



City of the Village of Clarkston
375 Depot Rd
Clarkston, Michigan 48346
City Council Regular Meeting
03 08 2021

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

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

<https://global.gotomeeting.com/join/557458101>

Or you may call in using the following phone number and access
code: (872) 240-3212 , Access Code: 557-458-101

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:
7. Sheriff Report For February 2021
Documents:
[SHERIFF REPORT FEBRUARY 2021.PDF](#)
8. City Manager Report
Documents:
[CITY MGR REPORT 03 08 2021.PDF](#)

9. Motion Acceptance Of The Consent Agenda As Presented
 - Minutes and Treasurer's Report
 - Minutes
 - Final 02 08 2021
 - Final 02 12 2021
 - Draft 02 22 2021
 - Treasurer's Report 03 08 2021

Documents:

[03 08 2021 CONSENT AGENDA REVISED.PDF](#)

10. Old Business

- 10.a. Motion: Short Term Rentals

Documents:

[MOTION SHORT TERM RENTAL MEMO 03 08 21.PDF](#)

- 10.b. Motion: In Person Meetings

11. New Business

- 11.a. Discussion: 35 Madison Ct
 - Complaints regarding the Apartments at 35 Madison Ct.

Documents:

[DISCUSSION 35 MADISON CT.PDF](#)

12. Adjourn

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

**OAKLAND COUNTY SHERIFF DEPARTMENT
INDEPENDENCE SUBSTATION**

TO: John Smith, City Manager

FROM: Lieutenant Todd Hill, Substation Commander

SUBJECT: City of the Village of Clarkston Monthly Report

| | 2021 | | | | | | | | | | | | 2021 | 2020 |
|-------------------------------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|
| ARRESTS | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | YTD | YTD |
| Felony (CLR-059) | 2 | 0 | | | | | | | | | | | 2 | 13 |
| Misdemeanors (CLR-059) | 3 | 2 | | | | | | | | | | | 5 | 46 |
| | | | | | | | | | | | | | | |
| MICR: | | | | | | | | | | | | | | |
| Violent Crimes (CLR-004) | 1 | 0 | | | | | | | | | | | 1 | 12 |
| Property Crimes (CLR-004) | 1 | 0 | | | | | | | | | | | 1 | 20 |
| | | | | | | | | | | | | | | |
| TRAFFIC: | | | | | | | | | | | | | | |
| Monthly Warnings - Citation Report | 1 | 2 | | | | | | | | | | | 3 | 57 |
| Monthly Citations - Citation Report | 3 | 1 | | | | | | | | | | | 4 | 64 |
| Crashes - Czrsh Report | 1 | 0 | | | | | | | | | | | 1 | 22 |
| | | | | | | | | | | | | | | |
| LIQUOR INSPECTION ACTIVITY: | | | | | | | | | | | | | | |
| Alcohol Compliance Checks (AE) | 0 | 0 | | | | | | | | | | | 0 | 0 |
| Violations (CLR-065) | 0 | 0 | | | | | | | | | | | 0 | 0 |
| | | | | | | | | | | | | | | |
| STATION STATISTICS: | | | | | | | | | | | | | | |
| Calls for Service (CLR-065) | 74 | 56 | | | | | | | | | | | 130 | 975 |

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

City Manager's Annual Report

Attached for your review is the City Manager's 2020 CY Annual Report, as required by the City Charter. Please let me know of any questions or comments you may have about the report.

Michigan Concrete Association Award

I am pleased to report that the City has been honored with an Award of Excellence from the Michigan Concrete Association for the design and quality of installation of the new City Hall driveway and parking area. The 8" x 10" plaque, appropriately made of concrete, will be displayed in the office lobby.

Main Street Speed Study

The recently installed "Your Speed" signs on North Main Street are actively capturing driver speed data, which our student intern, CJ Sivak, is analyzing and charting. CJ provided a status update to the Planning Commission this week, where it was agreed that additional data will be captured before bringing a report to City Council, tentatively planned for April 12th.

Propane Tank Exchange

As part of the Oakland County Restaurant Relief Grant, the City was allocated 50 propane tank refills to provide to the City restaurants. To secure the tanks, a cage with 24 tanks inside was temporarily placed on the City Office driveway today. City restaurants needing refills, may bring their empty tanks to the office and exchange them for full tanks until their allocation is exhausted.

White Lake Road Guardrail

In a previous City Council meeting I was asked to investigate the possibility of installing a guardrail on the curve of White Lake Road where it becomes S. Holcomb Road. Because this roadway is owned by the Road Commission for Oakland County, I made a formal request to them and was recently informed that, after analyzing the curve, they do not feel that a guardrail is warranted.

Bisio v Clarkston Lawsuit Hearing

This week we were informed that Circuit Court Judge Leo Bowman has scheduled a virtual hearing for Wednesday, April 21st at 11:00 AM to review a Motion to Enforce the Settlement Agreement that was filed on February 22, 2021.

Respectfully submitted,

Jonathan Smith,
City Manager
March 4, 2021

City of the Village of Clarkston

City Manager's Annual Report for the 2020 CY

Jonathan Smith, City Manager

As required by the City Charter, following is a consolidated summary of the 2020 activities:

I. COVID19 Pandemic

The changing work environment created by COVID had a significant impact on the City operations in 2020. While some operations were curtailed or simplified under COVID, many operations became more challenging and time consuming.

- a. Proposed and implemented a plan to close the City Offices to the public during the pandemic, consistent with other municipalities, to protect both the City employees and the visitors. For the first three months, only the City Manager worked in the office, while other employees worked from home.
- b. Researched the optimal platform for virtual, online meetings. Selected and implemented the GoToMeeting application starting in March.
- c. Scheduled and facilitated all online City meetings - including Council, Planning Commission, ZBA, HDC, FoDP, Finance and others - March through December using the GoToMeeting application.
- d. Researched, obtained Council approval, and installed front-counter glass to protect both the office staff and visitors.
- e. Coordinated the delivery and tracking of business reopening COVID toolkits containing PPE and cleaning supplies from Oakland County to 85 area businesses.
- f. Surveyed Clarkston businesses, asking how the City could help them during COVID. This effort ultimately resulted in the decision to suspend Paid Parking and Parking Enforcement, temporarily close E. Church Street, procure concrete blocks to protect outdoor tables, assist with those needing urgent building permits, and more.
- g. Applied for the Oakland County Restaurant Relief Grant and was awarded \$14,500 in products to assist our local businesses in expanding outdoor seating during COVID.
- h. Assisted local business owner Brandon Still with the implementation of the Match-on-Main small business grant program he designed and developed with Oakland County.
- i. Assisted the Social District subcommittee by submitting the required applications to the State of Michigan Liquor Commission and complete the approval process.
- j. Applied for and received a Coronavirus Relief Local Government Grants (CRLGG) grant from the State of Michigan for \$1,512.

II. City Infrastructure

- a. Completed the repaving of North Holcomb Road from West Washington to the City Limit north of Miller, including new 2' shoulders on both sides to reduce edge breakdown. Easement backfilling and seeding will be completed in the spring.
- b. Researched the failing storm drain in the East Alley that resulted in basement flooding.
- c. Researched, obtained competitive bids, obtained Council approval, and coordinated the grinding and removal of 40+ old tree stumps in the City easements.

- d. Researched, obtained Council approval, obtained MDOT approval, and installed two new electronic “Your Speed” signs on N. Main Street in an effort to reduce speeding.
- e. Coordinated with City Attorney Tom Ryan the settlement pertaining to sanitary sewer pipe damages by a private contractor on Glenburnie.
- f. Repaired the sidewalk and bridge erosion on White Lake Road.
- g. Obtained quotes and obtained Council approval to repair, crack-fill, sealcoat and restripe the Washington & Main, Mill Street and Depot Road parking lots.
- h. Worked closely with City Engineer HRC to evaluate possible locations for ADA approved parking spots near the Masonic Lodge. Project awaiting funding.
- i. Coordinated with the Sign Committee on the design and development of a proposal to install new street, entrance, and wayfinding signage throughout the City. Obtained multiple contractor quotes and City Council approval. Sign fabrication currently underway with plans for a spring 2021 installation.

III. Health, Safety and Welfare

- a. Regularly reviewed the operational status of streetlights in the City, requesting DTE repairs as soon as possible. Also notified DTE of three power poles in the City needing repair or replacement (still pending).
- b. Completed an evaluation of the health of trees on City property with an arborist from Owens Tree Service, identifying 4 trees and several large branches that were at an immediate risk of failing (falling). The issues have been corrected. Further, many branches blocking the light from DTE streetlights were trimmed back.
- c. A total of seven ordinance enforcement warnings were issued in 2020, three related to home maintenance, two related to grass mowing and two related to snow shoveling.
- d. A proposal to hire a contract Ordinance Enforcement Officer was prepared and initially discussed with Council. A follow-up proposal will be forthcoming.

IV. Communications

- a. Issued weekly Communication Emails to City residents and business owners throughout the year to keep them informed of important City matters and upcoming events. These communications are also placed on the City Facebook site.
- b. Sent a US Mail letter to all City residents and business owners notifying them of the availability of a weekly email communication and how to subscribe. This effort more than doubled the number of weekly recipients to 260 (and still growing).

V. Depot Park

- a. Completed the relocation and reconstruction of the Depot Park Rain Garden as well as completed the initial plans for the Rain garden expansion (between the park pathway and Mill Race).
- b. Prepared plans with the City’s Invasive Species contractor (Cardno) for removing an extensive growth of Buckthorn in Depot Park and obtained Council approval.
- c. Worked with the Friends of Depot Park and City Engineer HRC to establish a full inventory of the memorial trees and benches in Depot Park. Also, coordinated the installation of 3 new memorial benches and 4 new memorial trees in the park.
- d. Evaluated alternatives to replace or rebuild the deteriorating Depot Park Gazebo and coordinated the preparation of (in-kind) architectural drawings for a new Gazebo.
- e. Assisted Jimi Turner in the cutting up and removal of a very large poplar tree that inexplicably fell in Depot Park on an otherwise quiet day in August.

- f. Coordinated and participated in the annual Depot Park and Mill Race clean-up event last Fall, sponsored by the Clinton River Watershed Council.
- g. Researched the need for bollards in the park to prevent vehicular traffic and presented a proposal to City Council for funding approval. The bollards were purchased, with installation planned for Spring 2021.

VI. City Hall / DPW Garage

- a. Managed the completion of the City Hall and DPW Garage expansion and renovation project, overseeing contractors and personally working an estimated 800 hours of unpaid time for painting, trim work, installing doors and door hardware, bathroom hardware, signage, white-boards, shelving, heavy duty racks, office furniture, cleaning, decor and more.
- b. Worked closely with City Engineer HRC to evaluate and design a replacement City Hall driveway and parking area. Obtained multiple quotes, presented to City Council for approval, supervised the installation. This work was subsequently awarded the Award of Excellence from the Michigan Concrete Association.
- c. Brought all City record boxes stored at the Bayliss facility back to the City offices, organizing and labeling the records. Obsolete records, as defined by the City record retention policy, were shredded by a commercial shredding service. The retained record boxes were stored on new heavy-duty racks installed in the Records Room for better identification and easier access.
- d. Sorted through a large accumulation of building blueprints, eliminating duplicates, and organizing them in labeled blueprint tubes for easy access in the Records Room.
- e. Completed the cleanout of the Bayliss garage where the City had stored DPW equipment and hardware for many years, bringing everything back to the City garage and saving the City between \$700 and \$1,000 per month rent.
- f. Worked with the DPW Director to assess the condition and usefulness of all DPW equipment, determining what to store on the new racks installed in the garage and what to repair, sell or discard.
- g. Researched, obtained Council approval, and installed a new alarm and camera system for the office and DPW building.
- h. Designed and obtained approval for a permanent plaque to thank those who helped renovate and expand the City offices/garage at reduced costs. Organized and held an Open House event to thank those involved in the project and unveil the plaque.

VII. DPW

- a. Prior to the hiring of a DPW laborer, I assisted DPW director Jimi Turner with tree trimming, pothole patching, banner hanging, and other projects requiring more than one person.
- b. Jimi completed approximately two dozen repairs of broken equipment in 2020 at minimal cost, made possible by his strong mechanical and repair expertise.
- c. Worked with City Engineer HRC to determine a resolution to standing water on Miller, which Jimi installed.
- d. Researched a collapsed storm sewer in the East Alley, determining that a rebuilding of three structures and the connecting pipes will be necessary. Because a portion of the storm drain is on private property, an implementation plan is still being developed.

VIII. Financial

- a. Managed the development of the 2020/2021 Fiscal Year Budget with the help of the Finance Committee. Developed the corresponding Appropriations Act and PowerPoint documents, which were presented to City Council for approval in a Public Hearing.
- b. Developed a full 5-year Capital Improvement Plan, with oversight from Sue Wylie and the Planning Commission. Obtained approval along with the 21FY budget.
- c. Completed the official closing of the #1, 2 and 4 Special Assessment Districts, returning \$57,165 to the Fund Balance.
- d. Precautions taken to minimize spending in all budget areas due to the unknown Bisio Lawsuit settlement costs.

IX. Personnel

- a. After DPW Director Mike Speagle accepted a job with Independence Township, I prepared a job posting, interviewed several candidates and ultimately selected and hired Jimi Turner. I am extremely happy with the work that Jimi is doing. Jimi subsequently hired assistant Carson Danis, who is also doing great work.
- b. At year end, I initiated a restructuring of the Treasurer's job responsibilities, shifting some of the day-to-day book-keeping responsibilities from Greg Cote' to Evelyn Bihl. A corresponding pay change has also been initiated.
- c. With the above changes, I am satisfied with the current staffing and have no plans to make any changes. Annual merit increases will be considered in the upcoming budget proposal in an effort to retain the current staff.

X. Information Technology

- a. Completed the setup of remote access privileges for the Treasurer, Clerk and City Manager
- b. Procured a new laptop for the Clerk to ensure there would be no connectivity issues during the November General Election.

XI. Election

- a. Held two elections in the City Office, the August 4th Primary and the November 3rd General Election with no issues.
- b. Designed a voter station layout to minimize COVID social distancing issues, including the construction of two large wood & plexiglass dividers.
- c. Multiple new precautions, including the hiring of a security officer, were taken for the contentious November Presidential Election.

XII. Other

- a. Volunteered to be a 2020 Census advocate and coordinator for Clarkston.
- b. Coordinated the Clarkston-area celebration of Oakland County's 200th anniversary, including, among other things, the giveaway of 75 Oak trees, picked up by local residents at the City office.
- c. Prepared for three separate, large citizen protests downtown and in Depot Park.
- d. Obtained competitive quotes, purchased, and personally installed a new weatherproof sign to replace the deteriorated Invasive Species educational sign on White Lake Road.
- e. Helped coordinate the 2nd annual North Oakland Bowties Car Show in Depot Park, including judging the awards program.



City of the Village of Clarkston
 Artemus M. Pappas Village Hall
 375 Depot Road
 Clarkston, Michigan 48346
City Council Regular Meeting Minutes
 02 08 2021 **Final Minutes**

2/8/2021 - Minutes

1. Call To Order
 By Mayor Haven @ 7:02pm
2. Pledge Of Allegiance
3. Roll Call
 Haven, Avery, Bonser, Kneisc, Luginski (arrived @ 7:50pm), Wylie. - Present (All calling in from Clarkston, Mi).
 Casey - Absent
4. Approval Of Agenda - Motion
 Motion by Wylie Second by Kneisc to approve the Agenda as presented. Haven, Avery, Bonser, Kneisc, Wylie - Yes. Casey & Luginski - Absent.
5. Public Comments:

Senator Rosemary Bayer discussed the COVID vaccine distribution. There are many ways to request the vaccine. You can visit OaklandCountyVaccine.com or call (800) 848-5533 to register or register with your healthcare provider, Meijer or your local drugstore. She also stated that they are working to help a lot of people with unemployment. If you need help with unemployment or any other issue her office # is (517)-373-2417. Senator Bayer also stated that she is on the Appropriations Committee, Education Committee and the Transportation Subcommittee.

City Manager Jonathan Smith read a Public Comment from David Delasko who is having issues with his landlord not removing the snow from the sidewalks and poor maintenance at 35 Madison Ct. Smith said he would reach out to the property owner and see what can be done to improve the situation.

City Manager Jonathan Smith read Public Comments from Chet Pardee regarding the City Website not having updated budget information, Audit report or Capital Improvement Plan. Smith agreed that the Financial reports section of the website is not up to date and will take personal responsibility to make sure the corrections are made.
6. FYI:
 - 6.a. FYI: Oakland County Covid Stickers & Poster

Clerk Speagle presented images of 2 styles of stickers and 1 poster from the Oakland County's Face It, Beat it Campaign to wear face masks that are available for local businesses to pick up at the City offices.

Clerk Speagle also stated that the Office will be closed Monday, February 15th for Presidents Day and that taxes were due by the end of the day Tuesday, February 16th. The City will accept any late tax payments until 5pm on on March 1st, 2021 and any payments made after that date must be made at the County.
7. City Manager Report
8. Motion Acceptance Of The Consent Agenda As Presented
 Motion by Kneisc Second by Bonser to accept the Consent Agenda as presented. Haven, Avery, Bonser, Kneisc, Wylie - Yes. Luginski - Absent. Motion Carries.
9. Old Business
 - 9.a. Discussion: Short Term Rental

Ed Bonser stated that he currently has a short term rental and asked if he would have to abstain from any voting.

Atty Tom Ryan answers by stating that the Council will have to vote to recuse Bonser from voting. He can then speak as a resident not a Council Member.

Motion by Wylie Second by Avery to Recuse Bonser from voting on Short Term Rentals due to conflict of Interest. Haven, Avery, Kneisc, Wylie - Yes. Bonser - Abstained. Casey & Luginski - Absent.

Kneisc stated that he is leaning toward regulating Short Term Rentals. Haven, Avery, Wylie would like them banned for several reasons.

Luginski joins the meeting @ 7:50.

Ed Bonser stated that this area is limited on Hotels/Motels and in his experience the people that rent are usually staying in the area to visit family or in transition as moving in from out of the area. The renters are spending money in town which is a good thing.

Tom Ryan suggests to table any decisions for a future Council Meeting when all Council Members are present.

Motion by Haven Second by Avery to table until next Council Meeting. Haven, Avery, Kneisc, Luginski, Wylie - Yes. Bonser - Abstain. Casey - Absent. Motion Carries.

9.b. Discussion: Paid Parking

Motion by Wylie Second by Avery to turn Discussion into a motion. Haven, Avery, Bonser, Kneisc, Luginski, Wylie - Yes. Motion Carries

Bonser would like to lift suspension and open up paid parking. Wylie stated that with Resuarants at 25% we need to extend suspension, Haven agreed. Avery would like to continue suspension for another 45 days at least until restuarants are open at 50%.

Erich Lines from Union Joints stated that the restuarant industry is very fragile right now and believes paid parking will hurt the restuarants. It has been 77days without any indoor dining and 300 days since they have been at full capacity.

Motion by Avery Second by Wylie to extend suspension of paid parking and enforcement through April 12th, 2021. Haven, Avery, Bonser, Kneisc, Luginski, Wylie - Yes. Motion Carries.

10. New Business

10.a. Discussion: RPDD Recommendation

Discussion with Rich Little (Planning Commision Chair) and Ben Carlisle from Carlisle Wortman regarding the City's Residential Planned Development District (RPDD).

Motion by Haven Second by Wylie to turn the Discussion into a Motion. Haven, Avery, Bonser, Kneisc, Luginski, Wylie - Yes. Motion Carried.

Motion by Haven Second by Luginski for the Planning Commission to update the allowable height, density and residential/commercial land use in the current RPDD ordinance. Haven, Avery, Bonser, Kneisc, Luginski, Wylie - Yes. Motion Carried.

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

Motion by Haven Second by Luginski to direct the City Manager to utilize the City's Sewer Billing System to recoup \$177.60 from each Resident 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.

Haven, Avery, Bonser, Kneisc, Luginski, Wylie - Yes. Motion Carries.

11. Adjourn

Motion by Wylie Second by Avery to adjourn @ 9:27pm. Haven, Avery, Bonser, Kneisc, Luginski, Wylie - Yes. Motion Carries.

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 Special Meeting Minutes
02 12 2021 Final Minutes

2/12/2021 - Minutes

1. Call To Order
By Mayor Haven at 11:00am.
2. Pledge Of Allegiance
3. Roll Call
Haven (Clarkston), Avery (Waterford), Casey (Clarkston), Kneisc (Clarkston), Luginski (Clarkston), Wylie (Clarkston) - Present. Bonser Absent.
4. Approval Of Agenda - Motion
Motion by Avery Second by Luginski to approve the Agenda as presented. Haven, Avery, Casey, Kneisc, Luginski, Wylie - Yes Motion Carries.
5. Public Comments:
Made by Chet Pardee regarding the need for a budget amendment pursuant to the Bisio v Clarkston settlement.
6. Resolution: Closed Session To Discuss Pending Litigation

Motion by Haven Second by Casey to enter into Closed Session as permitted by State Statute MCL 15.268 (e) to discuss the Bisio v Clarkston Lawsuit (Oakland County Circuit Court Case number 2015-150462-CZ Pending before Honorable Leo Bowman)

Haven, Avery, Casey, Kneisc, Luginski, Wylie - Yes Motion Carries.
- 6.a. Call To Order
by Mayor Haven at 11:25am.
- 6.b. Roll Call
Haven (Clarkston), Avery (Waterford), Casey (Clarkston), Kneisc (Clarkston), Luginski (Clarkston), Wylie (Clarkston) - Present. Bonser Absent.
- 6.c. Discussion: Legal Matters
7. Return To Open Session
Call to order by Mayor Haven @ 12:17pm.
8. Roll Call
Haven (Clarkston), Avery (Waterford), Casey (Clarkston), Kneisc (Clarkston), Luginski (Clarkston), Wylie (Clarkston) - Present. Bonser Absent.
9. Resolution: Agenda Amendment
Motion by Avery Second by Wylie to amend the current agenda to include a budget amendment. Haven, Avery, Casey, Kneisc, Luginski, Wylie - Yes Motion Carries.
10. Resolution: Budget Amendment
Motion By Avery Second by Casey to Transfer in from Fund Balance \$35,000.00 to General 101 Account. Haven, Avery, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carries.
11. Resolution: To Accept The Facilitated Settlement In The Bisio V Clarkston Lawsuit

Motion by Avery Second by Luginski to agree to accept the facilitated settlement in the Susan Bisio v Clarkston lawsuit and authorizes the City Treasurer to immediately authorize a single payment of \$35,000.00 to effectuate the settlement specified by City Attorney, Mark Peyser.

Haven, Avery, Casey, Kneisc, Luginski, Wylie - Yes Motion Carries.

12. Adjourn

Motion by Luginski Second by Wylie to Adjourn at 12:25pm. Haven, Avery, Casey, Kneisc, Luginski, Wylie - Yes Motion Carries.

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
02 22 21 **Draft Minutes**

2/22/2021 - Minutes

1. Call To Order
By Mayor Haven @ 7:02pm
2. Pledge Of Allegiance
3. Roll Call
Haven, Avery, Bonser, Casey, Luginski, Wylie (calling in from Clarkston, Mi) Kneisc (calling in from Osprey, FL).
4. Approval Of Agenda - Motion
Motion By Bonser Second by Wylie to approve the Agenda as presented. Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carries.

5. Public Comments:

Ed Bonser and Sharon Kramer shared their experiences and thoughts as Short Term Rental owners.

City Manager Jonathan Smith read public comments sent in by Chet Pardee thanking the City officials for amending the City Budget in compliance with the State of Michigan Budget Law on 2 12 21. He also thanked Jonathan Smith for committing to updating the City Website with current and relevant information. He went on to ask how many Attorneys does the City have and encouraged the City Manager to consult with MML regard the City's Errors and Omissions Insurance Premium.

Smith responded by stating that the website is currently being updated and now reflects all Budget and Audit Reports for the past 5 years. The City's attorney is Tom Ryan. Mark Peyser was hired specifically for the Bisio v Clarkston Facilitation. Smith also noted that he always consults with MML regarding premiums prior too and during the City's Budget meetings.

6. FYI:
7. Sheriff Report For January 2020
8. City Manager Report
9. Motion Acceptance Of The Consent Agenda As Presented
Motion by Luginski Second by Casey to approve the Consent Agenda as presented. Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carries.
10. Old Business
 - 10.a. SHORT TERM RENTALS DEFERRED TO MARCH 8TH
 - 10.b. Resolution: Interlocal Agreement For The Restaurant Relief Grant 02 22 21
Motion by Casey Second by Wylie to authorize the City Manager to complete and submit the Oakland County Restaurant Relief Grant Interlocal Agreement. Haven, Avery, Bonser, Casey, Kneisc, Luginski,

Wylie - Yes. Motion Carries.

11. New Business

11.a. Discussion: New Clarkston Historic District Walking Tour

CID Library Director Julie Meredith demonstrated the New Clarkston Historic District Walking Tour that is accessible on the Library website. It is an interactive tour of the individual homes in the Historic District complete with pictures and historic information. You can access the New Clarkston Historic District Walking tour by visiting the Clarkston Independence District Library website (CIDLibrary.org) and selecting Clarkston Historic District under the the About tab or using the following web address www.Clarkstonhistory.org.

12. Adjourn

Motion by Avery Second by Casey to adjourn at 9:06pm. Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie - Yes. Motion Carries.

Respectfully Submitted by Jennifer Speagle, City Clerk.

DRAFT

TREASURER'S REPORT FOR CITY COUNCIL MEETING:

3/8/2021

Treasurer's Report:

I. Disbursements from 02/1/2021-02/28/2021

| | | |
|---------------------------|-----------|-------------------|
| 101 General Fund | \$ | 11,735.21 |
| 202 Major Streets | \$ | 1,790.34 |
| 203 Local Street | \$ | 480.92 |
| 231 Parking Meter Fund | \$ | 80.75 |
| 236 Friends of Depot Park | | |
| 295 Mill Pond Lake | | |
| 301 2012 GO Bond Debt | | |
| 305 2007 GO Bond Debt | \$ | 1,687.50 |
| 401 Capital Projects Fund | \$ | 855.92 |
| 590 Sewer Fund | \$ | 67,441.79 |
| 703 Tax Fund | \$ | 102,663.57 |
| Total | \$ | 186,736.00 |

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 (February Invoice) | \$ | 1,140.00 |
| Tom Ryan - Clarkston Court Prosecution (February Invoice) | \$ | 570.00 |
| Total | \$ | 1,710.00 |

III. Other Checks for Review

| | | |
|------------------|-----------|------------------|
| RWC Soil Erosion | \$ | 1,885.00 |
| Road Commision | \$ | 62,000.00 |
| Road Commision | \$ | 23,262.97 |
| Howard & Howard | \$ | 6,410.00 |
| Total | \$ | 93,557.97 |

| | | |
|--------------------|-----------|-------------------|
| Grand Total | \$ | 282,003.97 |
|--------------------|-----------|-------------------|

03/04/2021

CHECK DISBURSEMENT REPORT FOR CITY OF THE VILLAGE OF CLARKSTON
CHECK DATE FROM 02/01/2021 - 02/28/2021

| Check Date | Check # | Payee | Description | Account | Dept | Amount |
|------------|---------|-------------------------------------|-----------------------------|---------|------|----------|
| 02/03/2021 | 10133 | COMCAST | TELEPHONE EXPENSE | 850.000 | 264 | 570.39 |
| 02/03/2021 | 10134 | DTE ENERGY | DETROIT EDISON-VII | 920.000 | 265 | 195.83 |
| 02/03/2021 | 10134 | DTE ENERGY | DETROIT EDISON-VH | 920.000 | 265 | 1.95 |
| 02/03/2021 | 10134 | DTE ENERGY | DETROIT EDISON-VH | 920.000 | 265 | 22.08 |
| 02/03/2021 | 10134 | DTE ENERGY | DETROIT EDISON-VII | 920.000 | 265 | 234.51 |
| 02/03/2021 | 10134 | DTE ENERGY | DTE UPPER PARKING LOT | 923.000 | 265 | 14.95 |
| 02/03/2021 | 10134 | DTE ENERGY | DTE UPPER PARKING LOT | 923.000 | 265 | 15.33 |
| 02/03/2021 | 10134 | DTE ENERGY | DTE DEPOT PARK | 923.001 | 265 | 24.84 |
| | | CHECK GEN 10134 TOTAL FOR FUND 101: | | | | 509.49 |
| 02/03/2021 | 10135 | HOME DEPOT CREDIT SERVICES | DPW SUPPLIES | 750.000 | 441 | 340.19 |
| 02/03/2021 | 10136 | OAKLAND COUNTY TREASURER | SUPPLIES | 726.000 | 262 | 321.00 |
| 02/03/2021 | 10137 | THOMAS J RYAN PC | LEGAL FEES | 803.000 | 266 | 142.50 |
| 02/03/2021 | 10137 | THOMAS J RYAN PC | LEGAL FEES | 803.000 | 266 | 1,282.50 |
| | | CHECK GEN 10137 TOTAL FOR FUND 101: | | | | 1,425.00 |
| 02/03/2021 | 10139 | SHERMAN PUBLICATIONS, INC | PUBLICATIONS | 901.000 | 215 | 138.00 |
| 02/03/2021 | 10140 | DOUG WEAVER | BLDG INSPECTORS' SALARIES | 703.004 | 371 | 195.00 |
| 02/03/2021 | 10141 | JEFF SHAFER | BLDG INSPECTORS' SALARIES | 703.004 | 371 | 195.00 |
| 02/03/2021 | 10142 | MERLE WEST | BLDG INSPECTORS' SALARIES | 703.004 | 371 | 130.00 |
| 02/03/2021 | 10143 | STAPLES | OFFICE SUPPLIES | 727.000 | 264 | 15.36 |
| 02/10/2021 | 10144 | CITY OF THE VILLAGE OF CLARKST | SEWER & WATER-VH | 924.000 | 265 | 133.44 |
| 02/10/2021 | 10145 | DTE ENERGY | DTE STREET LIGHTING | 926.000 | 448 | 1,293.26 |
| 02/10/2021 | 10147 | RICOH USA, INC | OFFICE SUPPLIES | 727.000 | 264 | 89.22 |
| 02/10/2021 | 10148 | CHARTER TOWNSHIP OF INDEPENDENCE | VEHICLES - GAS & OIL | 862.000 | 446 | 393.02 |
| 02/10/2021 | 10149 | MMI WORKER'S COMP FUND | WORKMAN'S COMPENSATION | 722.000 | 871 | 87.00 |
| 02/10/2021 | 10150*# | CARDMEMBER SERVICE | MISC EXPENSE | 955.000 | 101 | 9.00 |
| 02/10/2021 | 10150 | CARDMEMBER SERVICE | OFFICE SUPPLIES | 727.000 | 264 | 30.76 |
| 02/10/2021 | 10150 | CARDMEMBER SERVICE | TECHNOLOGY/INTERNET EXPENSE | 852.000 | 264 | 95.87 |
| 02/10/2021 | 10150 | CARDMEMBER SERVICE | SUPPLIES-VH BUILDING | 726.004 | 265 | 371.46 |
| | | CHECK GEN 10150 TOTAL FOR FUND 101: | | | | 507.09 |
| 02/10/2021 | 10151 | CARLISLE/WORKMAN ASSOCIATES, INC. | BLDG DEPT PROFESSIONAL FEES | 809.000 | 371 | 1,500.00 |

| | | | | | | |
|------------|---------|-------------------------------------|--|---------|-----|------------------|
| 02/10/2021 | 10152 | GREAT LAKES ACE HARDWARE | SUPPLIES-VH BUILDING | 726.004 | 265 | 109.32 |
| 02/10/2021 | 10153 | CHARTER TOWNSHIP OF INDEPENDENCE | SEWER & WATER-VH | 924.000 | 265 | 28.60 |
| 02/17/2021 | 10155 | CARLISLE/WORTMAN ASSOC INC | VH-PLANNER FEES | 811.000 | 721 | 630.00 |
| 02/17/2021 | 10156 | HUBBELL ROTH & CLARK INC | ENGINEERING SERVICES | 810.001 | 721 | 107.48 |
| 02/17/2021 | 10156 | HUBBELL ROTH & CLARK INC | ENGINEERING SERVICES | 810.001 | 721 | 358.72 |
| 02/17/2021 | 10156 | HUBBELL ROTH & CLARK INC | ENGINEERING SERVICES | 810.001 | 721 | 1,206.00 |
| 02/17/2021 | 10156 | HUBBELL ROTH & CLARK INC | ENGINEERING SERVICES | 810.001 | 721 | 644.32 |
| | | CHECK GEN 10156 TOTAL FOR FUND 101: | | | | <u>2,316.52</u> |
| 02/17/2021 | 10158 | BLUE CARE NETWORK | HEALTH INSURANCE | 709.000 | 441 | 344.32 |
| 02/24/2021 | 10159 | CONSUMERS ENERGY | VH - UTILITIES CONSUMERS | 921.000 | 265 | 261.34 |
| 02/24/2021 | 10160 | RICOH USA INC | RICOH COPIER LEASE | 941.000 | 264 | 202.65 |
| | | | Total for fund 101 GENERAL | | | <u>11,735.21</u> |
| 02/03/2021 | 10138 | WEINGARTZ SUPPLY CO., INC | SUPPLIES & MTL'S - WINTER MAINT | 726.002 | 453 | 516.07 |
| 02/03/2021 | 10138 | WEINGARTZ SUPPLY CO., INC | SMALL TOOLS - WINTER MAINT | 775.001 | 453 | 39.99 |
| | | CHECK GEN 10138 TOTAL FOR FUND 202: | | | | <u>556.06</u> |
| 02/10/2021 | 10146* | ROAD COMM FOR OAKLAND CTY | SALT - WINTER MAINTENANCE | 778.001 | 453 | 927.68 |
| 02/10/2021 | 10150*# | CARDMEMBER SERVICE | SUPPLY & MTL'S - NON-WINTER MAINT | 726.001 | 451 | 306.60 |
| | | | Total for fund 202 MAJOR STREET | | | <u>1,790.34</u> |
| 02/10/2021 | 10146* | ROAD COMM FOR OAKLAND CTY | SALT - WINTER MAINTENANCE | 778.001 | 453 | 343.12 |
| 02/10/2021 | 10150*# | CARDMEMBER SERVICE | SUPPLIES & MTL'S - WINTER MAINT | 726.002 | 453 | 64.02 |
| 02/10/2021 | 10154 | MAZZA AUTO PARTS | SUPPLIES & MTL'S - WINTER MAINT | 726.002 | 453 | 35.98 |
| 02/10/2021 | 10154 | MAZZA AUTO PARTS | SMALL TOOLS - WINTER MAINT | 775.001 | 453 | 37.80 |
| | | CHECK GEN 10154 TOTAL FOR FUND 203: | | | | <u>73.78</u> |
| | | | Total for fund 203 LOCAL STREET | | | <u>480.92</u> |
| 02/03/2021 | 1108 | T2 SYSTEM CANADA INC | MISC EXPENSE | 757.000 | 264 | 55.00 |
| 02/10/2021 | 1109 | PASSPORT LABS, INC | MISC EXPENSE | 757.000 | 264 | 24.00 |
| 02/10/2021 | 1109 | PASSPORT LABS, INC | MISC EXPENSE | 757.000 | 264 | 1.75 |
| | | CHECK PARK 1109 TOTAL FOR FUND 231: | | | | <u>25.75</u> |
| | | | Total for fund 231 PARKING METER FUND | | | <u>80.75</u> |
| 02/10/2021 | 2029 | BANK OF NEW YORK MELLON TRUST CO | INTEREST PAYMENT 2000/2007 GO BOND | 995.001 | 906 | 1,687.50 |
| | | | Total for fund 305 2000-2007 GO BOND DEBT | | | <u>1,687.50</u> |
| 02/10/2021 | 10150*# | CARDMEMBER SERVICE | PROFESSIONAL & CONTRACTUAL SERVICES | 805.001 | 901 | 206.97 |
| 02/17/2021 | 10157 | WEINGARTZ SUPPLY CO., INC | DPW TRUCKS & LARGE EQUIPMENT | 970.011 | 901 | 648.95 |

| | | | | | | |
|--------------------------------------|--------|-------------------------------------|------------------------------|--|-----|-------------------|
| | | | | Total for fund 401 CAPITAL PROJECT FUND | | 855.92 |
| 02/10/2021 | 2072 | CHARTER TOWNSHIP OF INDEPENDENCE | CLINTON/OAKLAND SEWER Q'IRLY | 814.000 | 536 | 44,925.56 |
| 02/10/2021 | 2072 | CHARTER TOWNSHIP OF INDEPENDENCE | Q'ILY VILLAGE SEWER CHARGES | 814.001 | 536 | 22,448.78 |
| CHECK SEWER 2072 TOTAL FOR FUND 590: | | | | | | <u>67,374.34</u> |
| 02/17/2021 | 2073 | GREAT LAKES WATER AUTHORITY | IWC CHARGES IND TWP | 814.002 | 536 | <u>67.45</u> |
| Total for fund 590 SEWER | | | | | | 67,441.79 |
| 02/05/2021 | 664(E) | CLARKSTON COMMUNITY SCHOOLS | TAX COLLECTIONS | 220.000 | 000 | 1,216.43 |
| 02/05/2021 | 665(E) | OAKLAND COUNTY TREASURER | TAX COLLECTIONS | 220.000 | 000 | 3,907.27 |
| 02/05/2021 | 666(E) | CITY OF CLARKSTON CVT | TAX COLLECTIONS | 220.000 | 000 | 19,900.33 |
| 02/05/2021 | 667(E) | CITY OF CLARKSTON 2007 BOND | TAX COLLECTIONS | 220.000 | 000 | 89.04 |
| 02/05/2021 | 668(E) | CITY OF CLARKSTON 2012 BOND | TAX COLLECTIONS | 220.000 | 000 | 168.00 |
| 02/05/2021 | 669(E) | CLARKSTON INDEPENDENCE DISTRIC LIBR | TAX COLLECTIONS | 220.000 | 000 | 3,980.35 |
| 02/05/2021 | 670(E) | MILL POND ASSOCIATION | TAX COLLECTIONS | 220.000 | 000 | 234.46 |
| 02/20/2021 | 671(E) | CLARKSTON COMMUNITY SCHOOLS | TAX COLLECTIONS | 220.000 | 000 | 1,289.48 |
| 02/20/2021 | 672(E) | OAKLAND COUNTY TREASURER | TAX COLLECTIONS | 220.000 | 000 | 9,172.52 |
| 02/20/2021 | 673(E) | CITY OF CLARKSTON CVT | TAX COLLECTIONS | 220.000 | 000 | 50,320.85 |
| 02/20/2021 | 674(E) | CITY OF CLARKSTON 2007 BOND | TAX COLLECTIONS | 220.000 | 000 | 196.64 |
| 02/20/2021 | 675(E) | CITY OF CLARKSTON 2012 BOND | TAX COLLECTIONS | 220.000 | 000 | 371.02 |
| 02/20/2021 | 676(E) | CLARKSTON INDEPENDENCE DISTRIC LIBR | TAX COLLECTIONS | 220.000 | 000 | 10,083.23 |
| 02/20/2021 | 677(E) | INDEPENDENCE TOWNSHIP DELQ WATER | TAX COLLECTIONS | 220.000 | 000 | 108.34 |
| 02/20/2021 | 678(F) | MILL POND ASSOCIATION | TAX COLLECTIONS | 220.000 | 000 | 1,132.45 |
| 02/20/2021 | 679(F) | CITY OF CLARKSTON SEWER-DELQ | TAX COLLECTIONS | 220.000 | 000 | <u>493.16</u> |
| Total for fund 703 TAX | | | | | | 102,663.57 |
| TOTAL - ALL FUNDS | | | | | | 186,736.00 |

'#'-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
City of the Village of Clarkston
375 Depot Road
Clarkston, MI 48346

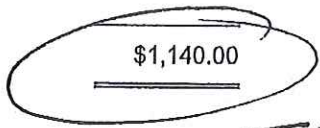
March 02, 2021

Invoice #10952

Professional Services

| | <u>Hrs/Rate</u> | <u>Amount</u> |
|--|------------------|---------------|
| 2/4/2021 Review correspondence from City Manager and Mayor Haven re: possible Circuit Court appeal of SHPPO decision re: 42 W. Washington | 0.50 95.00/hr | 47.50 |
| 2/8/2021 Review Council packet for 2/8/21 Council meeting | 0.50 95.00/hr | 47.50 |
| Attend City Council Meeting, via zoom | 2.50 95.00/hr | 237.50 |
| 2/11/2021 Review Final Decision and Order re: Line vs. HDC | 0.50 95.00/hr | 47.50 |
| Phone call from Mr. Meloche re: SHPPO decision re: Line vs. HDC and miscellaneous HDC matters | 0.50 95.00/hr | 47.50 |
| 2/15/2021 Review correspondence from Mayor Haven and Ms. Wylie re: short term rental issues | 0.50 95.00/hr | 47.50 |
| 2/16/2021 Phone call from City Manager re: miscellaneous city matters | 0.50 95.00/hr | 47.50 |
| Phone call to City Planner, Mr. Carlisle, re: short term rental issue | 0.50 95.00/hr | 47.50 |
| 2/18/2021 Review correspondence from City manager re: sidewalk shoveling and noncompliance issues and parking on city street noncompliance issue | 1.00 95.00/hr | 95.00 |
| 2/19/2021 Phone call to City Manager re: miscellaneous city matters | 0.50 95.00/hr | 47.50 |
| 2/22/2021 Review City Council packet for 2/22/21 council meeting | 0.50 95.00/hr | 47.50 |

| | <u>Hrs/Rate</u> | <u>Amount</u> |
|---|------------------|--------------------------|
| 2/22/2021 Attend City Council meeting, via zoom | 1.00 95.00/hr | 95.00 - |
| Correspondence to Dick Carlisle and Ben Carlisle re: scheduling a zoom meeting to discuss short term rentals; Review correspondence from Dick Carlisle and Ben Carlisle re: meeting availability; Correspondence to Ben Carlisle re: zoom meeting for 2/23/21 at 11:00 a.m. | 0.50 95.00/hr | 47.50 - |
| 2/23/2021 Meeting, via zoom, with City Planner, Ban Carlisle, re: Short Term Rental Issue | 0.50 95.00/hr | 47.50 - |
| 2/26/2021 Review draft Memo from City Planner, Ben Carlisle, re: Short Term Rentals | 0.50 95.00/hr | 47.50 - |
| Phone conference with Jim Meloche and Melissa Luginski re: preparation of exhibits for State Administrative Hearing on 4/5/21 re: McLean vs. Clarkston (177 N. Main) | 1.50 95.00/hr | 142.50 - |
| For professional services rendered | <u>12.00</u> | <u>\$1,140.00</u> |
| Previous balance | | \$1,282.50 |
| Accounts receivable transactions | | |
| 2/9/2021 Payment - Thank You No. 10137 | | (\$1,282.50) |
| Total payments and adjustments | | <u>(\$1,282.50)</u> |
| Balance due | | <u><u>\$1,140.00</u></u> |



101-266-803.000

✓

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

March 02, 2021

In Reference To: Clarkston Court/Prosecution
Invoice #10951

Professional Services

| | <u>Hrs/Rate</u> | <u>Amount</u> |
|---|------------------|-------------------|
| 2/15/2021 Review Oakland County Restaurant Relief Grant and Memorandum to City Manager | 1.00 95.00/hr | 95.00 |
| Review Security Awareness Training Powerpoint for LEIN Level 1 - 3 for 52/2 District Court | 2.00 95.00/hr | 190.00 |
| 2/16/2021 Review correspondence from Clarkston re: Notice to Appear (Clarkston v. Thrift) | 0.50 95.00/hr | 47.50 |
| 2/18/2021 Review correspondence from 52/2 District Court re: Judge Kostin's docket for 3/1/21 | 0.50 95.00/hr | 47.50 |
| Correspondence to Sheriff's Department re: request for police report (Clarkston v Thrift) | 0.50 95.00/hr | 47.50 |
| 2/19/2021 Review incident report re: Clarkston v. Thrift | 0.50 95.00/hr | 47.50 |
| 2/24/2021 Phone call from Ms. Marsh re: Clarkston vs. Thrift | 0.50 95.00/hr | 47.50 |
| 2/27/2021 Phone call from Jake Marsh re: Clarkston vs. Thrift | 0.50 95.00/hr | 47.50 |
| For professional services rendered | 6.00 | \$570.00 |
| Previous balance | | \$142.50 |
| Accounts receivable transactions | | |
| 2/9/2021 Payment - Thank You No. 10137 | | (\$142.50) |
| Total payments and adjustments | | (\$142.50) |

248-334-9938

Jonathan Smith

Page 2

Balance due

Amount

\$570.00

JS

101-266-803.000



SOIL EROSION INVOICE

VILLAGE OF CLARKSTON
375 DEPOT RD
CLARKSTON, MI 48346

Invoice Date: 02/25/2021

Permit Number: 000659-2019-CO
Project Name: CITY OFFICES & DPW BLDG EXPANSION

Site Address: 375 Depot Rd
Clarkston, MI 48346

*Make check payable to Oakland County Water Resources Commissioner.
PLEASE INCLUDE PERMIT NUMBER ON YOUR CHECK.*

| Due Date | Transaction | Amount |
|------------|--|------------|
| 02/20/2020 | Commercial Soil Erosion Class 4 Insp. Fee- 3M ** | \$468.75 ✓ |
| 05/20/2020 | Commercial Soil Erosion Class 4 Insp. Fee- 3M ** | \$468.75 ✓ |
| 08/20/2020 | Commercial Soil Erosion Class 4 Insp. Fee- 3M ** | \$468.75 ✓ |
| 02/20/2021 | Commercial Soil Erosion Class 4 Insp. Fee- 3M | \$478.75 ✓ |

Current Balance: \$478.75
 30+ Days Balance:
 60+ Days Balance: \$1,406.25
 Outstanding Balance: \$1,885.00

*Notice of 30+ days due.
**Notice for 60+ days due.

101-265-728.000



ROAD COMMISSION FOR OAKLAND COUNTY

*****INVOICE*****

Billing Address:

CITY OF VILLAGE OF CLARKSTON
ATTN ACCOUNTS PAYABLE
375 DEPOT
CLARKSTON, MI 48346

Remit To:

Road Commission for Oakland County
31001 Lahser Road
Beverly Hills, MI 48025
(248)645-2000

Customer Number: 0904
Invoice Number: 100737
Invoice Date: 1/19/2021
Work Order Number: M00077

Payment Terms: Net 30 Days

WORK ORDER DESCRIPTION:

Pave N. Holcomb Rd from Washington to Miller in the City of the Village of Clarkston

TOTAL AMOUNT DUE: \$ 85,262.97

RECEIVED
JAN 22 2021
BY: *AB*

City of the Village of Clarkston

375 Depot Road
Clarkston, Michigan 48346

Resolution - Repaving of N. Holcomb Road

WHEREAS, the City's Road Asset Management Plan of 2018 and the Capital Improvement Plan of 2020 established a cadence of road repair and resurfacing expenditures, and;

WHEREAS, included in the City's 20-21 FY budget was \$76,000 for road repair and resurfacing, and;

WHEREAS, the highest priority road for repaving in the City is N. Holcomb Road, from W. Washington to the City limit, and;

WHEREAS, the City has obtained a competitively vetted price for repaving N. Holcomb from the Road Commission of Oakland County (RCOC) of \$77,500 plus \$275 per manhole cover (11 x \$275 = \$3,025), for a total of \$80,525, representing a \$20K savings from typical pricing outside the RCOC, and;

WHEREAS, the above price includes the standard RCOC specification of a 2-3" asphalt overlay, manhole risers, and intersection and driveway transitional milling/tapers, and;

WHEREAS, the above price also includes new 3' wide shoulders on both sides to address the curves and nonexistent shoulders that have resulted in edge cracking and rutted easements on this roadway, and;

WHEREAS, thanks to Oakland County Commissioner Tom Middleton, the City has been awarded a Local Road Improvement Program (LRIP) grant for 2020 in the amount of \$3,222, and;

WHEREAS, a 5 percent contingency allowance (\$4,026) is recommended for unforeseen issues, and;

NOW THEREFORE, BE IT RESOLVED that the City of the Village of Clarkston hereby authorizes the City Manager to contract with the Road Commission of Oakland County to pave N. Holcomb Road at a not-to-exceed cost of \$84,551 (\$80,525 plus \$4,026 contingency). The project will be funded as follows: \$76,000 from the 20/21 FY Capital Outlay budget (401-901-970.006), \$3,222 from the LRIP Grant, and the balance (\$5,329) from the Parking Kiosk Fund (231-000-001.000) designated for road, sidewalk and parking lot maintenance.

| Avery | Bonser | Casey | Haven | Kneisc | Luginski | Wylie | Totals |
|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes | <input type="checkbox"/> Yes |
| <input type="checkbox"/> No | <input type="checkbox"/> No | <input type="checkbox"/> No | <input type="checkbox"/> No | <input type="checkbox"/> No | <input type="checkbox"/> No | <input type="checkbox"/> No | <input type="checkbox"/> No |
| <input type="checkbox"/> Abstain | <input type="checkbox"/> Abstain | <input type="checkbox"/> Abstain | <input type="checkbox"/> Abstain | <input type="checkbox"/> Abstain | <input type="checkbox"/> Abstain | <input type="checkbox"/> Abstain | <input type="checkbox"/> Abstain |
| <input type="checkbox"/> Absent | <input type="checkbox"/> Absent | <input type="checkbox"/> Absent | <input type="checkbox"/> Absent | <input type="checkbox"/> Absent | <input type="checkbox"/> Absent | <input type="checkbox"/> Absent | <input type="checkbox"/> Absent |

Resolution is Adopted

Resolution is Defeated

Jennifer Speagle, City Clerk

September 28, 2020

Date

Howard & Howard

law for business[®]

EIN: 26-3880752

City of Clarkston
375 Depot Road
Clarkston, MI 48346

Invoice Date: February 19, 2021
Invoice Number: 678199
Matter Number: 120513.00002

Client: City of Clarkston
Matter: Susan Bisio

For professional services rendered through January 31, 2021

Currency: USD

| | |
|--|--------------------|
| Fees | 11,410.00 |
| Total Due This Invoice | \$11,410.00 |
| Less Unallocated Credits | -5,000.00 |
| Total Amount Due For This Invoice | \$6,410.00 |

Please Remit to:

Wire and ACH Instructions:

BMO Harris Bank
Chicago, IL
ABA Number: 071000288
Swift Code: HATRUS44
Account No: 2785749
Account Name: Howard & Howard Attorneys PLLC

Mail To:

Howard & Howard Attorneys PLLC
P.O. Box 95234
Chicago, IL 60694-5234

Please forward remittance advice to: accountsreceivable@h2law.com

Client: City of Clarkston
Matter: Susan Bisio

Invoice Date: February 19, 2021
Invoice Number: 678199
Matter Number: 120513.00002

Time Detail

| <u>Date</u> | <u>Initials</u> | <u>Description</u> | <u>Hours</u> | <u>Amount</u> |
|-------------|-----------------|--|--------------|---------------|
| 01/04/2021 | MWP | Preparation for and attend telephone conference with City's Legal Subcommittee regarding matter and strategy including review of all documents, letters, emails, pleadings, etc., and the Michigan Supreme Court opinion regarding S. Bisio matter sent by the City Manager. | 1.80 | 630.00 |
| 01/07/2021 | MWP | Telephone conference with City Manager, J. Smith, regarding initial course of action/strategy; receipt and review of email from J. Smith with additional documents to review regarding underlying case; review additional case law regarding right to recover attorney fees in absence of attorney client relationship for possible absolute defense to S. Bisio's claim for fees. | 2.30 | 805.00 |
| 01/07/2021 | MWP | Telephone conference with J. Tamm (left voicemail) regarding matter and information required to review in advance of motion hearings and facilitation; receipt and review a second email from client regarding J. Tamm; review Court's docket with respect to motions scheduled concerning Plaitniff's request for costs and attorney fees. | 0.20 | 70.00 |
| 01/08/2021 | MWP | Preparation of email to J. Tamm regarding retention as co-counsel; two telephone conferences J. Tamm regarding matter; receipt and review of email from J. Tamm with letter to City regarding closed session; preparation of subsequent email update to City Manager J. Smith regarding matter and case status. | 1.40 | 490.00 |
| 01/11/2021 | MWP | Receipt and review of email from J. Tamm's associate Kevin McQuillan with various motions and briefs (with exhibits) filed in underlying FOIA case (over 700 pages of documents) and review same (in progress). | 2.70 | 945.00 |
| 01/11/2021 | MWP | Emails to and from City Manager, J. Smith, regarding case. | 0.10 | 35.00 |
| 01/12/2021 | MWP | Emails to and from client, co-counsel, and others regarding matter and/or facilitation; continued review of underlying FOIA case file materials, motions, and exhibits. | 1.80 | 630.00 |
| 01/12/2021 | MWP | Review of Michigan Supreme Court opinion regarding underlying FOIA case and Michigan law regarding recoverable attorney fees in FOIA case and whether there are "damages" under insurance policy. | 0.80 | 280.00 |
| 01/13/2021 | MWP | Review case law regarding required basis for recoverable damages under insurance policy given S. Bisio claim and request for attorney fees. | 0.50 | 175.00 |

Client: City of Clarkston
Matter: Susan Bisio

Invoice Date: February 19, 2021
Invoice Number: 678199
Matter Number: 120513.00002

| <u>Date</u> | <u>Initials</u> | <u>Description</u> | <u>Hours</u> | <u>Amount</u> |
|-------------|-----------------|--|--------------|---------------|
| 01/13/2021 | MWP | Receipt and review email from client and preparation of email to client regarding matter; continue review of the voluminous pleadings, motions, briefs, and exhibits in underlying case. | 1.60 | 560.00 |
| 01/14/2021 | MWP | Receipt and review of email from co- counsel regarding facilitation; continue review of 700+ pages of documents from J. Tamm filed in FOIA matter (motions/briefs/exhibits). | 2.40 | 840.00 |
| 01/15/2021 | MWP | Follow-up research regarding the basis of claim for coverage for "damages" and recoverable attorney fees given the Supreme Court's ruling on underlying case. | 0.70 | 245.00 |
| 01/18/2021 | MWP | Continued review of various motions/briefs/exhibits filed in underlying FOIA matter. | 2.40 | 840.00 |
| 01/20/2021 | MWP | Receipt and review of email from J. Smith (City Manager); preparation of email response to J. Smith with respect to upcoming facilitation; conference to discuss strategy. | 0.20 | 70.00 |
| 01/20/2021 | MWP | Review and analysis of Michigan law for purposes of determining whether S. Bisio is truly a prevailing party under the FOIA statute; continue review of motion/briefs/exhibits, etc. in underlying case; receipt and review of email from J. Tamm regarding upcoming facilitation. | 2.30 | 805.00 |
| 01/21/2021 | MWP | Review/analysis of S. Bisio's legal position as to attorney fees and costs submitted and reasonableness of fees. | 1.10 | 385.00 |
| 01/22/2021 | MWP | Receipt and review of email from client regarding conference with legal committee regarding matter and upcoming facilitation; continue review of voluminous file material (motions/briefs/exhibits/etc.) in preparation for client conference and upcoming facilitation. | 2.30 | 805.00 |
| 01/25/2021 | MWP | Email to and from J. Smith regarding meeting with legal committee in advance of facilitation to discuss various issues for same. | 0.20 | 70.00 |
| 01/26/2021 | MWP | Review and analysis of S. Bisio's itemized attorney fee statement (37 pages); continue review of voluminous file material, briefs, exhibits, etc. | 1.80 | 630.00 |
| 01/27/2021 | MWP | Preparation for and attend telephone conference with client's legal committee regarding matter and upcoming facilitation. | 1.60 | 560.00 |
| 01/27/2021 | MWP | Emails to J. Tamm regarding matter and upcoming facilitation; review parties' Facilitation summaries. | 0.20 | 70.00 |
| 01/27/2021 | MWP | Review of Plaintiff's deposition taken in underlying matter. | 1.40 | 490.00 |

Client: City of Clarkston
Matter: Susan Bisio

Invoice Date: February 19, 2021
Invoice Number: 678199
Matter Number: 120513.00002

| <u>Date</u> | <u>Initials</u> | <u>Description</u> | <u>Hours</u> | <u>Amount</u> |
|--------------|-----------------|--|--------------|--------------------|
| 01/28/2021 | MWP | Preparation of email to J. Tamm; telephone conference with J. Tamm regarding matter and upcoming facilitation; receipt and review of subsequent email from J. Tamm regarding facilitation. | 0.50 | 175.00 |
| 01/28/2021 | MWP | Review and analysis of coverage defense and law in support of City's coverage position for discussion with MML; receipt and review of several emails from client's Council members regarding matter and upcoming facilitation. | 1.10 | 385.00 |
| 01/29/2021 | MWP | Preparation for upcoming facilitation and discussions with MML regarding coverage issue. | 1.20 | 420.00 |
| Total | | | 32.60 | \$11,410.00 |



Carlisle | Wortman
ASSOCIATES, INC.

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

TO: City Council, The City of the Village of Clarkston
Jonathon Smith, City Manager
Tom Ryan, City Attorney

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

DATE: March 2, 2021

RE: Short Term Rentals

We have been asked to assist the City in identifying options to address short term rentals (STRs). Short-term Rentals are also commonly known by company names such as AirBnB or VRBO. Definitions of short-term rental vary but typically short-term rental refers to furnished self-contained apartments or houses that are rented for short periods of time, typically a week or less.

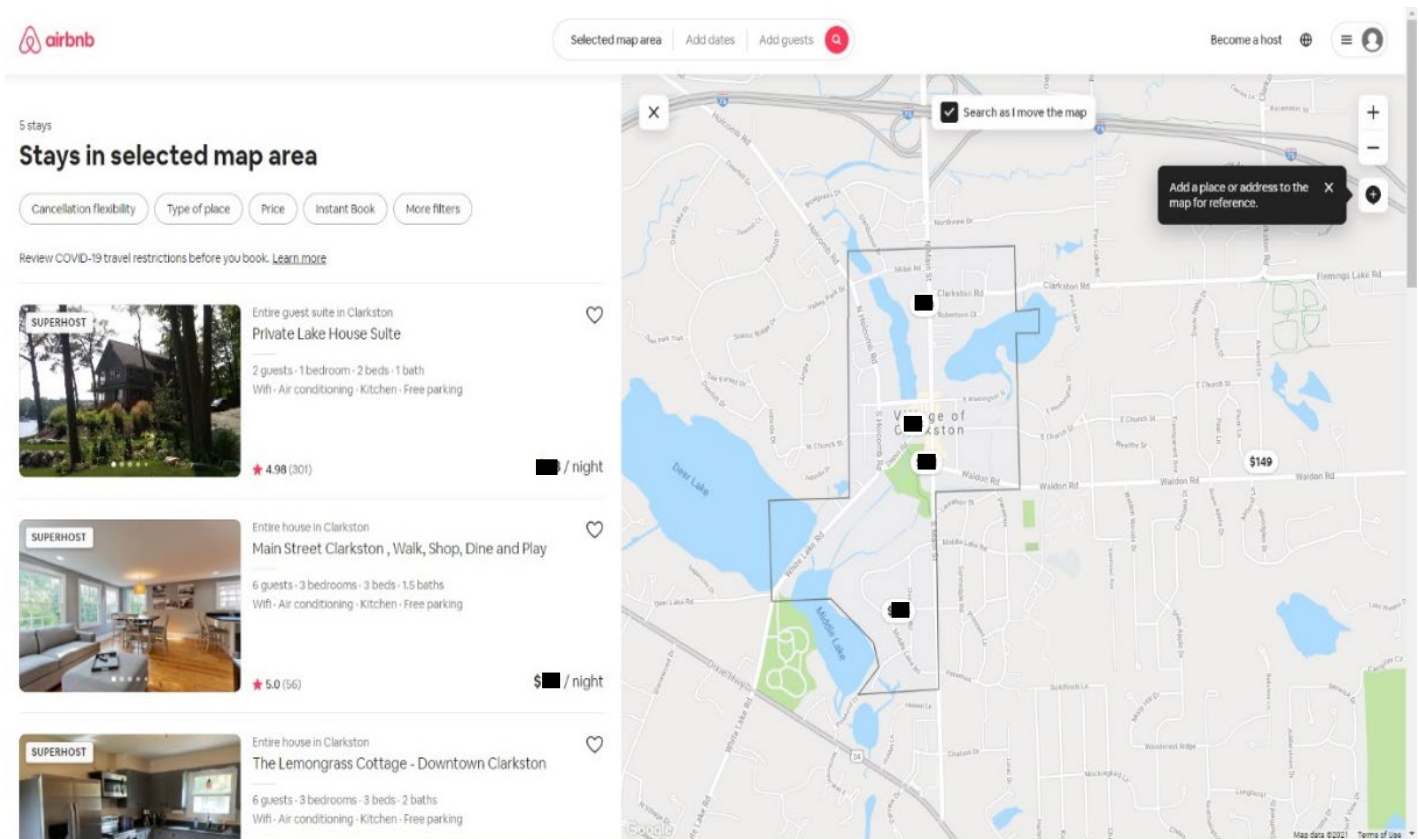
Generally short-term rentals fall into three general categories:

1. Primary Residence Homestay. Short-term rental where the owner remains present during guest stay.
2. Primary Residence Whole House. Short-term rental where owner is not present during guest stay.
3. Non-Owner-Occupied, often referred to as a vacation rental. Short-term rental where the home/apartment is not the primary residence of the owner and primary purpose of home/apartment is for short-term rentals.

Existing Conditions in Clarkston

As of February 24, 2021, there were four properties advertised on AirBnB and/or VRBO. The City has noted that they have not received any complaints or police calls regarding these uses. Existing STRs in the city include:

| General Location | Type | Zoning District | Advertised |
|--------------------------|---|------------------------|---------------|
| Main St (Clarkston Road) | Non-Owner-Occupied, Carriage House Accessory Dwelling Unit) | R-1 | AirBnB |
| Main (Waldon Road) | Non-Owner-Occupied, whole house | R-2 | AirBnB / VRBO |
| Overlook (Princess Lane) | Non-Owner-Occupied, whole house | R-1 | AirBnB |
| Depot and Main Street | Unknown | VC, Village Commercial | AirBnB |



Regulatory Options:

Short-term rentals may be approached in many ways, including differentiation between rental types such as primary residence or non-owner-occupied, location restrictions, occupancy, penalization for non-compliance and more. Please note that any approach the City takes will require zoning ordinance amendments. Preliminary options for the Council consideration:

1. Ban short-term rentals outright from any zoning district in the city.

While this may be an option for Council consideration, there are legal defensibility issues by outright banning a recognized use. If the City desires to ban STRS, there would have to be strong evidence as to why the City can exclude the use from any district in the city. In the end it may be defensible but not sure the restriction of the use would be worth the potential legal challenge when other viable options exist, as outlined in option 2 and 3.

2. Ban short-term rentals in the R-1 and R-2 Residential Districts but allow in other limited districts such as the VC, Village Commercial.

Recent case law has upheld municipal rights to ban STRs from single-family residential districts. If the City desires to ban in the R-1 and R-2 Residential Districts to avoid an exclusionary zoning case, they should consider allowing in limited districts, such as the VC, Village Commercial. The City may allow but regulate STRs in VC, Village Commercial. See option 3 for regulatory considerations.

3. Allow short-term rentals in VC, Village Commercial and/or R-1 and R-2 Residential Districts with regulations.

Third option for the City to consider is to allow in the VC, Village Commercial and/or R-1 and R-2 District but regulate. Listed below are regulatory options for the City to consider:

| Regulatory Consideration | Purpose | Enforceability / Staff Commitment / Resources |
|--|---|--|
| <p>Create registration and license program Options include:</p> <ul style="list-style-type: none"> a. Require local contact person/ agent b. Create a process for dealing with violators c. Ability to collect fees d. Requiring monthly reports from hosting sites to be filed with the Planning Department, which will share the information with City Council. | <p>Can require local contact person / agent. Can create a process for dealing with violators. Can revoke license for repeat offenders. Can establish fees to offset City costs. Can monitor nuisance complains with registered rentals.</p> | <p>Enforceable.</p> |

| Regulatory Consideration | Purpose | Enforceability / Staff Commitment / Resources |
|---|--|---|
| No advertisements on premise | Maintain neighborhood integrity. Eliminate visual clutter. | Enforceable |
| Inspection and Life and Safety Codes Require inspection for STRs | Ensure public health, safety, and welfare | Enforceable |
| Limit number of days to be rented out a year | Maintain neighborhood integrity by limiting number of days for rental and reduce renter turnover. In theory, less rental turnover equates to less nuisance issues and better maintains neighborhood integrity. | May be difficult to enforce. Staff would have to monitor number of visitors of times house is rented. Could require owners to register all dates with City. |
| Regulate STRs based on type, example owner-occupied vs. non-owner occupied STRs? | Would allow limited rentals by owner-occupied while maintaining neighborhood integrity. | Enforceable through registration program |
| Limit by Geography a. Location b. Spacing/distance from each other to limit clustering | Limit to specific area of city. Maintain neighborhood integrity by limiting clustering of short-term rentals. Potentially picks winners and losers by being first come-first serve basis. | Enforceable through registration program. |

Additional Consideration

In addition to considering how to treat potential new STRs, the City must also consider how to deal with the four (4) known existing STRs. Potential options include:

1. Ensure compliance with whatever regulations the City adopts. This may make these existing STRs non-compliant; or
2. Grandfather the known existing ones and ensure that any new STRs comply with whatever regulations the City adopts.
3. Allow existing ones to exist for a specific period of time and then amortize their use.

March 2, 2021

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

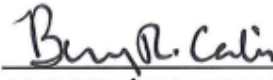
Yours Truly,



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

City Council Meeting

March 8, 2021

Complaints Regarding the Apartments at 35 Madison Court, Clarkston



Background

- In the last 60 days, the City has received numerous complaints from residents of the 10-unit apartment complex at 35 Madison Court.
- Many of the residents are senior citizens, some are disabled
- Following is a summary of the complaints:
 - Lack of sidewalk snow shoveling
 - Lack of parking lot snow plowing
 - Insufficient trash receptacles, resulting in trash on the ground and rodents
 - Mold in the bathrooms and utility closet
 - Broken tiles in the bathtub/shower
 - Poor water quality
 - Cannot reach landlord
 - No response to complaints
- Craig Strong surveyed the property March 2nd, agreeing to notify the owner of any violations under the International Building Maintenance Code.
- The renters present were also advised to familiarize themselves with the Michigan Landlord and Tenant Rights law.

