



City of Plymouth
City Commission Regular Meeting Minutes
Monday, March 21, 2022 7:00 p.m.
Plymouth City Hall

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

1. CALL TO ORDER

Mayor Moroz called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Roll Call

Present: Mayor Nick Moroz, Mayor Pro Tem Tony Sebastian, Commissioners Suzi Deal, Linda Filipczak, Jennifer Kehoe, Alanna Maguire, Kelly O'Donnell

Also present: City Manager Paul Sincock, Attorney Bob Marzano, Public Safety Director Al Cox, and various members of the City administration

2. CITIZEN COMMENTS

Geraldine Kilsdonk, 375 Red Ryder, spoke about recycling.

Joseph Tebor gave information about upcoming events at the VFW 6695.

3. APPROVAL OF THE AGENDA

Filipczak offered a motion, seconded by Sebastian, to approve the agenda for Monday, March 21, 2022.

Maguire asked that items 4.a and 4.b be moved off the consent agenda to the regular agenda items 8.d and 8.e.

There was a roll call vote.

Yes: Filipczak, O'Donnell, Deal, Sebastian, Kehoe, Maguire, Moroz

MOTION PASSED 7-0

4. ENACTMENT OF THE CONSENT AGENDA

~~a. Approval of March 7, 2022 City Commission Meeting Minutes~~

~~b. Approval of March 7, 2022 City Commission Study Session Minutes~~

c. Special Event: K of C Annual Tootsie Roll Drive – Friday-Sunday, April 8-10, 2022

d. Special Event: Easter Egg Hunt Extravaganza – Saturday, April 16, 2022

e. Special Event: Thursday Sand Volleyball – Thursdays, April 28-September 29, 2022

f. Special Event: Boy Scouts Golden Eagle Breakfast – Thursday, June 2, 2022

g. Special Event: July 4 Ice Cream Social – Monday, July 4, 2022

h. Approval of February 2022 Bills

Filipczak offered a motion, seconded by O'Donnell, to approve the revised consent agenda.

There was a roll call vote.

Yes: Maguire, Kehoe, Sebastian, Deal, O'Donnell, Filipczak, Moroz

MOTION PASSED 7-0

5. COMMISSION COMMENTS

Filipczak thanked the administration for keeping the Commission informed.

Maguire wished a belated happy Holi to those who celebrate it and noted that March 31 is Transgender Day of Visibility.

6. PUBLIC HEARING

a. Annual Liquor License Review

Moroz opened the public hearing at 7:15 p.m. Hearing no public comments, he closed the hearing at 7:16 p.m.

The following motion was offered by Filipczak and seconded by O'Donnell.

RESOLUTION 2022-16

WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the operation of all Class C Type Liquor Licenses in the City; and

WHEREAS On March 21, 2022, the City Administration presented the Liquor License Review Committee and the City Commission with information about the various liquor licensed establishments in the City; and

WHEREAS The Local Liquor License Review Committee did make a recommendation to the City Commission related to the renewal, revocation and non-renewal of all liquor licenses in the City.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby recommend to the Michigan Liquor Control Commission that the following licenses be renewed:

- Buon Vino Winery, LLC 849 Penniman
- Park Place Gastro Pub
- Compari's/Fiamma/Sardine Room 350 S. Main
- City of Plymouth Parks & Recreation
- D.B.A. – Barrio's on Forest Ave.
- Herrmann's Olde Towne Grill 195 W. Liberty
- Bearded Lamb Brewery
- Mayflower Meeting House – Exclusive Catering, Inc.
- Mayflower – Lt. Gamble Post 6995 of Veterans of Foreign Wars of United States
- Nico & Vali – Italian Eatery – 744 Wing
- Plymouth Knights of Columbus Building Council #3292
- D.B.A. – Aqua – JJA, Inc. Starkweather & Main
- Pakwaan – 447 Forest Ave.
- DBA – Plymouth ROC – 1020 W. Ann Arbor Rd.
- E.G. Nick's T. Belli & Assoc., Inc.
- Penn Grill
- Sean O'Callaghan's Public House
- Westborn Market
- Ironwood Grill
- Bigalora
- The Post Bistro
- Honey Hole
- Stella's Trakside
- Stella's Tavern
- Greek Islands/Ebenzer

There was a roll call vote.

Yes: Filipczak, O'Donnell, Deal, Sebastian, Kehoe, Maguire, Moroz

MOTION PASSED 7-0

The following motion was offered by Maguire and seconded by O'Donnell.

RESOLUTION 2022-17

WHEREAS The City of Plymouth has a Liquor Management Ordinance related to the number of allowable liquor licenses in a particular zoning districts; and

WHEREAS Annually the Local Liquor License Review Committee must make a recommendation to the City Commission related to the number of allowable liquor licenses per zoning district and they completed that task on March 21, 2022.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby make no changes in the number of available liquor licenses in the City of Plymouth, based on Zoning Classification. The City Commission confirms that the number of licenses remain the same as in the current Liquor Management Ordinance, which is a cap of 16 licenses, as defined in the Liquor Management Ordinance for the B-2 Zoning District (DDA Area), and a cap of 12 licenses in total (*for all three zoning districts*) in any of the following the B-1, ARC and B-3 Zoning Districts.

There was a roll call vote.

Yes: Maguire, Kehoe, Sebastian, Deal, O'Donnell, Filipczak, Moroz

MOTION PASSED 7-0

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

a. 2022 Outdoor Dining Policy

The following resolution was offered by O'Donnell and seconded by Sebastian.

RESOLUTION 2022-18

WHEREAS The City of Plymouth has established Quality of Life as a priority for the community; and

WHEREAS As a part of the quality of life the city has allowed restaurants to use the public sidewalks rights of way and alleys for outdoor dining in the summer season, which runs April to the end of October; and

WHEREAS The City Commission has allowed restaurants to use on-street parking areas for additional outdoor seating areas; and

WHEREAS The City Commission will again allow the use of parking spaces for outdoor dining areas.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the 2022 Patio Extension Program Outdoor Dining Platform Guidelines as presented. Further, any costs/fees related to the inspection of parking space deck areas shall be paid by the affected restaurants. In addition, fees for lane marking delineators, curb stops, or other traffic control device shall be paid by the affected restaurants.

BE IT FURTHER RESOLVED THAT the City Clerk shall incorporate a complete copy of the 2022 Patio Extension Program Outdoor Dining Platform Guideline as a part of the Meeting Minutes.



City of Plymouth

2022 Patio Extension Program

Outdoor Dining Platform Guidelines

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

All requirements contained herein must be completed for an outdoor dining platform to be considered for approval as part of the 2022 City of Plymouth Patio Extension Program.

This policy works in tandem with the Outdoor Dining/Sidewalk Café Policy and does not supersede any provisions contained therein.

This policy is separate from the Outdoor Dining/Sidewalk Café Policy and any request for information and/or materials requested for submission are to be submitted for each policy. Some of the information may seem redundant and that is to be expected. These are two separate policies handled administratively by two separate departments. Please submit all information requested under whichever permit you are applying for, even if you've submitted for a separate/different permit.

It is the responsibility of the owner to maintain adherence to federal (including ADA requirements), state (including Michigan Liquor Control Commission), and local regulations. The city will not accept responsibility for any damage whether direct or implied because of the construction, installation, or operation of the outdoor dining platforms.

The applicant must provide and keep in force \$500,000 general and \$500,000 liquor liability insurance with a \$1 million umbrella policy in which the city is named as additional insured as long as the permit is in effect. The applicant will file proof of endorsement of this insurance with the city as part of the permit application. The applicant shall also sign a hold harmless agreement as part of the application.

The city may revoke the permit if any of the conditions of the permit are not being met or if, for any reason, the city deems the occupation of the right-of-way is no longer desirable, or the city requires the area for any other purpose.

Patio Extension(s)

On Monday, May 18, 2020, the Plymouth City Commission passed a resolution authorizing City Administration to make additional public space available for use by dining establishments to expand their service area within the scope of the rules and regulations of the State of Michigan. In addition, the resolution designates public spaces in front of or on the side of a business as space available for use; this would include parking spaces.

During the 2021 year, the City of Plymouth once again allowed dining establishments the ability to use public spaces adjacent to their business, including parking spaces to be used for patio extensions.

Over the past two years, the city has spent considerable time, energy, and effort to assist in the installation, maintenance, and removal of patio extensions for its business community. With the health orders, restrictions, etc. changing, the City of Plymouth is still interested in helping its business communities as they rebound from the past couple of years, and it has taken the feedback from the businesses in its creation of the 2022 City of Plymouth Patio Extension Program.

While the City of Plymouth continues its discussions on potential long term "parklets," one idea that has been discussed from the business community related to outdoor dining and patio extensions is that of dining platforms.

Dining Platform Location and Placement

A dining platform is defined as a platform operated by an existing restaurant, bar, or other food serving establishment which sells food and beverage for immediate consumption, located on the adjacent parking space(s), alleys, streets, or other public property areas, for patrons and other persons, subject to design guidelines.

The dining platform must only be accessible from the sidewalk area and not from the street. The platform area shall use readily removable tables, chairs, umbrellas, railings, and planters. The perimeter must be secured by a railing and open to the air, except for any coverage provided by umbrellas.

The dining platform cannot exceed the width of the applicant's storefront or public street frontage. If the parking space in front of the applicant's frontage exceeds the width of the building, the applicant may request the use of the entire parking space, within reason.

The dining platform must leave no less than a two-foot (2') clearance offset on each end contained within the footprint of the designated parking spaces being used for the patio extension from adjacent parking spaces. A two-foot (2') clearance offset will apply to the side that faces the traffic.

The dining platform must be flush with the sidewalk or top of curb level. There may be no more than a ½ inch horizontal space between the curb/sidewalk and the edge of the dining platform. The platform must provide a flat surface and match the slope of the existing street or 2%, whichever is less.

The dining platform shall not interfere with any public service facility or utility, such as telephone pole, light pole, traffic signal, tree, planter, mailbox, sign pole, mailbox, bench, planter, fire hydrant, etc. These elements may be incorporated into the design element of the platform as they are permanent fixtures in the city but will not be removed or relocated.

The dining platform must be designed and constructed in such a way to allow for the flow of storm water to run adjacent to the curb unobstructed.

The dining platform cannot be anchored into the street or existing curb.

Operation of Dining Platform

Permits for the 2022 City of Plymouth Patio Extension Program to include dining platforms may be issued for a seven-month period from April 1 until November 1 and must be completely removed by November 4, 2022.

The owner of the dining platform will assume full responsibility for damage to public property caused by the placement and operation of a dining platform. The owner will also repair any damage to public property at their own expense.

The maintenance of the dining platform shall be the responsibility of the business owner including, but not limited to surface treatment and cleaning, litter control, rodent control, sweeping, and snow & ice removal. The sidewalk and public property shall be kept neat and clean and free from any substance that may cause damage to the sidewalk or public property (including parking spaces) or cause pedestrian injury.

Dining platforms must remain clear of litter, food scraps, and soiled dishes at all times. This includes areas on, around, next to, or underneath the platform. In addition, the outdoor dining area must remain clear of plates, cups, utensils, accoutrements, etc. when the outdoor dining platform is outside regular business hours. Chairs, tables, umbrellas, etc. must be kept contained and secured on the outdoor dining area and organized within reason at the end of each service day.

All alcoholic beverages to be served at dining platforms shall be prepared within the existing restaurant, and alcoholic beverages shall only be served to patrons seated at tables. The operator of the dining platform shall take all necessary action to procure the appropriate license(s) or permit(s) from the MLCC to serve alcoholic beverages on the dining platform and shall comply with all other laws and ordinances concerning the serving of alcoholic beverages in the state of Michigan.

Any establishment granted a permit by the city manager to operate a patio extension on sidewalks, parking spaces, or public property shall pay to the city treasurer a fee in the amount established by resolution of the city commission.

Guidelines

To provide the most flexibility and provide options for the food servicing establishments, the outdoor dining platform may be purchased as a kit from a vendor or constructed using raw materials so long as either option conforms to the guidelines listed below. This section does not attempt to address each and every option available but provides reasonable framework for the establishment to reference while planning and submitting the plan to the city for consideration and approval.

The dining platform structure must be constructed of quality materials, such as pressure treated wood, or wood composite, vinyl, metal, etc. The floor of the dining platform must be constructed out of a composite material or wood (such as Ipe) in a neutral color such as brown or grey and reflect the characteristics of the restaurant or food establishment. The floor may also be constructed out of stone or tile in the same neutral colors as exemplified above.

Dining platform railings must be constructed of a rigid material (wrought iron, cast aluminum, steel, wood, composite, etc.) and be black, neutral, or a color matching the primary color of the building. Rails must meet specifications as defined by the MLCC for liquor serving establishments and any pertinent building codes. Rails must be attached securely to the platform and cannot be loose standing.

Dining furniture must be consistent with the quality and character of current outdoor dining permit furniture or other outdoor furniture commonly found in outdoor dining areas.

Umbrellas must be constructed of canvas/synthetic canvas material and be aesthetically compatible with the color scheme of the front building façade and contain no logo or advertising. Umbrellas when open shall be fully contained within the dining platform area and shall not hang over into any traffic lane and/or sidewalk area.

Lighting in the style of tabletop or accessory lighting such as “string lights” will be allowed on the outdoor dining platform.

Each outdoor dining platform shall contain a form of planter with live planting(s) maintained through the patio season (October 31).

Public Comment

Ryan Yaquinto, representing Compari, Fiamma and Sardine Room, suggested the City extend the dining platforms beyond one year, due to the cost to the business owner.

Sam Khashan, representing Sean O’Callaghan’s, asked about the state’s licensing timeline for outdoor service.

Karen Sisolak, 939 Penniman, said it seemed as though nearly every business would have to reapply for a MLCC permit for outdoor seating because the sizes and locations are changing if they don’t do the parklets as they did last year. Cox clarified that businesses could remain where they were prior to last summer if they already had a permit for that space.

Ellen Elliott, 404 Irvin, asked the Commission to not make a decision yet about whether sidewalk patios would be on the building side or the street side of sidewalks.

Commission Comments

Commission members clarified that the dining platforms and parklets are two separate issues – the platforms are temporary in nature and parklets would be permanent structures. It was noted that no decision has been made about building permanent parklets. A discussion ensued about the Michigan Liquor Control Commission’s licensing process. Police Chief Al Cox explained that if businesses moved

their outdoor dining spaces from where they were licensed to serve in the past, they would need a new permit from the state. He also said that last summer's on-street MLCC permits were temporary due to COVID and would not be valid for this year. He said he was unsure how long the licensing process would take at the state level. Cox added that as long as the size and location of an establishment's outdoor seating does not change, a new permit would not be needed.

It was agreed that the current sidewalk patio placement rules would stay in effect this year, meaning that those with a license to serve in that area would not need a new license, and that restaurants that choose not to take part in the dining platform program will still be able to apply for sidewalk patio dining.

There was a roll call vote.

Yes: Filipczak, O'Donnell, Deal, Sebastian, Kehoe, Maguire, Moroz

MOTION PASSED 7-0

b. Marijuana Annual Review

Maguire expressed a desire for the Commission to further study the pros and cons of allowing marijuana sales in the City.

The City Commission took no action, leaving the current prohibition of marijuana sales in the City of Plymouth in place.

c. Street Sweeper Purchase Authorization

The following resolution was offered by Sebastian and seconded by O'Donnell.

RESOLUTION 2022-19

WHEREAS The City of Plymouth operates a street system which requires the sweeping of debris from the street; and

WHEREAS The Municipal Services staff has demonstrated two different sweepers and recommends the Bucher V65 sweeper; and

WHEREAS The City has the opportunity to use the CoPro+ collaborative group purchasing plan.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize the purchase of a Bucher V65 Street Sweeper in the amount of \$328,554.00. Further, the City Administration is authorized to trade in the current city owned Broom Bear Sweeper for a value of \$25,000 and the Whirlwind Sweeper for a value of \$10,000 to reduce the overall price of the new sweeper to \$293,554.

BE IT FURTHER RESOLVED THAT the funding for the new street sweeper is authorized from the City's Solid Waste and Recycling Fund.

There was a roll call vote.

Yes: Maguire, Kehoe, Sebastian, Deal, O'Donnell, Filipczak, Moroz

MOTION PASSED 7-0

d. Approval of March 7, 2022 City Commission Meeting Minutes

Filipczak offered a motion, seconded by O'Donnell, to allow Maguire to abstain from voting.

There was a roll call vote.

Yes: Filipczak, O'Donnell, Deal, Sebastian, Kehoe, Moroz

MOTION PASSED 6-0

Sebastian offered a motion, seconded by O'Donnell, to approve the minutes of the March 7, 2022 City Commission meeting minutes.

There was a roll call vote.

Yes: Filipczak, O'Donnell, Deal, Sebastian, Kehoe, Moroz

MOTION PASSED 6-0

e. Approval of March 7, 2022 City Commission Study Session Minutes

Moroz offered a motion, seconded by O'Donnell, to allow Maguire to abstain from voting.

There was a roll call vote.

Yes: Kehoe, Sebastian, Deal, O'Donnell, Filipczak, Moroz

MOTION PASSED 6-0

Moroz offered a motion, seconded by O'Donnell, to approve the minutes of the March 7, 2022 Study Session.

There was a roll call vote.

Yes: Kehoe, Sebastian, Deal, O'Donnell, Filipczak, Moroz

MOTION PASSED 6-0

9. REPORTS AND CORRESPONDENCE

a. Liaison Reports

O'Donnell reported that the Planning Commission tabled phase two of the Pulte project and approved the Greek Islands project, requiring payment in lieu of four parking spaces. She said a representative from the MEDC would be in attendance at the next meeting to present a Redevelopment Ready Communities certificate.

10. ADJOURNMENT

A motion to adjourn was offered by Sebastian and seconded by O'Donnell at 8:19 p.m.

There was a roll call vote.

Yes: Filipczak, O'Donnell, Deal, Sebastian, Kehoe, Maguire, Moroz

MOTION PASSED 7-0

NICK MOROZ
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK