



City of Plymouth
City Commission Regular Meeting Minutes
Monday, August 7, 2023, 7:00 p.m.
Caster Park – Caster & N. Holbrook

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

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Phone 734-453-1234
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1. CALL TO ORDER

a. Mayor Moroz called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

b. Roll Call

Present: Mayor Moroz, Mayor Pro Tem Suzi Deal, Commissioners Linda Filipczak, Jennifer Kehoe, Alanna Maguire, Kelly O'Donnell and Marques Thomey

Also present: City Manager Paul Sincock, Attorney Bob Marzano and various members of the City administration

2. APPROVAL OF MINUTES

Maguire offered a motion, seconded by O'Donnell, to approve the minutes of the July 17, 2023, City Commission meeting.

There was a voice vote.

MOTION PASSED

3. APPROVAL OF THE AGENDA

Kehoe offered a motion, seconded by Filipczak, to approve the agenda for the August 7, 2023, meeting.

There was a voice vote.

MOTION PASSED

4. ENACTMENT OF THE CONSENT AGENDA

- a. Special Event: Downtown Day in Plymouth-Saturday, September 23, 2023
- b. Special Event: Plymouth Ghosts Cemetery Walk-Saturday, October 28, 2023
- c. Special Event: Pumpkin Palooza-Sunday, October 22, 2023
- d. Special Event: Ski & Snowboard Swap, (Fri-Sun) November 3-5 & (Fri-Sun) December 1-3, 2023

There was a voice vote.

MOTION PASSED

5. CITIZEN COMMENTS

Eric Nemeth, 140 S. Union, thanked the Department of Municipal Services for the water meter switch-out. He also asked about a stop sign or light on S. Union, and a parking space near a fire hydrant on Church at S. Union.

Kristi Holmes, 633 Starkweather, asked when ballot language for the upcoming parks and recreation millage would be available. She also asked if there would be an opt-out for the new water meters.

Adam Covington, 674 Sunset, said he supported items on the consent agenda.

Tom Doran, 1191 Sheridan, spoke about a PUD request at the First Church of Christ, Scientist property and cited concerns about traffic safety, parking, and the parking currently being leased by Tonquish Creek Manor.

6. COMMISSION COMMENTS

Thomey said the paver and flag project organized by Eagle Scout candidate Gage Ellis was complete. He also thanked the DMS for their work on the water meter project.

O'Donnell said the Ruth Huston Whipple Award would be presented at the August 21 City Commission meeting at Kiwanis Park.

Filipczak expressed gratitude over the Carol/Evergreen project being completed ahead of schedule and under budget. She announced that the City of Plymouth received a state grant of \$112,513 to make an additional payment toward the City's retirement obligations.

Moroz congratulated staff members Ken Campbell for one year of service and Josh Carroll for 19 years. He said registration was open for the next Citizens Academy and thanked the administration for coordinating construction on the parking lot on Ann Arbor Trail and Deer and the new restrooms at the Plymouth Cultural Center.

7. PUBLIC HEARING

a. Fence Ordinance Amendment – Second Reading

Moroz opened the public hearing at 7:18 p.m. There were no comments, and he closed the public hearing at 7:19 p.m.

The following motion was offered by Filipczak and seconded by Deal.

RESOLUTION 2023-72

WHEREAS The City Commission has adopted a key objective to modernize and update zoning ordinance to reflect community vision; and

WHEREAS The proposed fence ordinance language aligns with the goals of the City's Master Plan and City Planning Commission; and

WHEREAS The Planning Commission held a public hearing to hear comments on the fence ordinance amendments; and

WHEREAS The Planning Commission approved the amendments to Section 78-208 on November 9, 2022.

WHEREAS The City Commission held a first reading on July 17, 2023 where the ordinance amendments were approved unanimously.

NOW THEREFORE BE IT RESOLVED THAT the City Commission does hereby direct that the Code of Ordinances of the City of Plymouth, Michigan Section 18 and Section 78 are to be amended after the public hearing, second reading, and publication.

ARTICLE X. FENCES

Sec. 18-371. Purpose, intent.

It is the intent and purpose of this article to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous.

(Ord. No. 82-11, § 1(8.21), 8-16-82)

Sec. 18-372. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Border means a planting area composed of shrubs, trees, etc., which is utilized as a part of the landscaping of a lot.

Decorative fence means a permanent barrier not used for enclosure. Any such fence shall be a part of the overall landscape plan and shall be composed of natural materials such as wood (i.e., split rail fence, picket, etc.) or a decorative metal construction (i.e., aluminum, wrought iron, etc.).

Fence means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary.

Gutter grade means the lowest point of integral curb and gutter down which water flows, or, when no curb or gutter exists, is the lowest point between the street and sidewalk down which water will flow or drain.

Picket fence means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary. A picket fence shall have spaced uprights connected by two or more horizontal rails. The uprights shall not exceed 4 inches in width. The space between uprights shall be a minimum of 2.5 inches and must not exceed 4 inches.

Sidewalk line means the edge of the constructed public sidewalk that is adjacent or closest to the lot line.

Wall means a barrier constructed of masonry or other solid materials on a continuous concrete footing for the purpose of controlling entrance, sound and/or view.

(Ord. No. 82-11, § 1(8.22), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 18-373. Prevention of hazards.

- (a) No fence, border or wall shall have exposed beneath a height of eight (8) feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border or wall.
- (b) Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.

(Ord. No. 82-11, § 1(8.26), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Sec. 18-374. Line fences and walls.

All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.

(Ord. No. 82-11, § 1(8.27), 8-16-82)

Sec. 18-375. Electric fences.

It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.

(Ord. No. 82-11, § 1(8.28), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Sec. 18-376. Appeals.

If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance. (Ord. No. 82-11, § 1(8.29), 8-16-82)

Sec. 18-377. Permits.

- (a) It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit therefor.
- (b) Any person desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application, and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the city Code or state law.

(Ord. No. 82-11, § 1(8.23), 8-16-82)

Sec. 18-378. Establishing lot lines.

The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placing of permanent stakes located by a licensed surveyor. Such lot line shall be established before such fence shall be erected, and the building inspector may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.

(Ord. No. 82-11, § 1(8.30), 8-16-82)

Sec. 18-379. Borders.

Borders may be planted in any yard area subject to the following provisions:

- (1) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.
- (2) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the average gutter grade. Sight visibility shall be in accordance with Section 78-207 of the Zoning Ordinance.
- (3) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.

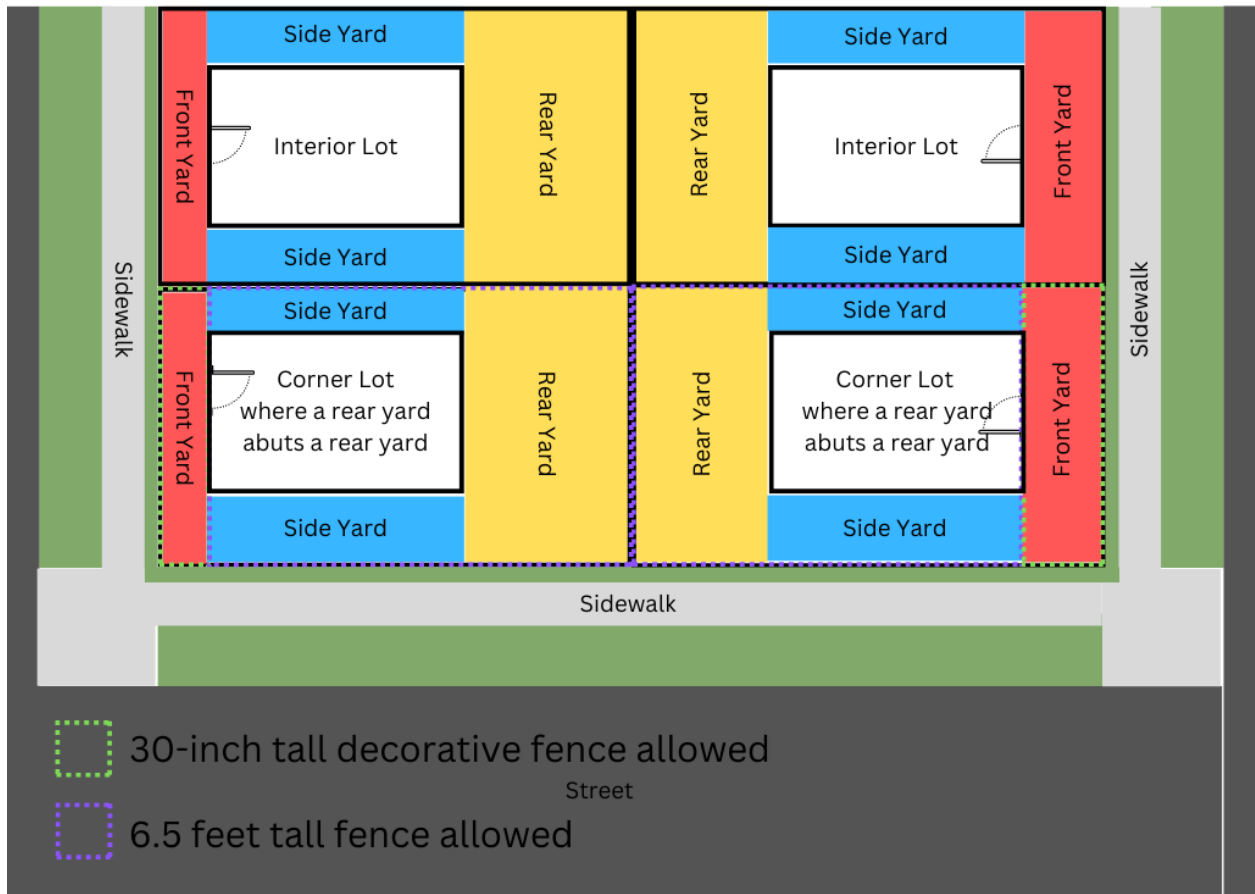
(Ord. No. 82-11, § 1(8.24), 8-16-82; Ord. No. 2011-02, 1-17-11)

Sec. 18-380. Fences and walls.

- (a) All posts thereof shall be of materials designed to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten years.
- (b) Fences shall be setback a minimum of 1-foot away from the sidewalk line.
- (c) Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.
- (d) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches

in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.

- (e) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).



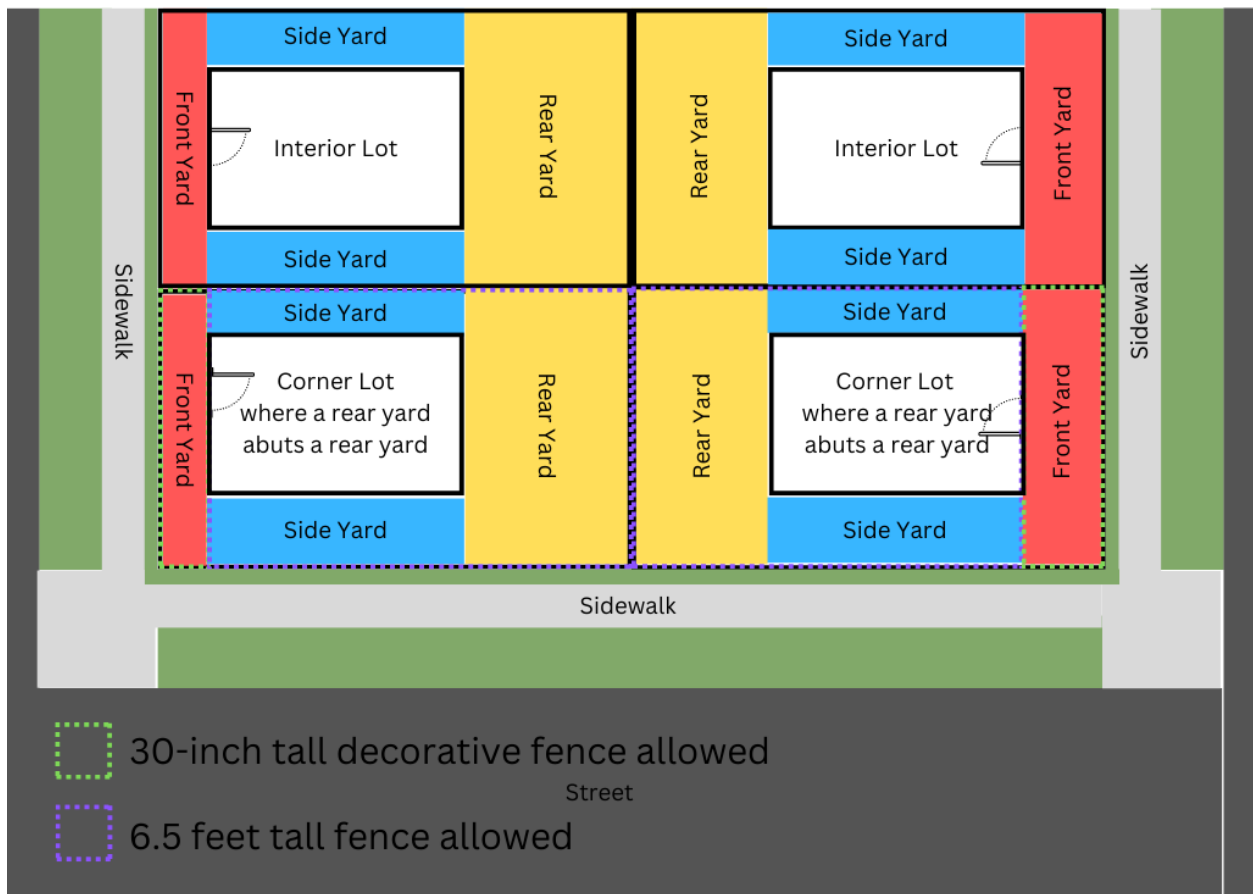


Figure 2.

- (f) In business zoned areas, fences and walls should not exceed a height above ground level of more than six and one-half feet. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height 30 inches from the established street gutter grades shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection.
 - (g) In industrial zoned areas, fences and walls may be constructed up to eight feet in height. On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height of 30 inches from the established street gutter grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of such fences on arms or supports over the private property of the owner of the fence at least eight feet above the adjacent grade level.
- (Ord. No. 82-11, § 1(8.25), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

Secs. 18-381—18-400. Reserved.

Sec. 78-208. Residential fences.

Fences or walls are permitted, subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and subject to the further provisions of this section. If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, the stricter provision shall prevail. It is the intent, however, that the following provisions be construed harmoniously with the fence ordinance where possible.

- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

Figure 1.

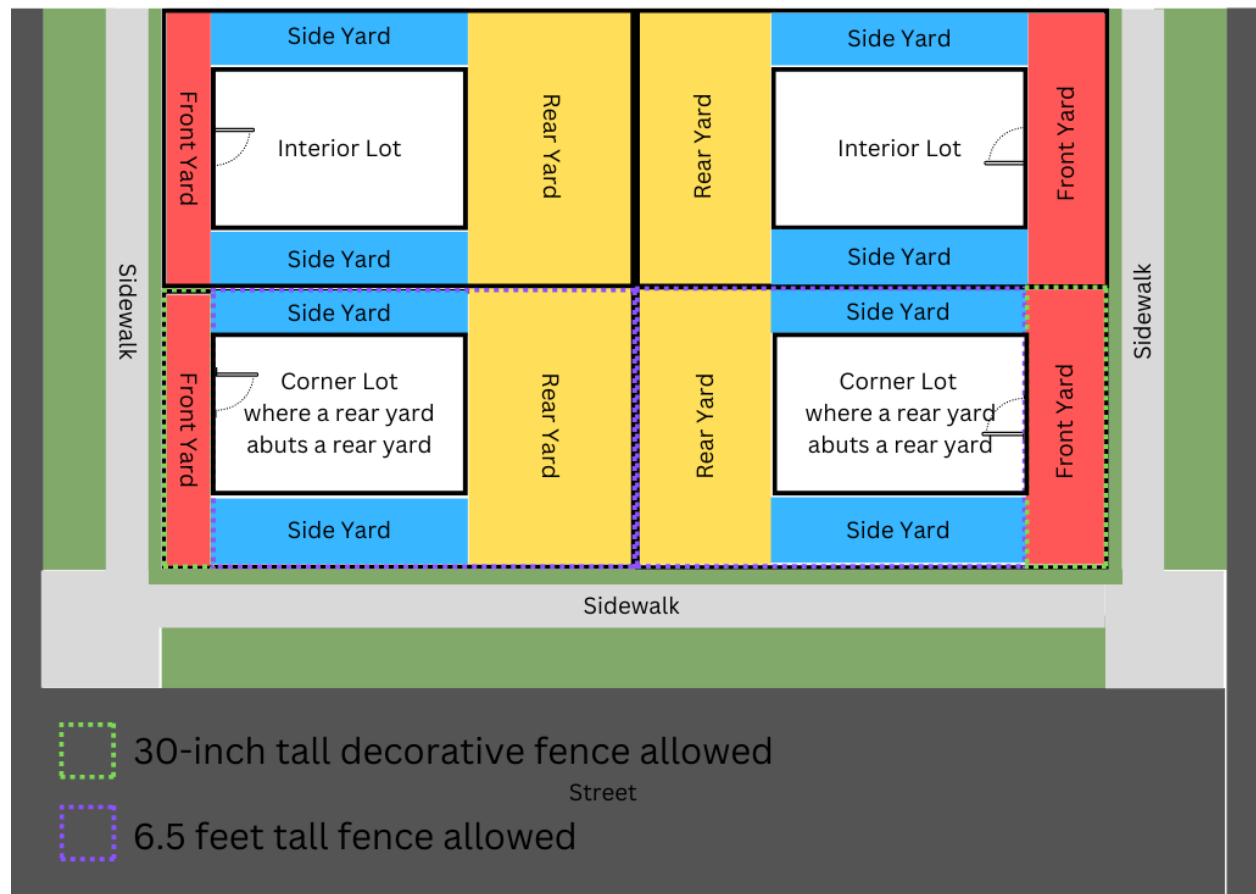
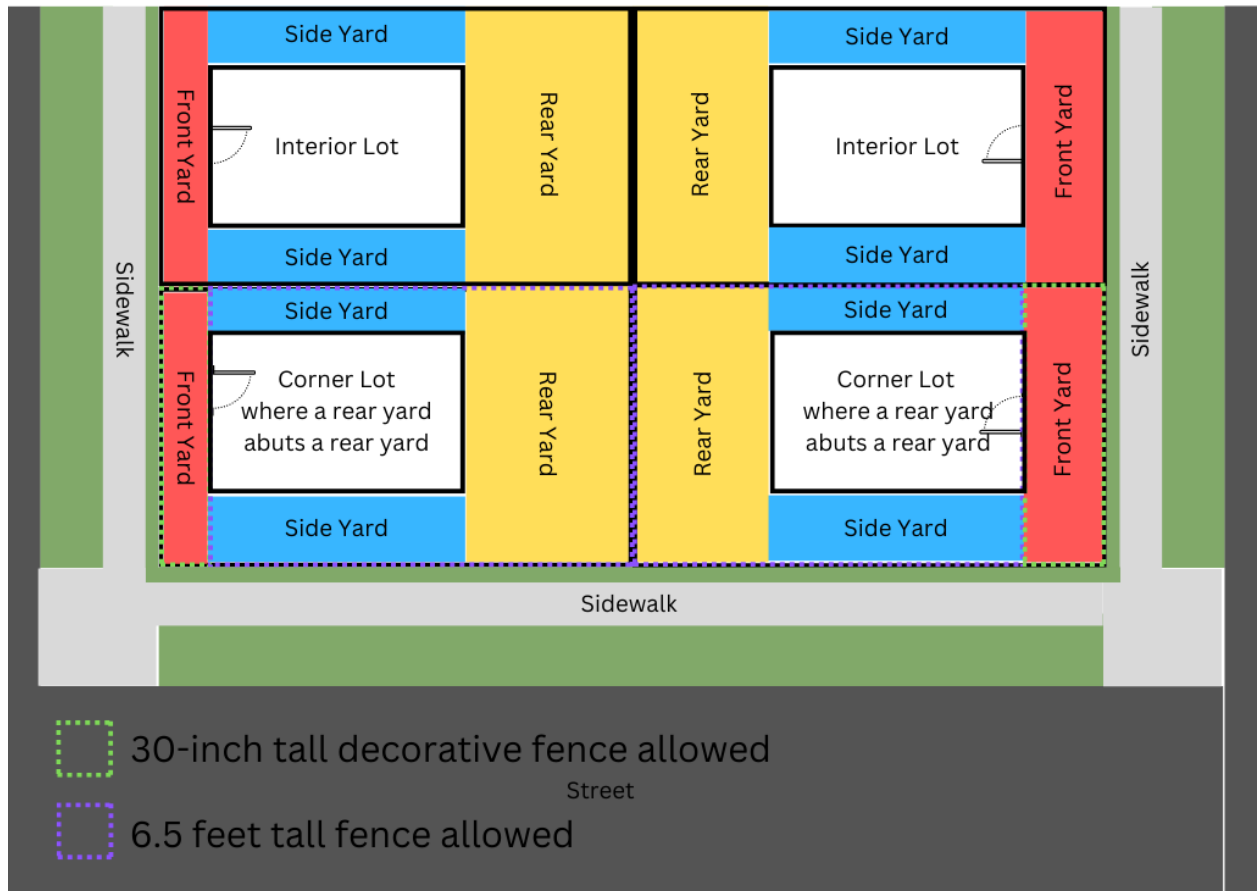


Figure 2.



- (2) Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.
- (3) All fences or walls shall be constructed with the finished side exposed to neighboring properties, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- (4) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (5) Fences for swimming pools shall comply with the regulations of the state construction code.
- (6) No fence, wall, or plantings shall interfere with visibility from a driveway, alley or intersection. All fences, walls, or plantings shall comply with the corner clearance requirements of section 78-207.
- (7) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
- (8) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard area.

- (9) Walls constructed of masonry, stone or pre-cast materials and constructed within a side or rear yard shall have a maximum height of 30 inches. This shall exclude screening walls constructed between conflicting land uses as specified in section 78-206.

(Ord. of 10-6-03; Ord. No. 2011-03, § 2, 1-17-11)

Sec. 78-209. Industrial fences.

Fences are permitted in industrial districts as follows:

- (1) Fences shall not be allowed within the front yard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.
- (2) Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.

(Ord. of 10-6-03)

There was a voice vote.

MOTION PASSED

8. OLD BUSINESS

a. Outdoor Dining Area Policy

The following item was on the table from the previous meeting, and the friendly amendments were offered by Moroz and seconded by O'Donnell.

RESOLUTION 2023-73

WHEREAS Outdoor dining has helped to maintain the public welfare and community during the recent pandemic and now that the pandemic emergency is closed the City Commission is interested in establishing a longer-term policy which will continue to allow outdoor dining in our commercial districts; and

WHEREAS The City Commission is aware that there are those establishments who use public property for the expansion of outdoor dining, while others use a combination of public and private property, while others use a combination of public and private property and still others use only private property for outdoor dining; and

WHEREAS Restaurant owners have requested that the city adopt a policy that will allow them to know what the policy will be well in advance of the 2024 season and beyond; and

WHEREAS The City Commission has reviewed the attached policy, received input from the Downtown Development Authority, restaurant owners, city residents, and non-resident users of the outdoor dining spaces.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the Outdoor Dining Area Policy for 2024 with the following amendments:

- 6-foot minimum clearance for all streets
- \$2 per square foot, subject to change by the City Commission
- Add the following language. "In addition, this area also extends from the roadway across the sidewalk to the building and may not be encroached upon by an outdoor dining area. This is designed to allow more walkability in and near the crosswalks."

BE IT FURTHER RESOLVED THAT the City Clerk shall make a copy of the final adopted policy as a part of the meeting minutes of this City Commission meeting.

City of Plymouth Outdoor Dining Area Policy

Revised and adopted by the City Commission on _____

History of Outdoor Dining Area(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.

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

In 2022, the City of Plymouth updated the program to reflect the changes in health orders, restrictions, etc. for the 2022 season. The city took feedback from the businesses in its creation of the 2022 City of Plymouth Patio Extension Program.

At the August 15, 2022, City Commission meeting, the City Commission authorized the extension of the 2022 program through the 2023 patio season. While the City of Plymouth continues its discussions on potential long term "parklets," one idea that has been discussed by the business community related to outdoor dining and patio extensions is that of dining platforms.

Fees and Permits

1. All proposed Outdoor Dining Area(s) owners/operators shall submit an annual application depicting the location and layout of the outdoor dining area to the Community Development Department for approval. Approval of the application shall be subject to compliance with this policy and all applicable building codes.
2. Fees for Outdoor Dining Area(s) shall consist of an application fee and a fee based on the square footage of area used for the outdoor dining area, fees shall be determined by resolution of the City Commission.
3. Before receiving an Outdoor Dining Area permit, the applicant shall pay all required fees.
4. Prior to issuance of an Outdoor Dining Area permit, the City's finance department shall verify that there are no outstanding fees owed to the City by the person or entity requesting an Outdoor Dining Area permit. An Outdoor Dining Area permit will not be issued until all outstanding debts to the City of Plymouth are paid in full.
5. 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.
6. All outdoor dining area operations shall indemnify and hold the City free, clear, and harmless from any and all claims arising out of the operation of the outdoor dining area. The City shall be

TABLED ITEM
Anticipate amendments on 8/7/23

added as a named insured on the application/operator's general liability insurance policy and provide the City with a copy of the certificate of insurance. The operator shall carry insurance in the amount of \$500,000 per person, per incident, for general and product liability and have umbrella coverage in the amount of \$1,000,000.

7. The City shall have the right to prohibit the operation of an outdoor dining area because of anticipated or actual problems or conflicts in the use of the business. Some problems may arise from, but are not limited to, festivals and similar events, parades, or repairs to the street, sidewalk, or utilities within the public right of way. To the maximum extent possible, the outdoor dining area owner will be given prior written notice of any time period during which the operation of the outdoor dining area may be impacted.

Construction

1. 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.
2. 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.
3. Dining platform railings must be constructed of a rigid material (wrought iron, cast aluminum, steel, stained/painted wood, composite, etc.) and be black or neutral; and not solid walls (unless it is a piece designed to hold plantings). Rails must meet specifications as defined by the MLCC for liquor serving establishments and any pertinent building codes; this would include height requirements. Rails must be attached securely to the platform and cannot be loose standing.
4. Dining furniture must be consistent with the quality and character of commonly found outdoor dining area furniture. It must be durable and weather resistant.
5. 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.
6. A pergola may be constructed as part of the outdoor dining area. The materials for the pergola must be consistent with the materials for the construction of the outdoor dining area. The maximum height of the pergola measured from the top of the platform to the top of the pergola shall not exceed nine feet (9').
7. Lighting in the style of tabletop or accessory lighting such as "string lights" will be allowed on the outdoor dining platform.

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8. Each outdoor dining platform shall contain a form of planter with live planting(s) maintained through the patio season (October 31). Planters with live plantings can be incorporated into the wall structure of the patio or be added on/hanging to the railing. Pots or other containers must blend into the planting areas and not simply have a stand-alone pot placed inside a piece of wall structure. Planting areas must account for 25% of the perimeter measurement of the patio area. For example, if the perimeter of the outdoor dining area measures 100', the planters must account for 25'. Please note that in the event the planters are hanging on the railing, the spacing will be measured from the edge of the planter to the nearest obstruction where applicable.
9. The outdoor dining areas may be installed during the month of March to allow for inspection by the MLCC; however, they may not be in use for patrons until April.

Outdoor Dining Area Location and Placement

A dining platform is an option available to food serving establishments with the following conditions:

1. A dining platform is an option for outdoor dining areas and 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.
2. 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 or pergolas.
3. Outdoor dining area facilities may extend in front of adjacent businesses if written consent is obtained, annually, from the affected adjacent property owners. 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. The outdoor dining area may not encroach upon the area(s) that transition between the parking space(s) and the crosswalks, so as to not negatively impact sight lines for crosswalks and/or Rectangular Rapid Flashing Beacons or other crosswalk elements. This is typically the area where the curb transitions from parallel to the roadway to a diagonal that leads toward the crosswalk.
4. An inspection of all outdoor dining area(s) by the Community Development Department is required before opening the premises for use.
5. Minimum clearances from the building to the outdoor dining area must be maintained during the patio season. They can be found in the table below:

Street	Boundary	Min. Distance from Bldg. to Dining Area
Starkweather	Farmer to train tracks	9 Feet
Main St.	Penniman to Ann Arbor Trail	9 Feet
Ann Arbor Trail	Main St. to Union/Deer St.	9 Feet
Ann Arbor Trail	Main St. to Harvey St.	6 Feet
Forest Ave	Ann Arbor Trail to Wing St.	6 Feet
Penniman	Main St. to Harvey St.	6 Feet

In the event that the food service establishment owns, leases, rents, etc. the building that has private sidewalk of no less than 18" that adjoins the city sidewalk, said food service establishment will be allowed to install outdoor dining area continuous from their private property sidewalk to include city sidewalk near the building and not be required to move the outdoor dining area away from the building. The minimum distance requirement would then be in effect as a measurement from the back of the curb to the beginning of their outdoor dining area.

6. 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.
7. A sidewalk only outdoor dining area must leave no less than a one- and one-half foot (1 ½') clearance from the top of the curb to the beginning of the outdoor dining area to allow for the opening of a car door.
8. The dining platform must be flush with the sidewalk or top of curb level if only using the on-street area for the platform option. There may be no more than a ¼ inch horizontal space between the curb/sidewalk and the edge of the dining platform.
9. The outdoor dining area may be built in a continuous fashion that combines sidewalk and on street areas. The platform must provide a flat surface and match the slope of the existing street or 2%, whichever is less.
10. 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.
11. 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.
12. The dining platform cannot be anchored into the street or existing curb.

The maximum number of outdoor dining seats in an outdoor dining area will be determined by a formula: The square footage divided by 8.5. For example: If the patio is 200-square-feet, divided by 8.5, the maximum number of seats is 24.

Operation and Maintenance

1. 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.
2. 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 in the outdoor dining area and organized within reason at the end of each service day.

3. All alcoholic beverages to be served in an outdoor dining area shall be prepared within the existing restaurant, and alcoholic beverages shall only be served to patrons seated at tables. The operator of the outdoor dining area 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.
4. The exterior of the premises shall be kept in a clean, orderly, and maintained condition. Sidewalks shall be cleaned daily with water by the outdoor dining area operator to prevent buildup of dirt and grease. Each establishment with an outdoor dining area must sweep the frontage sidewalk clear of cigarette butts and garbage during hours of operation and following the closure of the outdoor dining area for the evening. No remnants of cigarette butts or trash will be visible outside the establishment after closing.
5. Containers for cigarette butts must be made available to patrons outside each establishment with an outdoor dining area. The containers, free standing or attached to private property, must be located directly adjacent to the establishment, and meet the standards and be approved by the Downtown Development Authority staff. No unauthorized containers, coffee cans or other receptacles are allowed.
6. Outdoor dining areas shall be permitted to operate for the period of April 1 to November 1 only and may be used only during operation hours of the applying establishment. Installation of the outdoor dining areas are allowed, contingent upon city approval, during the month of March to allow for pertinent inspections prior to service beginning in April.
7. For liquor serving establishments, security cameras must be mounted on private property to give adequate coverage of the outdoor dining area. The specifications are attached and can be changed as technology changes. All cameras must have the approval of the Police Chief before being installed. That includes both the number of cameras needed and the specifications of the cameras to be installed. Each day's video recording must be saved for at least seven days. Upon request, establishments must make video available to the Police Department for investigations within 48 hours of the request. Failure to do so WILL result in immediate suspension of the outdoor dining area, AND revocation of the Outdoor Dining Area permit for the remainder of the season.
8. Outdoor dining areas shall be allowed to continue service until 11:00 pm, Sunday through Wednesday, and be closed and clear at 11:30 pm. Outdoor dining areas shall be allowed to continue service until 12:00am (Midnight) on Thursday, Friday and Saturday and be closed and clear at 12:30am.
9. All food preparation shall be performed inside the premises.
10. Establishments with an outdoor dining area are only allowed to store and secure the number of seats allowed per establishment, tables, and propane heaters each night. At the end of business, tables and chairs can be stacked against the wall, left standing in place or stored inside the establishment. Additional property, not limited to but including chairs, tables, cleaning materials, are not allowed to be stored outside during or after outdoor dining hours.
11. Each establishment with an outdoor dining area on city property must have a 36-inch high by 24-inch-wide sign attached to the fencing and/or the entrance of the outdoor dining area, noticeable to all patrons that reads:

TABLED ITEM
Anticipate amendments on 8/7/23

“Local City & State Ordinances for Outdoor Public Seating

1. No smoking in the patio
2. All patrons must be seated in the patio
3. No pets allowed on the inside of the patio
4. All alcohol must be brought across the sidewalk by an (establishment name) employee

City Ordinances Pertaining to Hours of Operation

Sunday-Wednesday

The last call will be at 11 p.m. and all patrons must be inside by 11:30 p.m.

Thursday-Saturday

Last call will be at 12 a.m. and all patrons must be inside by 12:30 a.m.”

12. Outdoor dining areas shall abide by the City’s Noise Ordinance.

General Regulations

1. Failure to comply with all state, county and municipal laws and this policy shall result in the immediate revocation of the outdoor dining area by the city.
2. All denials of applications and revocations of said authority to operate may be appealed to the City Commission, whose decision is final. (Note: The use of public right of way is subject solely to the control of the City Commission.)
3. Appeals of revocations shall stay further proceedings and the applicant shall be permitted to continue the outdoor dining area operation pending a decision by the City Commission. Provided, if a violation poses an immediate danger to the public’s health, safety, or general welfare, the City Manager or his designee may order the suspension of all outdoor dining area operations pending a hearing and the applicant shall cease carrying on such activities pending such hearing.
4. All applicants, prior to being issued an Outdoor Dining Area permit, shall enter into a written contract whereby the City shall “permit” the operation and the owner/applicant shall acknowledge the conditions and the City’s authority to revoke the permit upon failure to comply with any of the conditions set forth herein.

Security System Requirements (Liquor Serving Establishments)

Specifications:

1. Storage capacity must be capable of storing five (5) days of captured video footage.
2. The system must have the ability to transfer data to an external drive/source.
3. All new camera installations must be of 4K resolution quality.
4. A camera’s night vision feature must be capable of capturing 100 feet out from the camera.

Fee Schedule

Application Fee:	\$500.00 per season
Application Fee:	\$250.00 per season non-liquor serving establishments with three or fewer tables.
Outdoor Dining Area Usage Fee:	\$15.00 per square foot per season

Commissioner Comments

Commission members discussed the proposed policy and amendments. Disappointment over the tone and tenor of comments by restaurant owners and residents after the prior meeting was expressed. Commission members also discussed walkability and ADA access and suggested fees of \$2-\$2.50 per square foot, and distances of 6’-7’ from buildings.

There was a roll call vote seeking support of the friendly amendments.

Yes: Filipczak, Moroz, O’Donnell, Thomey

No: Deal, Kehoe, Maguire

MOTION PASSED

Citizen Comments

Kerri Collins, 730 Penniman, spoke about ADA requirements and fees.

Adam Covington, 674 Sunset, said he opposed the proposal and felt that the DDA recommendation did not include all the items in the proposed policy.

Laura Mesner, 45715 Woodleigh Way, said she opposed moving patios away from buildings.

Ryan Yaquinto of Sardine Room, Fiamma, and Comparis, spoke about the fee structure and his desire to keep his patios where they are.

Kristi Holmes, 633 Starkweather, said walkability was not an issue.

Hollie Saraswat, 1655 Lexington, said she was disappointed in the online comments about the City Commission and inequity in the payment in lieu of parking policy.

Dean Rovinelli, owner of Barrio, asked about the policy component of flowers on the platforms.

Wes Graff, Plymouth Chamber of Commerce, said the Chamber board supported 6-feet away from buildings and keeping the fees within the range of other nearby communities.

Commission Comments

Commission members further discussed the potential policy, and some suggested taking more time to fine tune it. Recommendations by the DDA and the Chamber of Commerce were also considered.

Kerri Pollard, Chair of the DDA, said that they sent a recommendation to the City Commission, but the recommendation did not include 6 feet across the board.

There was a roll call vote for the motion on the table.

Yes: Moroz

No: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Thomey

MOTION FAILED

9. NEW BUSINESS

a. MML Annual Meeting

The following resolution was offered by Moroz and seconded by Filipczak.

RESOLUTION 2023-74

WHEREAS Each year the Michigan Municipal League hosts an annual business meeting to discuss matters and to form policy related to local government; and

WHEREAS The City of Plymouth has an opportunity to designate a voting delegate and alternate for the annual business meeting.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby designate Suzi Deal as the voting delegate to the Michigan Municipal League Annual Convention meeting.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby designate Paul Sincock as the voting alternate to the Michigan Municipal league Annual Convention meeting.

There was a voice vote.

MOTION PASSED

b. Louise Markham Park Naming Acknowledgement Proposal

The following motion was offered by Filipczak and seconded by Thomey.

RESOLUTION 2023-75

WHEREAS On July 11, 1940, Louise Markham did execute a quitclaim deed that bequeathed a small piece of property to the city, located on Holbrook and Caster Street; and

WHEREAS the terms of the gift to the City included that the property shall never be used as a gravel pit and it shall be used as a municipal park; and

WHEREAS The park has had different names since it was first acquired by the city in 1940, and most recently, it was commonly called Caster Park; and

WHEREAS The City Commission on July 15, 1940, the City Commission did accept the gift of Park and officially named the park Louise Markham Park.

NOW THEREFORE BE IT RESOLVED THAT the park commonly known (in 2023) as Caster Park shall have the name confirmed as Louise Markham Park in accordance with the City Commission action of July 15, 1940. The park shall be shown on City Maps and other official documents, including, but not limited to the City Recreation Master Plan and Zoning documents as Louise Markham Park.

Citizen Comments

Ellen Elliott, 404 Irvin, said she supported the proposal.

Liz Kerstens, Plymouth Historical Museum, requested a new sign.

There was a voice vote.

MOTION PASSED

c. Adult Sports Policy

The following resolution was offered by Thomey and seconded by Deal.

RESOLUTION 2023-76

WHEREAS The City of Plymouth offers a variety of recreational programs to help protect the public health, safety, and welfare, and

WHEREAS There is need to Adopt certain rules and policies in order to provide for a smooth operation of the programs and to inform participants of the expectations and rules of the programs.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the Adult Recreational Leagues Rules & Policies. In addition, the City Commission adopts the Over 60 and Over 70 Hockey Rules & Policies. Both policies are to be effective immediately.

BE IT FURTHER RESOLVED THAT the City Clerk shall include a complete copy of the Rules and Policies as a part of the meeting minutes of this meeting.

City of Plymouth Recreation Department



Adopted by City Commission as of:

Adult Recreational Leagues Rules & Policies

League Administration:

1. The City of Plymouth Recreation Department reserves the right to amend the rules, game times or policies if deemed to be in the best interest of the league
2. All fees and registration procedures to be determined by City Staff
3. The City Administration shall appoint the Program Coordinator as required for each activity
4. The Program Coordinator may appoint Assistant Coordinators to run the day to day activities
5. The Program Coordinator will make final determination of any policies or judgments not covered in this document
6. No protests or appeals will be taken based upon judgment decisions of the referees or site coordinator
7. The listed governing body of each activity will have their rules in play unless otherwise stated in the City League "house rules"

Team Membership and Registration

1. Every player must be 18 years old before participating in any adult league
2. For a team to be eligible to play, a team manager must register online or in person at the Plymouth Cultural Center
3. Teams must stay within the roster minimum and maximum for a given sport or activity
4. Players can be added to a roster up until tournament or playoff play. Players who did not play prior to tournament or playoff play will be ineligible for the playoff or tournament
5. Players may not play for more than one team in the same league
6. Any teams playing with an illegal player will forfeit those games and the team manager will need to meet with a City of Plymouth Recreation representative

Team Manager Duties

1. Will act as the team representative in all team matters
2. Will be responsible for communicating all league business with their team members
3. Will contact a City of Plymouth Recreation representative 24 hours (or more) prior to a scheduled sport or activity if their team will be unable to participate
4. Will be responsible for the eligibility of players on their team roster
5. Will contact a City of Plymouth Recreation representative with any pertinent comments, questions, or concerns

Waitlist

1. A Waitlist will be offered for each sport and activity once registration hits its maximum number
2. City of Plymouth Recreation representatives will remove participants from the Waitlist and enroll participants into a sport or activity at their own discretion

Refund Policy

1. Two weeks prior to the first day of gameplay – full refund minus a 25% cancellation fee
2. Thirteen days prior to – no refund
 - a. Exception will be made if a team on a Waitlist is available to replace the team leaving a league or activity. Then a refund will be given prorated by the percentage of games played
3. When a team is removed from a league due to player or team conduct – refund will be given prorated by the percentage of games played
4. League or activity cancelled by the Recreation Department – full refund
5. League or activity must be cancelled by the Recreation Department after the league or activity has begun – refund will be given prorated by the percentage of games played

Player Conduct

1. The Recreation Division shall reserve the right to withdraw any team from the League at any time. The removed team shall receive a prorated refund on any entry fees and non-resident fees, from the date of the removal from the league
2. Any player physically assaulting or spitting on any other player, official, referee, or City employee shall be suspended indefinitely from all City recreational leagues.
3. Any players threatening physical harm or retaliatory legal action (in any form or expression) against the City, or any City employee or it's representative, may result in the player or team being removed from the league. The removed team shall receive a prorated refund on any fees, from the date of the removal from the league.
4. All players removed from a game because of unsportsmanlike conduct will be suspended for the next two scheduled game / league nights
5. All players removed from a game because of unsportsmanlike conduct must leave the playing area. Failure to do so will result in an additional 1 game / league night suspension

City of Plymouth Recreation Department



Adopted by City Commission as of:

Over 60 & Over 70 Hockey Rules & Policies

League Administration:

- The City of Plymouth Recreation Department reserves the right to amend the rules, game times or policies if deemed to be in the best interest of the league
- All fees and registration procedures to be determined by City Staff
- The City Administration shall appoint a Program Coordinator for the Over 60 & Over 70 hockey leagues
- The Program Coordinator shall appoint no more than four league participants or volunteers as assistant coordinators of the league
- The Program Coordinator and Assistant Coordinators shall comprise the leagues "executive committee" and will make final determination of any policies or judgments not covered in this document
- The Program Coordinator may replace or recuse members of the executive committee in matters of that may be a conflict of interest
- Assistant Coordinator will receive discounted participation fees in consideration of their work. Discounted fee to be determined by the Program Coordinator
- No protests or appeals will be taken based upon the decisions of the referees
- Current USA Hockey Rules will be in play unless otherwise stated below

PCC Over 60 & Over 70 House Rules

Game Time:

- Games will be 48 minute running time. (NO stop time in last 2 minutes)

Game Begins:

- Referees will puck drop at the top of the hour i.e. puck drop 9 am, 10 am, 11 am regardless of teams readiness

Center Line:

- League will **not** play the center red line.

No Checking:

- Play the puck not the man, penalties may be assessed based on referees judgment

Slap shots:

- Not allowed and may be assessed an unsportsmanlike penalty

Penalty Time Duration:

- Two minutes (2:00) Major Five minutes (5:00)

Fighting Penalty:

- A player will receive a game misconduct and will be suspended for the next 2 games

Game Misconduct for Non Fighting Penalty:

- The player will be suspended for the remainder of that game and the next game

Maximum Number of Penalties in One Game:

- A player with three penalties (of any kind) in one game is immediately suspended for the balance of the game

Maximum Number of Penalties in One Season: (Including Playoffs):

- Eight (8) penalties in the over 70 League and Ten (10) penalties in the over 60 League will result in a player being immediately removed from the league and forfeiture of all league fees paid

Gross Misconduct:

- Any intent to injure penalties will result in a player being immediately removed from the league and forfeiture of all league fees paid

Sub Players:

- All subs must be registered and submit ice fee to the team captain.

Conduct Towards Referees:

- Disrespect of referees is not tolerated, will be considered a Game Misconduct for Non Fighting Penalty

Age Classifications:

- Based on a player's true age, players may play down an age classification but may not play up. Goalies shall be exempt from this rule.

ARENA RULES:

1. No one is to go on the ice until after the Zamboni has left the ice and the doors are closed. The Zamboni Driver has the right to abandon the resurface for any safety concerns
2. No alcoholic beverages in the building or the parking lot.
3. Take any other cans or bottles out with you.
4. No smoking in the building. (This includes the locker rooms)
5. Get the locker room key from Arena Staff and return when you leave

There was a voice vote.

MOTION PASSED

d. Emergency Repair to Chipper

The following resolution was offered by Filipczak and seconded by Maguire.

RESOLUTION 2023-77

WHEREAS The City of Plymouth maintains a city-wide brush collection and chipping program; and

WHEREAS The City's brush chipper needs immediate repairs and the repairs have been reviewed by the manufacturer; and

WHEREAS The City Administration has requested that the City Commission authorize emergency repairs.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize emergency repairs to the Bandit 1390XP Chipper. This authorization is in the amount of \$12,646.11 for repairs and a possible addition \$2,500 in contingency for Bandit Industries of Remus, Michigan.

There was a voice vote.

MOTION PASSED

10. REPORTS AND CORRESPONDENCE

O'Donnell said the Planning Commission meeting is on August 9.

Thomey said the Northville Plymouth Fire Advisory Board met prior to this meeting.

Kehoe gave a Zoning Board of Appeals update and said she planned to attend a ribbon cutting at LaFontaine this week.

11. ADJOURNMENT

A motion to adjourn was offered by Maguire and seconded by Kehoe at 8:45 p.m.

There was a voice vote.

MOTION PASSED

NICK MOROZ
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK