb Interceptor repair cost, starting with the May 2021 billing cycle.

Avery	Bonser	Casey	Haven	Kneisc	Luginski	Wylie	Totals
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Motion is Adopted

Motion is Defeated

February 8, 2021

Jennifer Speagle, City Clerk

Date

PSLZ PLLC
Certified Public Accountants

19500 Victor Parkway
Suite 460
Livonia, MI 48152

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Leah M. Parker-Roth, C.P.A.
Alice Li, C.P.A.

February 3, 2021

Mr. Jonathan Smith
City Manager
City of the Village of Clarkston
375 Depot
Clarkston, MI 48346

Re: Oakland-Macomb Interceptor Improvements

Dear Mr. Smith:

This letter is written in response to your request for a recommendation of how to seek reimbursement from City businesses and residents for a one-time charge for the Oakland-Macomb interceptor sewer improvements. The two methods currently being discussed by the City include either 1) placing the charge on the sewer users' utility bills or 2) creating a special assessment district and assessing the amount on each property owner's tax bill. Both of these methods should be straight forward to assess, however I would like to highlight some differences for you that you may or may not have already considered.

Typically, a special assessment is a charge imposed on real property to pay for the cost of a public improvement that benefits property in a specific area or section of the City. The Michigan Legislature has defined the types of projects that can be specially assessed and has established procedures that local units of government must follow. The procedures, which are about a 12-step process, are specific and include at least 2 public hearings be held. Each property owner must be notified by mail before each hearing, and notices must be published twice in a newspaper of general circulation for each hearing (so that's publishing four times and at least 2 mailings to all property owners). Also, the City will be incurring legal fees and engineering fees as both the City attorney and City engineers will be on hand to answer questions at each public hearing as well as be involved in the planning and creating of the special assessment district and subsequent roll. This description is not meant to be all inclusive, but rather a generalization of the process. The costs mentioned are the external costs to the City and do not include the City's extensive administrative time to facilitate the process.

The other method being discussed is spreading the amount over four quarterly billings on the sewer utility bills. This is a much simpler method, and the only downside is whether the additional cost will result in sewer users to be delinquent in paying their utility bills. The sewer billings are already set up so there's no need to create a new process and the costs are spread over four quarters so the user doesn't receive a larger one-time charge.

Letter to J. Smith
February 3, 2021
Page 2

In conclusion, the special assessment process is much more involved and costly to the City than placing a set amount on the Sewer utility customers bills over four quarters. Also, please consider that the costs mentioned in the special assessment process would be added on to the amount of the special assessment roll, so each property owner being assessed will end up paying more for this process than placing it on the utility bills.

Please contact me if you would like to discuss further or if I can provide you with any additional information.

Sincerely,

A handwritten signature in black ink that reads "Rana M. Emmons". The signature is written in a cursive style with a large initial 'R'.

Rana M. Emmons, CPA
Managing Director/Partner