



Plymouth City Commission

Regular Meeting Agenda

MONDAY, July 17, 2023 - 7:00 p.m.
ROTARY PARK – Herald & Wing

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

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

1. **CALL TO ORDER**
 - a. Pledge of Allegiance
 - b. Roll Call

2. **APPROVAL OF MINUTES**
 - a. July 3, 2023 City Commission Regular Meeting Minutes

3. **APPROVAL OF THE AGENDA**

4. **ENACTMENT OF THE CONSENT AGENDA**
 - a. Special Event: Plymouth Community Fall Festival, September 8-10, 2023
 - b. Approval of June 2023 Bills

5. **CITIZEN COMMENTS**

6. **COMMISSION COMMENTS**

7. **OLD BUSINESS**

8. **NEW BUSINESS**
 - a. Outdoor Dining Area Policy
 - b. Recreation Millage Question
 - c. Fence Ordinance Amendment – First Reading

9. **REPORTS AND CORRESPONDENCE**
 - a. Liaison Reports
 - b. Appointments

10. **ADJOURNMENT**

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues for items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item. Persons with disabilities needing assistance with this should contact the City Clerk's office at 734-453-1234 Monday through Friday from 8:00 a.m.-4:30 p.m., at least 24 hours prior to the meeting. An attempt will be made to make reasonable accommodations.

Consent Agenda- The items on the Consent Agenda will be approved by one motion as Agenda Item #4. There will be no separate discussion of these items unless a Commissioner or citizen so requests, in which case that item will then be placed on the regular agenda.

City of Plymouth Strategic Plan 2022-2026

GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE

OBJECTIVES

1. Identify and establish sustainable financial model(s) for major capital projects, Old Village business district, 35th District Court, recreation department, and public safety
2. Incorporate eco-friendly, sustainable practices into city assets, services, and policies; including more environmentally friendly surfaces, reduced impervious surfaces, expanded recycling and composting services, prioritizing native and pollinator-friendly plants, encouraging rain gardens, and growing a mature tree canopy
3. Partner with or become members of additional environmentally aware organizations
4. Increase technology infrastructure into city assets, services, and policies
5. Continue sustainable infrastructure improvement for utilities, facilities, and fleet
6. Address changing vehicular habits, including paid parking system /parking deck replacement plan, electric vehicle (EV) charging stations, and one-way street options

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

1. Create a 5-year staffing projection
2. Review current recruitment strategies and identify additional resources
3. Identify/establish flex scheduling positions and procedures
4. Develop a plan for an internship program
5. Review potential department collaborations
6. Hire an additional recreation professional
7. Review current diversity, equity, and inclusion training opportunities
8. Seek out training opportunities for serving diverse communities

GOAL AREA THREE - COMMUNITY CONNECTIVITY

OBJECTIVES

1. Engage in partnerships with public, private and non-profit entities
2. Increase residential/business education programs for active citizen engagement
3. Robust diversity, equity, and inclusion programs
4. Actively participate with multi-governmental lobbies (Michigan Municipal League, Conference of Western Wayne, etc.)

GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

1. Create vibrant commercial districts by seeking appropriate mixed-use development, marketing transitional properties, and implementing Redevelopment Ready Communities (RRC) practices
2. Improve existing and pursue additional recreational and public green space opportunities and facilities for all ages
3. Develop multi-modal transportation plan which prioritizes pedestrian and biker safety
4. Improve link between Hines Park, Old Village, Downtown Plymouth, Plymouth Township, and other regional destinations
5. Maintain safe, well-lit neighborhoods with diverse housing stock that maximizes resident livability and satisfaction
6. Modernize and update zoning ordinance to reflect community vision
7. Implement Kellogg Park master plan



City of Plymouth City Commission Regular Meeting Minutes Monday, July 3, 2023, 7:00 p.m. Hough Park – Maple & Evergreen

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

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

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, and Marques Thomey

Excused: Alanna Maguire, Kelly O'Donnell

Also present: Assistant City Manager Chris Porman, Attorney Bob Marzano and various members of the City administration

2. APPROVAL OF MINUTES

Filipczak offered a motion, seconded by Kehoe, to approve the minutes of the June 20, 2023, City Commission meeting as amended.

There was a voice vote.

MOTION PASSED

3. APPROVAL OF THE AGENDA

Thomey offered a motion, seconded by Filipczak, to approve the agenda for the July 3, 2023, meeting.

There was a voice vote.

MOTION PASSED

4. ENACTMENT OF THE CONSENT AGENDA

- a. Special Event: Bumpers, Bikes & Bands – July 16, 2023
- b. Special Event: Grapple in the Park – August 27, 2023

There was a voice vote.

MOTION PASSED

5. CITIZEN COMMENTS

There were no citizen comments.

6. COMMISSION COMMENTS

There were no Commission comments.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

a. Library Construction Agreement

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

RESOLUTION 2023-65

WHEREAS The City Commission is aware that the Plymouth District Library was awarded a grant for the construction of a small outdoor amphitheater area to be used for library programming and located between Plymouth City Hall and the Library building on the Main St. side of the buildings; and

WHEREAS The activation of additional outdoor programming areas is in alignment with the City's Master Plan and the City Commission's Five-Year Strategic Plan to pursue additional recreational and public green space opportunities and facilities for all ages; and

WHEREAS The construction portion of the proposed project will impact City property, the construction easement will be effective through project completion and requires the restoration of all impacted areas on city property.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby approve and grant the enclosed construction easement between the City and the Library and authorize the mayor to sign the same.

There was a voice vote.

MOTION PASSED

b. Library Amphitheater Access Easement

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

RESOLUTION 2023-66

WHEREAS The City Commission is aware that the Plymouth District Library was awarded a grant for the construction of a small outdoor amphitheater area to be used for library programming and located between Plymouth City Hall and the Library building on the Main St. side; and

WHEREAS The activation of additional outdoor programming areas is in alignment with the City's Master Plan and the City Commission's Five-Year Strategic Plan to pursue additional recreational and public green space opportunities and facilities for all ages; and

WHEREAS The project once completed will be partially located on what is currently city property; and

WHEREAS The City Commission is aware that the administration of the city and library are preparing several property transfers to correct parcel assignments for ownership, so the library sits completely on library property and City Hall sits completely on city property; and

WHEREAS Upon completion of those property transfers the enclosed permanent access easement will not be necessary.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby approve and grant the enclosed access easement between the City and the Library and authorize the mayor to sign the same.

There was a voice vote.
MOTION PASSED

c. Title Company Requirement for Confirmation of Purchase
The following resolution was offered by Kehoe and seconded by Deal.

RESOLUTION 2023-67

**RESOLUTIONS
OF
CITY OF PLYMOUTH
TO CONFIRM REAL ESTATE PURCHASE
AND
AUTHORIZATION OF SIGNOR**

On this 3rd day of July, 2023, in accordance with applicable laws and the City Charter and Ordinances, the CITY OF PLYMOUTH, a Michigan municipal corporation (the "City"), by and through its City Commission, adopted the following resolutions:

IT IS RESOLVED that the purchase by the City of the real property known as Parcel Identification Number 006-10-0708-002, Plymouth, Michigan ("Property"), pursuant to the terms and conditions of that certain Real Estate Purchase Agreement between the City of Plymouth ("Purchaser") and Ann Arbor Building, LLC, a Michigan limited liability company ("Seller") dated June 7, 2023 (the "Purchase Agreement"), is ratified and approved by the City and shall stand on the books and records of the City.

IT IS FURTHER RESOLVED that Nicholas Moroz, Mayor of the City, is the authorized person who may enter into, execute and deliver any and all agreements including, but not limited to, any and all agreements for the purpose of completing the closing on the purchase of the Property pursuant to the Purchase Agreement, along with agreements and actions incidental thereto, and those agreements will bind the City.

IT IS FURTHER RESOLVED that in the absence or unavailability of the Mayor at closing, the City Manager, Paul Sincock, is authorized to enter into, execute and deliver any and all agreements including, but not limited to, any and all agreements for the purpose of completing the closing on the purchase of the Property pursuant to the Real Estate Purchase Agreement, and along with agreements incidental thereto, and those agreements will bind the City.

I have read all the provisions of these Resolutions and certify all statements and representations made in the Resolutions, as passed by the City Commission, are true and correct. I am authorized by the City to certify these Resolutions being adopted by the City.

CITY OF PLYMOUTH,
a Michigan municipal corporation

By: _____
Maureen Brodie
Its: City Clerk

Open.09992.80534.31353551-1

There was a voice vote.
MOTION PASSED

d. Additional Data Collection for Fire Study
The following resolution was offered by Thomey and seconded by Filipczak.

RESOLUTION 2123-68

WHEREAS The City of Plymouth and the City of Northville have a joint fire department that provides vital life safety services to the cities; and

WHEREAS The two cities have engaged the services of the ICMA – Center for Public Safety Management to review the operations of the joint fire department to make recommendations on future operations; and

WHEREAS The Center for Public Safety Management team made a site visit to both Plymouth and Northville and based on that review they have requested authorization to complete additional data analysis.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize up to \$15,000 for additional data collection and analysis that has been requested by the Center for Public Safety Management team. These costs are to be shared with the City of Northville.

There was a voice vote.

MOTION PASSED

9. REPORTS AND CORRESPONDENCE

a. Liaison Reports

It was noted that the Historic District Commission would be meeting on July 5 and the Zoning Board of Appeals would be meeting on July 6.

b. Appointments

Moroz offered a resolution, seconded by Deal, to appoint business member Paul Salloum to the DDA.

There was a voice vote.

MOTION PASSED

10. ADJOURNMENT

A motion to adjourn was offered by Thomey and seconded by Deal at 7:18 p.m.

There was a voice vote.

MOTION PASSED

NICK MOROZ
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK



Special Event Application

ITEM 4.a

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

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

Complete this application in accordance with the City of Plymouth Special Events Policy, and return it to the City Manager's Office at least 21 calendar days prior to the starting date of the event.

FEES WILL BE CHARGED FOR ALL SPECIAL EVENTS. SEE ATTACHMENT B.

Sponsoring Organization's Legal Name		Plymouth Community Fall Festival			
Ph#	734-355-0199	Email	Info@plymouthfallfestiva.com	Website	Plymouthfallfestival.com
Address	PO Box 6177	City	Plymouth	State	MI 48170
Sponsoring Organization's Agent's Name		James Gietzen			
Ph#	248-817-8836	Email	James@myjagentertainmnet.com	Title	Manager
Address	127 N. Wixom	City	Wixom	State	MI 48393

Event Name Plymouth Community Fall Festival

Event Purpose Fundraising oppertunity for local non-profits groups

Event Date(s) September 8th-10th

Event Times Sep 8th 3pm - 10pm, Sep 9th 7am -10pm, Sunday September 10th 11am to 6pm

Event Location Kellogg park and all surrounding streets

What Kind Of Activities? Carnival with rides, food vendors, Craft fair, car show, Live music, Pet show.

What is the Highest Number of People You Expect in Attendance at Any One Time? 20,000

Coordinating With Another Event? YES NO If Yes, Event Name: _____

Event Details: (Provide a detailed description of all activities that will take place. Attach additional sheets if necessary.)
 Since 1956 the Plymouth Fall Festival has been the flagship festival in the Pymouth Community. Food booths operated by local non-profit community groups. A carnival with rides, car and craft shows, family entertainment for all.

1. **TYPE OF EVENT:** Based on Policy 12.2, this event is: *(Weddings Ceremonies – Please Review Section 12.2 f.)*
City Operated Co-sponsored Event Other Non-Profit Other For-Profit Political or Ballot Issue

2. **ANNUAL EVENT:** Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application (see Policy 12.15). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July):

Weekend after Labor day

Next year's specific dates:

September 6th - 8th

See section 12.13 for license & insurance requirements for vendors

3. **FOOD VENDORS/ CONCESSIONS?** YES NO **OTHER VENDORS?** YES NO
4. **DO YOU PLAN TO HAVE ALCOHOL SERVED AT THIS EVENT?** YES NO
5. **WILL ALCOHOL BE SERVED ON PRIVATE PROPERTY AS PART OF THIS EVENT?** YES NO
6. **WILL YOU NEED ELECTRICITY AND/OR WATER?** YES NO

CITY SERVICES REQUIRED? If needed, please attach a letter indicating all requests for City Services.

(see Attachment B)

DMS, Police, Fire, HVA

7. **AN EVENT MAP IS** **IS NOT** attached. If your event will use streets and/or sidewalks (for a parade, run, etc.), or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also show any streets or parking lots that you are requesting to be blocked off.

8. **EVENT SIGNS:** Will this event include the use of signs? YES NO

If Yes, refer to Policy 12.8 for requirements, and describe the size and location of your proposed signs: **Please complete a sign illustration / description sheet and include with the application.**

Signs or banners approved by the City of Plymouth for Special Events shall be designed and made in an artistic and workman like manner. THE CITY MANAGER MUST APPROVE ALL SIGNS. SIGNS CANNOT BE ERECTED UNTIL APPROVAL IS GIVEN.

Signs and/or Banners may be used during the event only. Please refer to Special Event Policy for information related to the installation of banners on Downtown Street Light Poles in advance of event. NO SIGNS ARE ALLOWED IN THE PARK IN ADVANCE OF THE EVENT.

9. **UNLIMITED PARKING:** Are you requesting the removal of time limits on parking (see Policy 12.5)?

YES NO

If Yes, list the lots or locations where/why this is requested:

10. **CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that
- a. a Certificate of Insurance must be provided which names the City of Plymouth as an additional named insured party on the policy. (See Policy 12.10 for insurance requirements)
 - b. Event sponsors and participants will be required to sign Indemnification Agreement forms (refer to Policy 12.12).
 - c. All food vendors must be approved by the Wayne County Health Department, and each food and/or other vendor must provide the City with a Certificate of Insurance which names the City of Plymouth as an additional named insured party on the policy. (See Policy 12.13)
 - d. The approval of this Special Event may include additional requirements and/or limitations, based on the City's review of this application, in accordance with the City's Special Event Policy. The event will be operated in conformance with the Written Confirmation of Approval. (see Policy 12.11 and 12.16)
 - e. The sponsoring organization will provide a security deposit for the estimated fees as may be required by the City, and will promptly pay any billing for City services which may be rendered, pursuant to Policy 12.3 and 12.4.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

6-29-23
Date


Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least twenty (21) days prior to the first day of the event to: City

Manager's Office
City Hall
201 S. Main Street
Plymouth MI 48170

Phone: (734) 453-1234 ext. 203

11. INDEMNIFICATION AGREEMENT

INDEMNIFICATION AGREEMENT

Plymouth Community fall Festival

The _____ (*organization name*) agree(s) to defend, indemnify, and hold harmless the City of Plymouth, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered against or from the Plymouth Fall Festival (*event name*) by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Plymouth or by third parties, or by the agents, servants, employees or factors of any of them.

Signature 

Date 6-29-23

Witness _____

Date _____

EVENT REVIEW FORM

EVENT NAME: _____ TOTAL ESTIMATED FEE: _____

(Note: All fees are only initial estimates and can increase upon assessment of services after the close of the event).

MUNICIPAL SERVICES:	<u>Approved</u>	Denied	(list reason for denial)	Initial CP
LABOR & STAFFING				
SET UP / TEAR DOWN & DURING EVENT				
\$250 Bathroom Cleaning Fee Per Day of Event? <u>YES</u> NO				
Labor Costs:	\$ 17,500	Equipment Costs:	\$ 6,500	Materials Costs \$ 12,000
POLICE:	<u>Approved</u>	Denied	(list reason for denial)	Initial
2 PATROL @ 27 hrs. \$ 4104 1 COMMAND @ 27 hrs \$ 2322 WACOSO RESERVES - \$ 500				
Labor Costs \$		Equipment Costs \$		Materials Costs \$
FIRE:	<u>Approved</u>	Denied	(list reason for denial)	Initial AB
4 - FF/DAY				
Labor Costs \$	2,500	Equipment Costs \$		Materials Costs \$
HVA:	<u>Approved</u>	Denied	(list reason for denial)	Initial
DDA:	<u>Approved</u>	Denied	(list reason for denial)	Initial JAB
Labor Costs \$		Equipment Costs \$		Materials Costs \$
RISK MANAGEMENT:	<u>Approved</u>	Denied	(list reason for denial)	Initial MB
Class I – Low Hazard				
<u>Class II – Moderate Hazard</u> Event Sponsors must provide current Certificate of Insurance naming City				
Class III – High Hazard of Plymouth as 'Additional Insured' including in the Description Box/Area.				
Class IV – Severe Hazard <i>Food vendors & Higher Risk vendors should also provide this</i>				
SITE FEE APPLIED TO ALL EVENTS IS \$100 PER DAY. TOTAL EVENT SITE FEE \$ _____				
APPROVED _____ NOT APPROVED _____ DATE _____				



Administrative Recommendation

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

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

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC: S:\Manager\Sincock Files\Memorandum - Outdoor Dining Policy On-Street 2024 - 07-17-23.docx
Date: July 12, 2023
RE: Outdoor Dining on Public Property 2024 & beyond

Background

The outdoor dining in downtown and the Old Village has been very popular, and it has gone through a number of changes over the years, especially during COVID. The City Commission has directed staff to develop a draft policy that combines the previous Sidewalk Café policy and the Outdoor Dining Platform program that was created during Covid into a single policy. The new, single policy will allow the businesses and staff to work from one set of consistent and constant, rules and guidelines.

Outdoor dining and the availability of parking are two things that are in conflict as the topic is discussed. Obviously, the need for on-street parking is important, but so is the need for a “vibe” of our downtown that includes the walkability of our commercial areas. Keeping those things in balance is the challenge that the City Commission faces when adopting a formal policy that will be in place for several years. We also must remember that the outdoor dining spaces are meant to supplement, not replace indoor dining, and because of that factor, sizing and massing should also be considerations of any proposed dining areas. Further, we must always remember that while the outdoor dining areas are critical to the energy and vibe of our downtown, they are also using public property for private economic gain. Again, another balance issue for the Commission to consider when adopting a policy.

As a result of all the competing interests, there needs to be a “reasonableness factor” that is developed into the policy. The current (2024) on street outdoor dining areas have provided a consistent look that is certainly a step or two above where we have been with previous iterations of outdoor dining. This look is a result of the work of the City Commission and the restaurant owners, who have worked collaboratively to produce the current on-street designs.

A more consistent distance from the front of the buildings to the dining area is important from a walkability standpoint; however, there is no one single number of feet away from the building that works in all areas. Again, what is reasonable based on the width of the right-of-way, and/or other factors on each street is something that the Commission should consider.

The combined use of private and public property to make an outdoor dining area is something that the Commission should consider in a final policy. This would only affect two locations at this time, those are Bigalora/Arbor Brewing and Hermann's. Both locations could have a portion of an outdoor dining area using both their property and the City's property. In both cases, it would seem reasonable to allow them to use their private property and combine it with public property to create an outdoor dining area next to the building, but not using any parking spaces. That would help the City Commission maintain critical parking spaces in both the downtown and old village.

Another area that the City Commission may want to consider as it relates to sizing and mass, is the three Compari's restaurants, which are served by a single liquor license. The Commission may want to have them use only the sidewalk area across from their business, thus keeping the walkability of the front of the buildings open. The use of the sidewalk area only would again help keep critical parking spaces available downtown. The City Commission may want to consider this sidewalk only area due to the significant width of the public sidewalk in the vicinity of the three restaurants. In addition, keeping the parking spaces open and keeping the dining area away from those spaces to allow customers to exit their vehicles onto a sidewalk area. Again, more considerations for the City Commission as they move to a final policy adoption.

We have attached a memorandum from Chris Porman and John Buzuvis which provides additional background information on the on-street patios. Chris and John have spent a significant amount of time on the development of the draft for the City Commission to consider. The DDA Board has had an opportunity to review and provide comments on the proposed policy, which are attached.

Recommendation

This is a policy of the City Commission, and the City Administration will implement the policy as adopted. A lot of time and effort has gone into this proposal, and we should give special recognition to John Buzuvis and Chris Porman, with help from Sam Plymale in developing a number of drafts of the policy.

We have attached a proposed Resolution for the City Commission to consider regarding this matter. Should you have any questions in advance of the meeting please feel free to contact John, Chris, or myself.



Administrative Recommendation

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

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

To: Paul Sincock, City Manager
From: Chris Porman, Assistant City Manager/Department of Municipal Services Director
John Buzuvis, Economic Development Director
CC: S:\DDA\DDA Board\DDA Agendas\DDA Agendas 2023\July
Date: July 12, 2023
RE: Outdoor Dining Area Policy

Background:

As you are aware the Downtown Development Authority Board of Directors discussed, at their July 10th meeting the draft Outdoor Dining Area Policy that includes rules and requirements for both Sidewalk Café as well as Platform dining. At the conclusion of the discussion the DDA Board approved the draft but requested the City Commission review the nine foot and other minimum requirements (off the building) for patio placement. Additionally, the board requested the City Commission consider allowing patios that are currently located directly adjacent to the façade of their establishment to remain in that location with necessary modifications to meet the intent of the new policy. The board discussed other items more briefly such as the pros/cons of creating the pedestrian passage closest to the building including servers passing through the walk aisles, the benefit of committing to the policy for multiple years allowing for necessary tweaks along the way as well as the per square foot for the use of public space being increased from the current \$1.50 per square foot. The administration requested the DDA Board members send any specific comments to DDA staff in advance of Monday's meeting for the City Commission to consider. The DDA meeting minutes are not yet available; however, a draft of the approved resolution is enclosed for your reference.

Ultimately, this is a policy of the City Commission and subject to their approval with staff implementing the final approved policy. The administration has completed site-visits and collaborated closely with members of the City Commission and incorporated their feedback into the enclosed draft policy. Regardless of what policy requirements are adopted by the commission the administration strongly recommends adopting a policy sooner rather than later to allow enough time for establishments to begin/complete the state approval process and plan for future patio seasons.

Applicants make a significant investment in time, materials, and approvals (both local and state) to meet the requirements of our policies and most, if not all, owners have requested a commitment on behalf of the city for a multi-year commitment to an Outdoor Dining Policy (combined sidewalk café/platform dining) understanding that an annual local application/approval is required. The current sidewalk café policy was last revised in 2013 and COVID forced us to adapt with platform/parking spot dining allowances.

This policy is written, as discussed with the members of the City Commission, with a commitment to a six-year commitment with potential tweaks along the way, so the restaurants can plan accordingly for any costs associated with their outdoor dining operation. Annual applications and inspections will be required as they have been since the program began twenty or so years ago.

The enclosed policy combines the current sidewalk café and platform dining policies into one policy. Additionally, the policy requires any/all outdoor dining areas to provide minimum clearances for pedestrian sidewalk passage directly adjacent to the front of their establishment as opposed to on the street side of their outdoor dining area. The policy also addresses pergolas, lighting, umbrellas, drainage, required live plantings etc.

Please contact Chris Porman or John Buzuvis directly if you have questions in advance of the meeting.

RECOMMENDATION:

The administration recommends that the City Commission review the enclosed draft and provide the administration with a clear direction on what if any adjustments they would like made. The City Commission could adopt the policy, or a version of the policy at their discretion.

DRAFT APPROVED DDA RESOLUTION OUTDOOR DINING AREA POLICY

The following Resolution was offered by Director O'Neill and seconded by Mayor Moroz

WHEREAS The current Outdoor Dining Policy was adopted in 2013 and needs updating, and

WHEREAS The City Commission has approved a separate platform dining policy through the 2023 season, and

WHEREAS City Administration has recognized the need to create one comprehensive Outdoor Dining Policy that includes updates to the current policy and the addition of platform dining rules and regulations, and

WHEREAS The City Commission has requested DDA Board input on the new proposed Outdoor Dining Policy prior to adoption by the Commission.

NOW THEREFORE BE IT RESOLVED THAT the DDA Board recommends that the City Commission adopt the attached Outdoor Dining Policy, with additional review and consideration of the nine foot and the other minimum setbacks off building facades for patio placement

NOW THEREFORE BE IT FURTHER RESOLVED that the DDA Board of Directors further requests the City Commission's consideration to allow patios that are currently located directly adjacent to a building façade to remain in that location with necessary modifications to meet the intent of the new policy

DDA Board Comments on Outdoor Dining Policy Draft

*comments presented as received and are unedited

Dear Commissioners,

I have carefully reviewed the City of Plymouth Outdoor Dining Area Policy that was proposed at the July 10th, 2023 meeting. Based on this review, I have weighed out the pros and cons of the proposal and my recommendations are below. These recommendations are based on my observation that restaurants in the City of Plymouth are not back to pre-pandemic levels, a cursory drive through the city reveals at least half a dozen empty commercial buildings and the city itself is almost 100 years old and not uniform in any way in terms of sidewalks/streets and the amount of pedestrian/vehicle traffic.

The clearances proposed under "Outdoor Dining Area Location and Placement", Point #5, will cause the following problems:

1. Preclude many restaurants from having outdoor seating at all (for example, Simply Fresh and 306 S. Main).
2. Cause servers and pedestrians to clash, especially with restaurants on Main Street.
3. On Main Street, cause restaurant patrons to dine dangerously close to bottleneck traffic and car fumes, due to the removal of a traffic lane because of the addition of the bike lane.
4. Not stop pedestrians from gathering and conversing, thereby impeding a thoroughfare, for example on Main Street. In fact, increasing the clearance may encourage gathering.
5. Not stop the natural bottleneck that occurs between Park Place Gastro Pub and The Sardine Room because of the cross walkway.

I have observed outdoor restaurant seating in adjacent cities and in Birmingham. In these cities, there is variability in terms of the parklets and outdoor patios next to the restaurants with no impact on pedestrian or vehicle traffic. Restaurants in the City of Plymouth are facing huge increases in food prices and employee shortages. The restaurants anchor the downtown area, are a major draw and reason why many people choose to spend their hard-earned money in the City of Plymouth. The DDA and City Commissioners should be encouraging existing businesses to flourish while observing existing ordinances, not creating more ordinances that discourage new businesses and unnecessarily burden existing businesses, especially in our current economic situation.

In conclusion, a general recommendation for uniform minimum distances is futile and will cause untold consequences. It is best practice to consider the pedestrian/ vehicle traffic and layout of a restaurant on a case-by-case basis when the annual application for the

proposed outdoor dining area is submitted to the Community Development Department for approval. Common sense should prevail with the full knowledge that all parklets or patios will be a compromise between the best interests of the restaurant and the City of Plymouth.

Kind Regards,

*Paul Salloum
DDA Board Member*

Hello Everyone-

I want to start by saying I appreciate the hard work that has been put into the City of Plymouth Outdoor Dining Proposal that was presented at the July 10th meeting. I realize there has been many hours of thought and work put into it thus far. With that said I feel as a citizen that we are not taking in the full scope of the impacts of these changes to the look and feel of our city as well as the impact to both investors and our business owners. I would like to present three main points to be considered when determining next steps. I would also ask that we do not rush these decisions as their potential negative impact on the economic vibrance could be significant.

1. **Consistency** - throughout our discussion at the July 10th DDA meeting, members of the Commission utilized the word consistency to describe the driving force for the uniform approach to *all patios* across town. I am concerned that we are focused on creating a cookie cutter-esque community by making decisions with the goal of consistency and not embodying Plymouth as the over 100 year old city that it is. We have non-uniform sidewalks and imperfect street setups that do not allow for ubiquitous decisions to be made. This does not mean I do not want us to focus on ADA compliance but that we need to work *with* our current city setup not *against* it.
2. **Private Investment** - The significant investment made by many building owners and individual restaurants around the city have been made with the current laws in mind, investments that have transformed our Downtown. It concerns me to set a precedent that our City does not take heed to respect these investments leading to a decreased desire of future investors as we continue to grow.
3. **Walkability** - throughout our discussion at the July 10th DDA meeting, members of the Commission utilized the word consistency to describe the driving force for this conversation to be bottlenecks during high traffic times such as Music in the Park. As someone who frequents these events I fail to see us being able to remediate bottlenecks throughout town during the high traffic events. With many of the suggested changes, as mentioned by many DDA board members, traffic of servers getting to patios removed from the side of the buildings has potential to increase congestion as opposed to mitigate it.

My ask of the commission is we take a step back, and try to work with both the DDA and the business owners to make this decision to encourage a continued symbiotic relationship of public and private as opposed to stifle it.

Looking forward to Mondays meeting!

Shannon Perry

Hello,

My recommendation is to keep the minimum distance from the buildings at 6 feet on all streets to keep consistency at all locations and maximize space for patios. Also, limit exceptions in the new policy for individual businesses.

DDA Chair Kerri Pollard

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

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.

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 ½ 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:

“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

SAMPLE RESOLUTION
NUMBER ONE

The following resolution was offered by Commissioner _____ and seconded by Commissioner _____.

- WHEREAS The current Outdoor Dining Policy was adopted in 2013 and the platform dining policy was adopted as a response to COVID; and
- WHEREAS The City Commission has indicated to the administration that they want to combine the sidewalk café policy and platform dining policy into a single Outdoor Dining Area policy; and
- WHEREAS City Administration has collaborated closely with members of the City Commission and incorporated their feedback into the enclosed draft; and
- WHEREAS The City Commission, at the request of restaurant owners, is interested in committing to a multi-year policy with allowance for amendments as necessary; and
- WHEREAS The DDA Board has reviewed the draft policy and requested the commission consider their input on this matter as part of the approval process.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth adopt the enclosed Outdoor Dining Area policy with a commitment to the policy for six-years.

SAMPLE RESOLUTION
NUMBER TWO

The following resolution was offered by Commissioner _____ and seconded by Commissioner _____.

- WHEREAS The current Outdoor Dining Policy was adopted in 2013 and the platform dining policy was adopted as a response to COVID; and
- WHEREAS The City Commission has indicated to the administration that they want to combine the sidewalk café policy and platform dining policy into a single Outdoor Dining Area policy; and
- WHEREAS City Administration has collaborated closely with members of the City Commission and incorporated their feedback into the enclosed draft; and
- WHEREAS The City Commission, at the request of restaurant owners, is interested in committing to a multi-year policy with allowance for amendments as necessary; and
- WHEREAS The DDA Board has reviewed the draft policy and requested the commission consider their input on this matter as part of the approval process,

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth adopt the enclosed Outdoor Dining Area policy with a commitment to the policy for six-years with the following amendments.

- 1)
- 2)
- 3)
- 4)



Administrative Recommendation

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

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

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC:
Date: July 14, 2023
RE: Recreation Millage Question

Background

There has been a discussion related to a possible Recreation Millage Question for the November ballot. The City Administration has made contact with our Bond Attorney, Pat McGow with Miller Canfield and he specializes in these types of matters.

Pat has reviewed the circumstances for a possible millage question for the voters, including a review of our City Charter. Pat is recommending that if we desire to put a Recreation Millage Charter Amendment on the ballot that we follow the steps that he has outlined here:

1. An amendment may be proposed by the City Commission on a 3/5 vote of the members-elect (5 votes).
 2. If proposed by the City Commission, the amendment shall be submitted to the electors at the next regular municipal or general state election (November of even years) or special election to be held not less than 60 days after the proposal of such amendment.¹
 3. Any proposed amendment shall be confined to 1 subject and in case a subject should embrace more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each such proposition.
 4. The purpose of any such proposed charter amendment shall be designated on the ballot in not more than 100 words, exclusive of caption, which shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against such amendment.
 5. The text of such statement shall be submitted to the Attorney General for approval as to compliance with the foregoing requirement before being printed.
 6. Before its submission to the electors, the proposed amendment shall be transmitted to the Governor for approval.
-

7. The language of the proposed charter amendment must be certified to the city and county clerks not less than eighty-four (84) days prior to the election date.
8. A proposed charter amendment shall be published in full with existing charter provisions which would be altered or abrogated thereby.
9. The proposed charter amendment shall be posted in full in a conspicuous place in each polling place.
10. A proposed charter amendment failing of adoption at any election shall not be resubmitted for a period of 2 years.

After reviewing the guidelines for submitting the proposal to the Governor and Attorney General, given the timing our attorney recommends that we make the first approval at our upcoming meeting. The Governor's office sent a memo in 2021 to County Clerks requesting 60 days to review charter amendments before the filing deadline (12 weeks before election, or August 15th) and they only review it with the certified and approved resolution. It is rare for a city to have that done that far in advance, but our attorney thinks it's best to approve and submit the language for approval after the meeting on Monday, which would give them approximately 1 month to review before the filing deadline. The Attorney General's office likes to have time to review in advance of approval, in the event they want to tweak the language. This would allow the City Commission to re-adopt the Resolution in August with any tweaks from the Governor or Attorney General's offices and then certify it to the Clerk's Offices for placement on the ballot.

Recommendation

The City Administration recommends that if the City Commission is desirous of moving forward with a recreational millage that we adopt the proposed Resolution that has been developed by our attorney related to this issue.

Should you have any questions in advance of the meeting please feel free to contact me.

**RESOLUTION PROPOSING CHARTER AMENDMENT FOR
PARKS AND RECREATION MILLAGE**

CITY OF PLYMOUTH
County of Wayne, State of Michigan

At the regular meeting of the City Commission of the City of Plymouth, County of Wayne, State of Michigan, held on July 17, 2023, at 7:00 o'clock p.m. prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following resolution was offered by Member _____ and supported by Member _____:

WHEREAS, Section 8.5 of the City Charter of the City of Plymouth, Michigan (the "City") authorizes the City to levy up to 15 mills for municipal purposes; and

WHEREAS, the Home Rule Cities Act, Act 279 of the Public Acts of 1909, as amended ("Act 279") requires that the City Charter shall provide for the tax rate limitation of the City, which shall not exceed 2% (20 mills) of the taxable valuation of all real and personal property; and

WHEREAS, by operation of the Headlee Amendment to the Michigan Constitution and State law implementing the terms thereof, the City's effective City Charter tax rate limitation has been reduced from 15 mills to 10.3410 mills; and

WHEREAS, the City Commission desires to seek voter approval to amend the City Charter to authorize a parks and recreation millage of 1.75 mills, for 12 years, from 2024 through 2035, to acquire, construct, improve, furnish, operate and maintain parks and recreation facilities.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Proposed Amendment; Existing Provision. The City Commission by a three-fifths vote of its members-elect, pursuant to the authority granted by Act 279, proposes that Section 8.5 of the City Charter of the City shall be amended, to read as follows:

Section 8.5. - Adoption of Budget Tax Limit.

No later than the second regular meeting of the Commission in the month of June, the Commission shall, by resolution, adopt the budget for the next fiscal year and shall in such resolution make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for Municipal Purposes, which levy shall not exceed one and one-half percent (15 mills) of the taxable valuation of all real and personal property in the city: Provided, that such levy may be increased from time to time for one-year periods by a majority of the electors of the city voting at the election at which the proposition to do so shall be so submitted, but such increase shall be limited to an amount which will not cause the total levy under authority of this section to exceed two percent of the assessed value of the real and personal property in the city for the year in which such increase shall be authorized, subject to the provisions of state law relative to the assessment and levy of taxes for the payment of the principal of, or the interest on, bonds or other evidence of indebtedness issued by the city. In addition, the city may levy an amount not to exceed one and three-quarter thousandths (1.75 mills) of the taxable value of all real and personal property in the city, for 12 years, beginning in 2024 and through 2035,] to acquire, construct, improve, furnish, operate and maintain parks and recreation facilities.

The existing Section 8.5 of the City Charter of the City of Plymouth to be altered by such proposal, if adopted, now reads as follows:

Section 8.5. - Adoption of Budget Tax Limit.

No later than the second regular meeting of the Commission in the month of June, the Commission shall, by resolution, adopt the budget for the next fiscal year and shall in such resolution make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for Municipal Purposes, which levy shall not exceed one and one-half percent (15 mills) of the taxable valuation of all real and personal property in the city: Provided, that such levy may be increased from time to time for one-year periods by a majority of the electors of the city voting at the election at which the proposition to do so shall be so submitted, but such increase shall be limited to an amount which will not cause the total levy under authority of this section to exceed two percent of the assessed value of the real and personal property in the city for the year in which such increase shall be authorized, subject to the provisions of state law relative to the assessment and levy of taxes for the payment of the principal of, or the interest on, bonds or other evidence of indebtedness issued by the city.

2. Form of Ballot Proposal. The proposed amendment to Section 8.5 shall be submitted to the electors in the following form:

**PLYMOUTH CITY CHARTER AMENDMENT
FOR PARKS AND RECREATION MILLAGE**

Shall Section 8.5 of the Charter of the City of Plymouth, Wayne County, Michigan, be amended to permit the levy by the City of a new additional ad valorem property tax in an amount not to exceed one and three-quarters (1.75) mills, for 12 years, from 2024 through 2035, to provide funds to the City to acquire, construct, improve, furnish, operate and maintain parks and recreation facilities? It is estimated that 1.75 mills would raise approximately \$1,275,955 when first levied in 2024.

YES

NO

3. Submission to the Governor and Attorney General. The City Clerk shall transmit copies of the proposed amendment of Section 8.5 of the City Charter to the Governor of the State of Michigan for approval and transmit a copy of the foregoing statement of purpose of the proposed amendment of Section 8.5 of the City Charter to the Attorney General of the State of Michigan for approval, as required by law.

4. Submission at the General Election. The proposed charter amendment of Section 8.5 shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at a City election to be held on November 7, 2023, and the City Clerk is hereby directed to give notice of the election and notice of registration thereof in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the charter amendment to the vote of the electors as required by law.

5. Publication. The proposed amendment of Section 8.5 shall be published in full together with the existing charter provision altered or abrogated thereby as part of the notice of election.

6. Canvass. The canvass and determination of votes of said question shall be made in accordance with the laws of the State of Michigan and the City Charter of the City of Plymouth.

AYES: Members _____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

Maureen Brodie
City Clerk

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the City Commission of the City of Plymouth, County of Wayne, State of Michigan, at a regular meeting held on July 17, 2023, and that the meeting was conducted and public notice of the meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Maureen Brodie
City Clerk



Administrative Recommendation

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

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

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC:
Date: July 13, 2023
RE: Amendments to Fence Ordinance – First Reading

Background

One of the City Commission's objectives is to update the zoning ordinance to reflect the community vision. As a result, from time to time there is a need to amend Ordinances. Today, we are looking to update the sections related to picket fences which has been a regular item for the Zoning Board of Appeals.

Due to the number of variances requests the Planning Commission took up this issue and has recommended that changes be made in the affected ordinances. Further, the Planning Commission recommends that the City Commission set a public hearing for the same date as the second reading of the ordinance changes.

We have attached a memorandum from Greta Bolhuis which provides an extensive amount of background information on this subject. In addition, the City Attorney has reviewed the proposed changes as well.

Recommendation

The City Administration recommends that the City Commission approve the first reading of the Ordinance Amendments and set the public hearing for the second reading of the ordinance.

Greta has prepared a proposed Resolution for the City Commission to consider regarding this matter. Should you have any questions in advance of the meeting please feel free to contact Greta or myself.

ADMINISTRATIVE RECOMMENDATION

To: Paul Sincock, City Manager
From: Greta Bolhuis, AICP, Planning & Community Development Director 
Date: July 12, 2023
Re: Amendment to Fence Ordinance – 1st Reading

BACKGROUND:

As you are aware, the City Commission adopted has a key objective to “Modernize and update zoning ordinance to reflect community vision.” The proposed amendments to the fence ordinances aim to make the ordinance easier to understand and allow for picket fences in the side yard of corner lots, which has been a variance-magnet for the Zoning Board of Appeals.

Specific changes include a new definition for “picket fence”, new graphics showing the fence height and location permitted in residential districts, and the allowance of 48-inch picket fences to be erected in the side yard of a residential corner lot that has “two front yards”. Permitting 48-inch tall picket fences to be constructed in what commonly functions as the “side” and “rear” yard of a residential property allows homeowners to enclose their yards for safety of children and pets, while maintaining sightlines and airflow.

The fence ordinance requirements are in two sections of the Code of Ordinances: Chapter 18, Article X and Chapter 78, Article XVII, Section 208 and 209. As such, both articles need to be amended to match each other. It is anticipated that both sections containing the fence ordinance will be recodified as one article as part of the ongoing zoning audit project.

The Planning Commission reviewed and approved the proposed changes to Chapter 78, Article XVII, Section 208 and 209 at a public hearing in November 2022. A public hearing is required to consider the changes to Chapter 18 of the Code of Ordinances. The City Attorney has reviewed the proposed changes.

RECOMMENDATION:

Staff recommends that the City Commission complete a First Reading of the proposed fence ordinance language and approve the same. Staff further recommends the City Commission schedule a public hearing for the Chapter 18 code amendments and complete the 2nd Reading of the proposed amendments, at the next regular City Commission Meeting.

If you have any questions, please contact me directly.

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) ~~No fence or wall shall be constructed along the street line of a lot closer than one foot from the established sidewalk line. 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 ~~fences~~ 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).

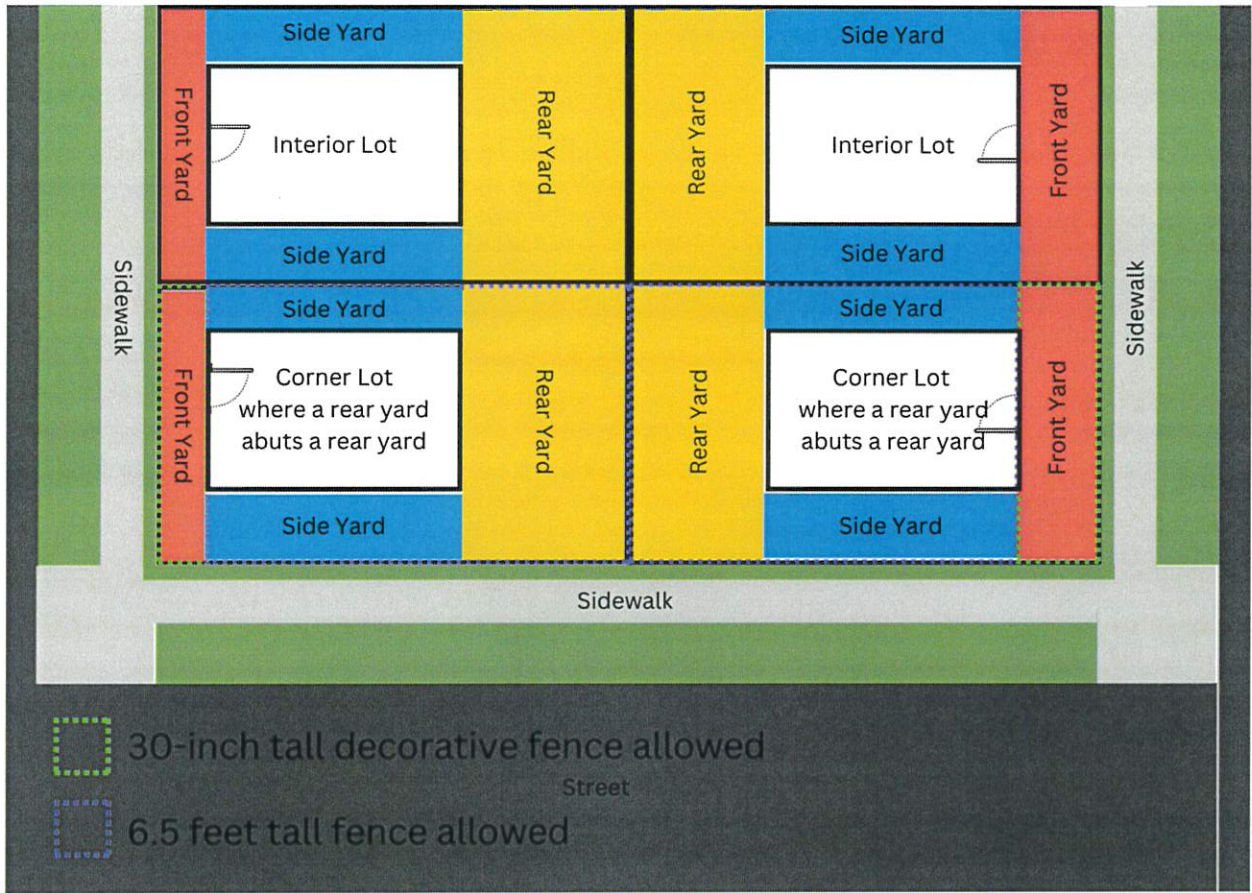


Figure 1.

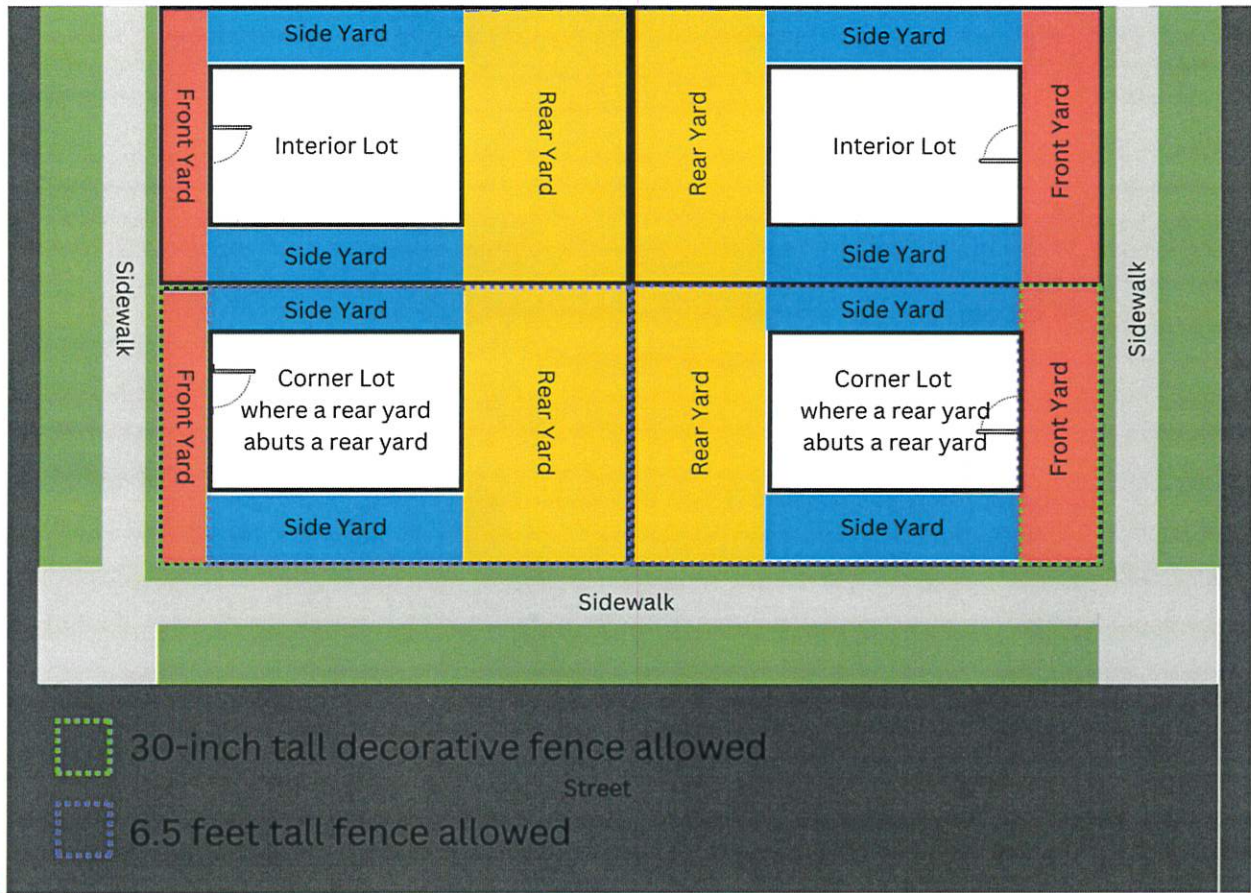


Figure 2.

In residential-zoned areas, fences and between lots shall not exceed a height above ground level of more than six and one-half feet, 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. In the case of a rear yard abutting a side yard, the side yard abutting a street shall be continuation of the required front setback on the lot to the rear, and no fence shall project into this area. When side yards abut on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district and no fence shall project into this area (see Figures 1, 2 and 3).

Figure 1.— Fence Location

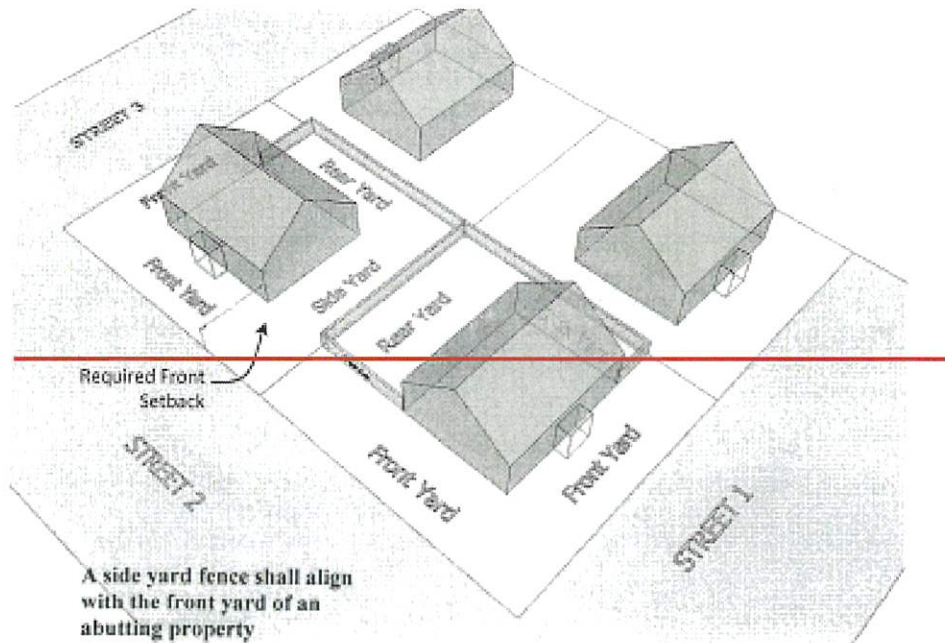


Figure 2.— Fence Location

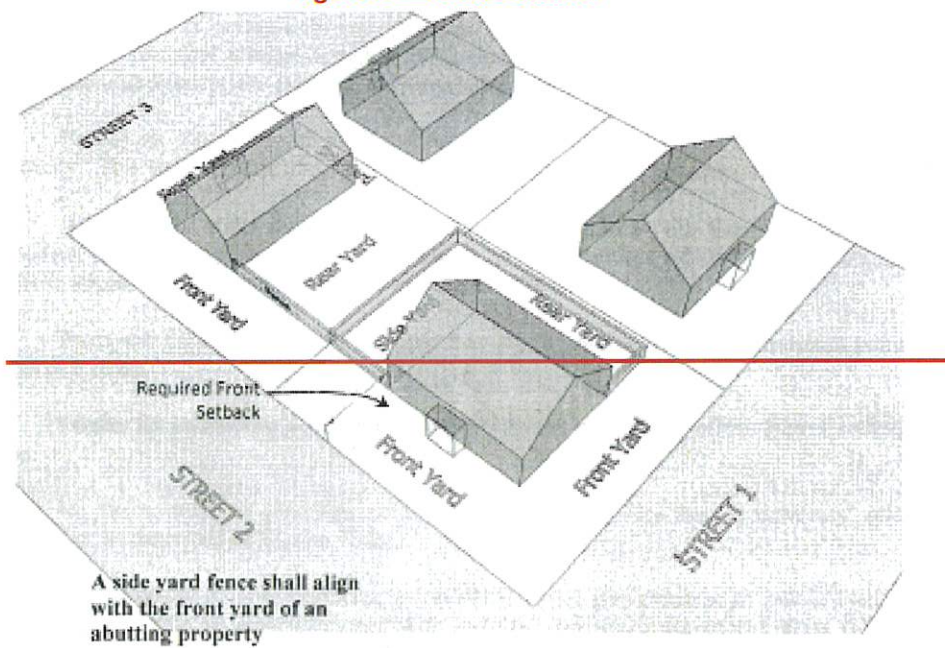
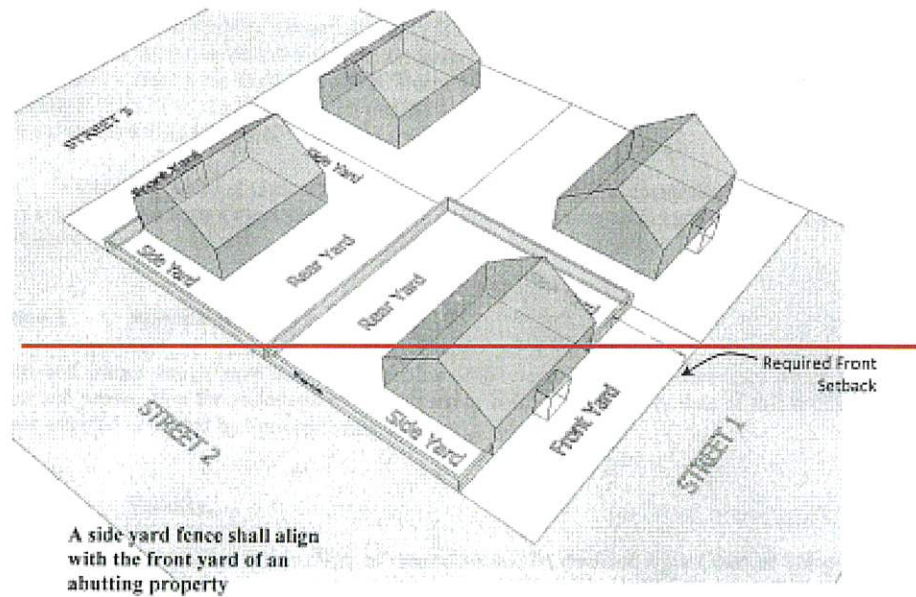


Figure 3.— Fence Location



- (f) ~~for those properties having side yards abutting upon streets, a fence may be constructed from the front building line to within one foot of the front sidewalk line, not to exceed 30 inches in height above gutter grade.~~
- (gf) 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.
- (hg) 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~~~~such provisions shall be controlling on the question of fences.~~ 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 no fence shall 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.

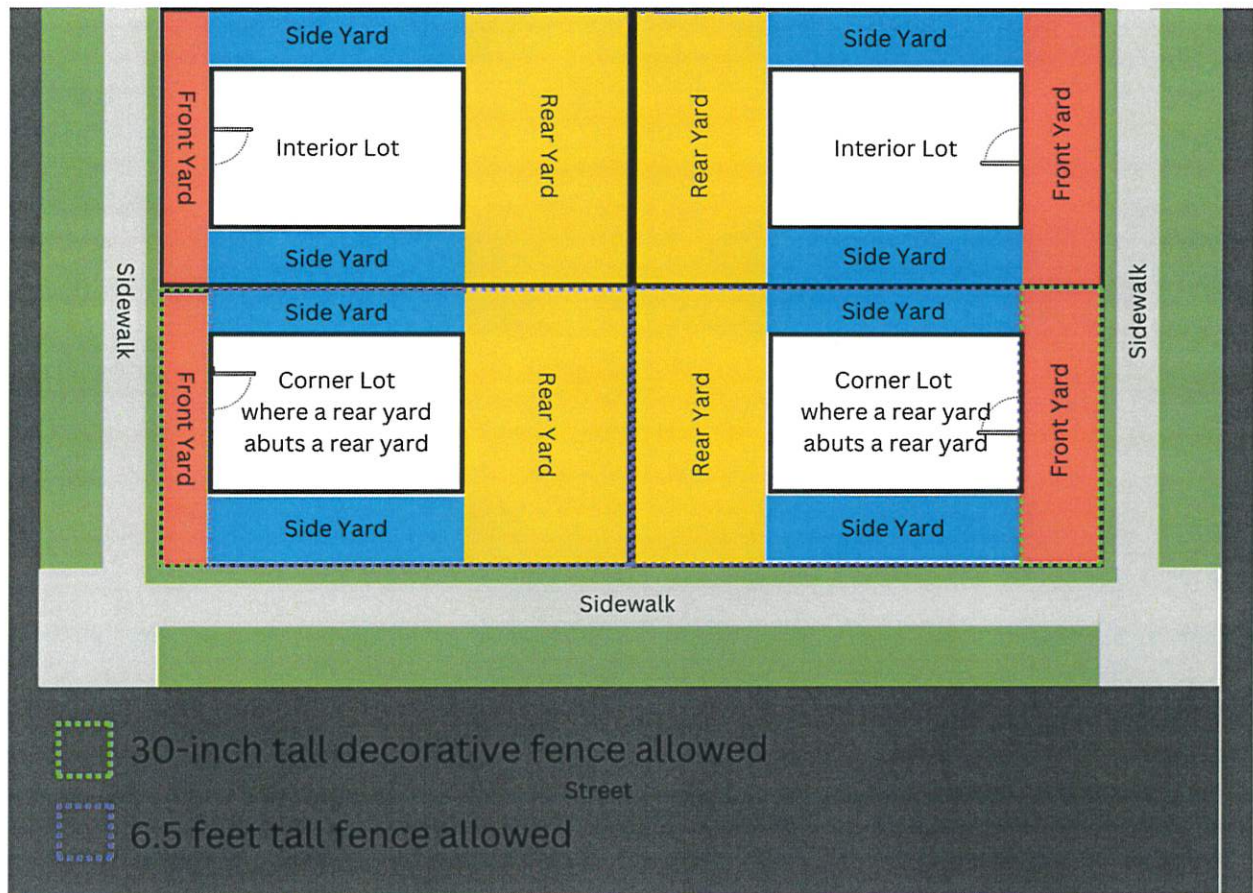
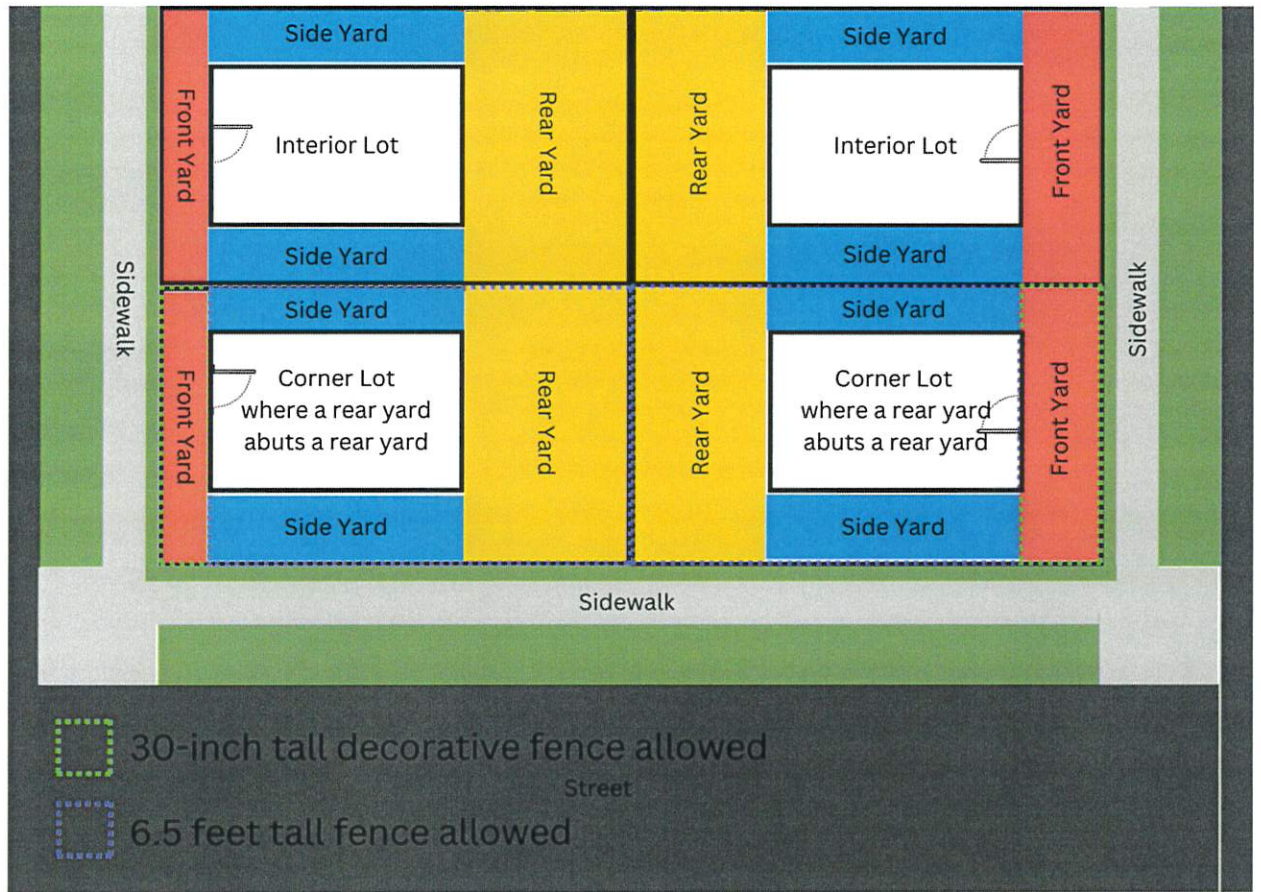


Figure 2.



When side yards abut on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district and no fence shall project into this area. (See Figures 1, 2, and 3)

Figure 1. Fence Location

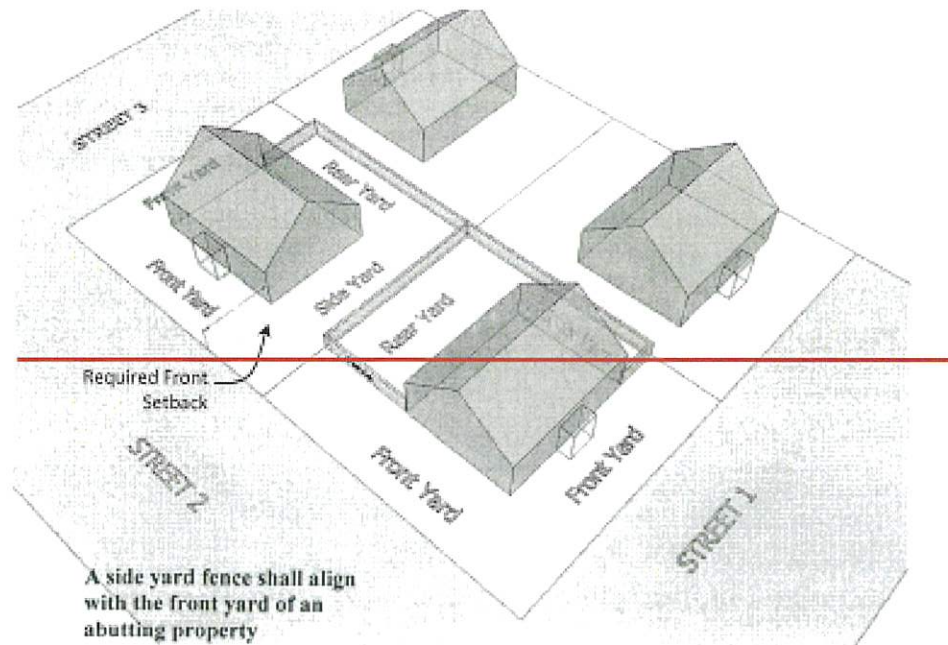


Figure 2.— Fence Location

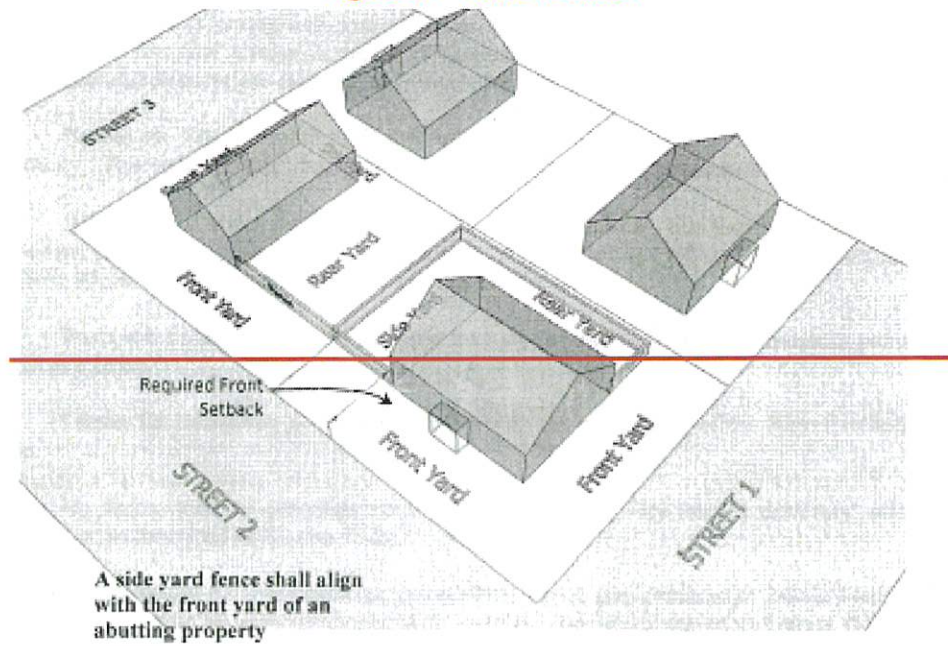
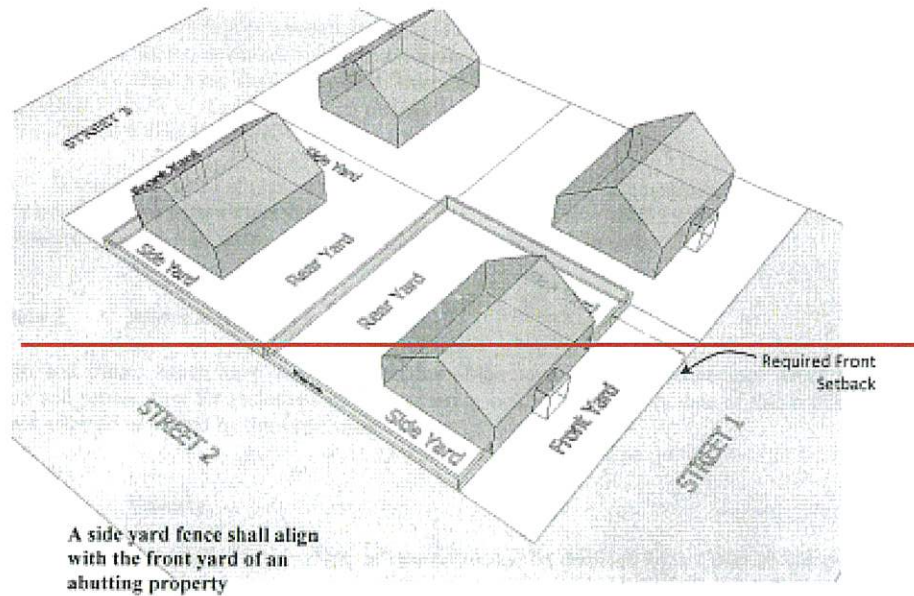


Figure 3.— Fence Location



~~(2) Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.~~

(23) 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.

(34) 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.

(45) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.

(56) Fences for swimming pools shall comply with the regulations of the state construction code.

(67) 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.

(78) 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.

(89) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets fences 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.

(910) 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)

RESOLUTION

The following Resolution was offered by Commissioner _____ and seconded by
Commissioner _____.

- 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.

NOW THEREFORE BE IT RESOLVED THAT the City Commission does hereby approve the first reading of the amendments to the fence ordinances and schedule a second reading and public hearing for the next regular City Commission meeting.