City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

City Commission Meeting
September 8, 2015
Agenda

Honorable Mayor, City Commissioners and Residents: This shall serve as your official notification of the Public Hearings and Regular City Commission Meeting to be held Tuesday, September 8, 2015, at 7:30 p.m., in the City Commission Chambers, 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069. The following items are on the Agenda for your consideration:

PUBLIC HEARINGS AND REGULAR CITY COMMISSION MEETING – 7:30 P.M.

1. **Meeting Called to Order.**

2. **Pledge of Allegiance.**

3. **Roll Call.**

4. **Recognition of the Pleasant Ridge Cubs Majors Baseball Team as the Tri-City Majors Champions.**

5. **PUBLIC DISCUSSION – items not on the Agenda.**

6. **Request by Whistle Stop I, Inc., to transfer the Class C Liquor License from Mae's Restaurant, Inc:**
   a. **Public Hearing** – Solicitation of public comments on the request by Whistle Stop 1, Inc., to transfer the Class C liquor license from Mae's Restaurant, Inc.., to Whistle Stop 1, Inc., to operate the Whistle Stop restaurant at 24060 Woodward Avenue, Pleasant Ridge, Michigan.
   b. Transfer the Class C liquor license from Mae's Restaurant, Inc.., to Whistle Stop 1, Inc., to operate the Whistle Stop restaurant at 24060 Woodward Avenue, Pleasant Ridge, Michigan.

7. **Governmental Reports.**

8. **City Commission Liaison Reports.**
   - **Commissioner Foreman – Committee Liaison**
   - **Commissioner Perry – Planning and DDA**
   - **Commissioner Scott – Historical Commission**
   - **Commissioner Krzysiak – Recreation Commission**

9. Consideration of the following Consent Agenda.

All items listed on the Consent Agenda are considered to be routine by the City Commission, will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of these items unless a City Commissioner or visitor so requests, in which event, the item will be removed from the consent agenda and considered as the last item of business.

a. Minutes of the Public Hearing and Regular City Commission Meeting held Tuesday, August 11, 2015.
b. Monthly Disbursement Report.
c. Proclamation declaring September as National Preparedness Month.
d. Proclamation declaring September 17th as Citizenship Day and September 13 – 19, 2015, as Constitution Week.
e. Appointment of Amy M. Drealan, as officer delegate to the Municipal Employee's Retirement Systems (MERS) Annual Meeting to be held in October 2015.
f. Resolution of support for the letter regarding eco-friendly lawn and garden products by the Pleasant Ridge Environmental Committee.
g. Request by Detroit Public Television to solicit door-to-door from September 10 through November 10, 2015.

10. Receipt of Correspondence from Thea Augustyn, 20 Maplefield, regarding a pit bull and vicious dog ban.

11. City Manager's Report.

12. Other Business.

13. Adjournment.

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the City at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.

City of Pleasant Ridge

Amy M. Drealan, City Clerk

From: Amy M. Drealan, City Clerk
To: City Commission
Date: September 8, 2015
Re: Pleasant Ridge Cubs Recognition

The 2015 Pleasant Ridge Cubs finished the regular season with a 12-0 record and continued their winning ways in the playoffs by winning the league championship. Along the way, the Cubs outscored their opponents by a margin of 166-43 and won 8 games by mercy. More importantly than winning, every player contributed to the success of the team. All the players played infield every game, and at least 7 different players pitched in games. Every player added hits and drove in important runs during the season.

This team is a model for what recreational little league baseball is all about – the chance for kids to learn a skill, have great moments that they will always remember, and most of all – have fun. Special thanks to the coaching staff of Eric Scheible, Tim Ruokolainen, Brian Kelly & Mike Pozolo.

The Championship roster includes:
Sam Curoe
Jada Davis
Duncan Donley
Zak Kelly
Cameron Khan
Christopher Khan
Ryan Kruse
Tyler Montilus
Zac Pozolo
Ben Plunkey
Frank Ruokolainen
Aidan Scheible
Gabe Stacey
Charlie Stokes
Owen Weiermiller

Batboys: Charlie Ruokolainen, Alexander Scheible, Patrick Scheible

Mr. Pietrzak, members of the coaching staff and some players will attend the meeting to discuss this matter further.

City of Pleasant Ridge

Amy M. Drealan, City Clerk

From: Amy M. Drealan, City Clerk

To: City Commission

Date: September 8, 2015

Re: Mae's/Whistle Stop Liquor License Transfer

Overview

As you are aware, there is a pending application for a transfer of ownership of the existing Mae's liquor license to the new owners of the Whistle Stop restaurant. The City Commission will hold a public hearing, and consider the transfer request, assignment of the Liquor License to Whistle Stop and the proposed Operations Agreement. The City's Liquor Control Ordinance and agreement with the business owner allows the City some control of the establishment. For example, the Ordinance established general criteria, such as the application process, the business plan requirements, review for renewal, etc., while the agreement between the City and the Owner includes specific conditions for the operation of the business, such as hours of operation, inspections or any change to the operation. The City would have statutory power to control the liquor license and the license could only be renewed by the City after the annual review.

Background Information

Jessica McCarthy, the former owner of Mae's, applied for and received one of the City's two quota liquor licenses in 2013. Mae's was quite a popular eatery for the several years the McCarthy's operated the restaurant. The owners of Whistle Stop, Valter Xhomaqi and David Crisovan, purchased the business (Mae's) in April 2015 and began renovations to the existing restaurant. They reopened and have enjoyed continued success at that location.

At this time, Mr. Xhomaqi is requesting a transfer of the liquor license formerly held by Jessica McCarthy/Mae's Restaurant Inc. He has submitted his application to the City as well as the MLCC. It is my understanding that the MLCC has received and will likely approve the application.

The operation of the restaurant has been monitored by the City since opening. There have been no incidents to report or any cause for concern about the new operation. In July of this year the City facilitated an informal meeting between Mr. Xhomaqi and Mr. Crisovan with the nearby residents of Amherst to discuss any ongoing issues with the operation of the restaurant, and to identify solutions if issues exist. There was a good dialogue between the owners and residents and some of the concerns are being proactively addressed by the new owners of the restaurant. Two long-standing issues of concern at the restaurant have been parking and trash:

Parking

Parking has been an issue of ongoing concern since Mae's was initially opened. With the transfer of the restaurant to the current owners it appears that the parking situation on Amherst has improved.

The City has installed new signs directing traffic to the public parking lot at Wellesley and Woodward, and the Whistle Stop owners have put out signs of their own directing patrons to the public lot.

It is important to note that the restaurant meets the minimum parking requirement. A total of 6 spaces are required, which are all available on Amherst adjacent to the restaurant and in the Wellesley public parking lot.

Trash
Trash has been another ongoing issue with the restaurant. The Whistle Stop proprietors have arranged for an additional pick up through Tringali, so the trash is picked up twice a week. This appears to have significantly improved the trash issue at the restaurant.

As mentioned, the City's Liquor Control Ordinance and Liquor License application are restrictive. Mr. Xhomaqi has completed the application and it has been reviewed and approved by the City Attorney, Police Department and City Administration. Much of the information contained in the application is personal and confidential and, to protect the privacy of the applicant, has not been included in the packet. A draft development and operations agreement and assignment of liquor license are attached.

Requested Action

The City's Liquor Control Ordinance, extensive application process and a comprehensive Development and Operations Agreement between the City and the applicants provides control and protection of the liquor license and ensures that the restaurant will operate under specific conditions established by the City. The City Commission should hold the public hearing and approve or deny the operating agreement and assignment of the liquor license to Whistle Stop.

Please feel free to contact me should you wish to discuss this matter further.

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall - 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____
(For MLCC use only)

Conditional License - Application to Transfer Ownership

[Authorized under MCL 436.1525(5)]

- This form must be completed in its entirety and returned with all documents and fees required to process your conditional and permanent license applications.
- Failure to submit a completed application, proof of financial responsibility, property document and conditional license fee totaling $300.00 will delay issuance of the conditional license.

Part 1: Applicant Business Information

Name of Applicant Entity: Whistle Stop 1, Inc. DBA: Mae's Restaurant

Street Address of Business: 24060 Woodward

City, Village or Township: Pleasant Ridge Zip Code: 48069 County: Oakland

Part 2: Applicant Certification - Check the box to certify the following:

☒ I certify that:

I certify that all information contained in my application for conditional and permanent licensure is true and accurate.

I understand that a conditional license issued to me by the Commission is nontransferable and nonrenewable.

I understand that it is my responsibility to maintain acceptable proof of financial responsibility for my conditional license.

I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules.

I understand that issuance of a conditional license does not guarantee approval of a permanent license.

I understand that my conditional license will be issued only after receipt of the current license for escrow.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

4/24/15 — Date
Valter Xhomaqi, President — Applicant, print name and title
Applicant signature

Seller's Acknowledgement of Conditional License Request:

4/27/15 — Date
Mark S. Papazian, Esq., Court Appointed Receiver — Seller, print name and title
Seller signature

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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04/ 24 /15	Valter Xhomaqi, Pres.	Valter Xhomaqi
Date	Applicant, print name and title	Applicant signature

Seller's Acknowledgement of Conditional License Request:

04/ /15	Mark S. Papazian, Esq., Court Appointed Receiver	
Date	Seller, print name and title	Seller signature

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Business ID: _____

Request ID: _____
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Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

PLEASE READ! Complete this form in its entirety and return it, along with corresponding documents and fees, to the address listed at the top of this form. You may provide a copy of this application to your local municipal board for review, if applicable.

Part 1 - If you are requesting a license as a part of your application please answer the questions below:

Are you requesting a new license as a part of your application? ☒ Yes ☐ No

Are you buying an existing license as a part of your application? ☒ Yes ☐ No

Is this license being transferred as a result of a default or court action? ☒ Yes ☐ No

Do you intend to actively use this license or hold it in escrow? ☒ Active Operation ☐ Escrow

Part 2 - Transaction Information: Check boxes applicable to your application ☐ New license ☐ New permit

☒ Transfer ownership ☐ Add space ☐ Change status (self incorporation) ☐ Transfer stock/interest

☐ Transfer location ☐ Drop space ☐ Transfer classification type of license ☐ Transfer limited partnership interest

Name(s) of current licensee: Mae's Restaurant, Inc.

Current licensed address: 24060 Woodward, Pleasant Ridge, MI 48069

Part 3 - Application Information

Name of entity/person that will hold the license: Whistle Stop 1, Inc.

- Corporations/Limited Liability Company(s) - State the name as it is filed with the State of Michigan Corporation Division and provide a copy of your articles.
- Corporations/Limited Liability Company(s) must provide a list of stockholders/members in Part 8 of this form.
- If your company has not filed with the State of Michigan, you must submit a copy of a filed certificate of authority to transact business in Michigan along with your application.

What is the physical address of the premises where the license will be located? (Street address, city/village/township and zip code)

24060 Woodward, Pleasant Ridge, MI 48069

What city, township or village is this business located? Pleasant Ridge

Part 4 - Definitions

Off-premise licenses - Licenses that are issued for the type of business where alcoholic beverages are sold for consumption elsewhere, and where consumption on the premises is not allowed. There are two main types; SDD (spirits and mixed drink spirits) and SDM (beer and wine). Please check the appropriate box for your request. Note: Any additional transfer or license fees may be calculated and collected at a later date.

On-premise licenses - Licenses that are issued to allow alcoholic beverages to be sold, served and consumed on the premises. Note: Any additional transfer or license fees may be calculated and collected at a later date.

Part 5 - Inspection Fees: Check box applicable to your application

☐ Inspection fee for one license type - inspection fee is $70.00

☒ Inspection fee for two license types - inspection fee is $140.00

☐ Inspection fee for three license types - inspection fee is $210.00

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Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 6 - Licenses and Permits: Check the type of license and permits that you need to complete your request

MCL 436.1525(1) provides that license fees shall be paid at the time of filing applications. (All checks/money orders should be made payable to the State of Michigan)

Off Premise License Type:	Base Fee:
☒ SDM License	$100.00
☐ SDD License	$150.00
☐ Resort SDD License	Upon Licensure
☐ Transfer Resort SDD license	$150.00

On Premise License Type:	Base Fee:
☐ B-Hotel License	$600.00
☐ A-Hotel License	$250.00
☐ Brewpub license	$100.00
☒ Class C License	$600.00
☐ Club License	$300.00
☐ Resort License	Upon Licensure
☐ Redevelopment License	Upon Licensure
☐ Tavern License	$250.00
☐ G-1 License	$1,000.00
☐ G-2 License	$500.00
☐ Aircraft License	$600.00
☐ Watercraft License	$100.00
☐ Train	$100.00
☐ Continuing Care License	$600.00

On/Off Premise Permission Type:	Base Fee:
☐ Off-premise Storage	No charge
☐ Direct Connection(s)	No charge
☐ Gas Pumps	No charge

*Note: MCL 436.1529(5)(b) provides that an inspection fee shall not be required for the issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

**Note: $350.00 is due for each additional bar requested. This fee must also be included when calculating the total amount due for Sunday Sales Permit (PM).

Off Premise Permits:	Base Fee:
☐ Sunday Sales Permit (AM)	$160.00
☐ Sunday Sales Permit (PM) (Held with SDD license)	$22.50
☐ Catering Permit	$100.00
☐ Beer and Wine Sampling	No charge *
☐ Living Quarters	No charge *

*Note: MCL 436.1529(5)(b) provides that an inspection fee shall not be required for the issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

On Premise Permit Type:	Base Fee:
☒ Sunday Sales Permit (AM)	$160.00
☒ Sunday Sales Permit (PM)	15% of license fee
☒ Catering Permit	$100.00
☒ Outdoor Service	No charge *
☐ Entertainment Permit	No charge *
☐ Dance Permit	No charge *
☐ Topless Activity Permit	No charge *
☐ Living Quarters	No charge *

☐ Specific Purpose Permit (list activity below):

Hours requested: _____

☐ Extended Hours Permit (check type below): No charge *

○ Dance ○ Entertainment

Hours requested: _____

☐ New Additional Bar Permit (s)** Indicate #: _____ $350.00

☐ New Banquet Facility Permit $600.00

Address of proposed banquet facility:

_____

A Banquet facility permit is an extension of your license and is different from a banquet room in your facility.

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Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 7a - Name and Address of stockholder/member/limited partner

- Each stockholder/member/partner must complete Part 7b of the application.
  (For companies with multiple stockholders/members/partners, please make copies of this section for each person/entity to complete)
- Administrative rule R 436.1115 provides that an applicant for a license shall submit fingerprints and undergo investigation by the Commission. Fingerprints are not required for an applicant previously fingerprinted for a license with the Commission.
- Follow instructions for completing and submitting fingerprint information for Michigan and out of state applicants.

Name: Valter Xhomaqi

Home address: c/o 501 S. Eton, Birmingham, MI 48009

Business Phone: [redacted] Cell Phone: _____ E-mail address: [redacted]

Part 7b - Personal Information (Individuals)

Date of Birth: [redacted] Social Security Number: [redacted] Drivers License Number: [redacted]

Are you a citizen of the United States of America? ☑ Yes ☐ No

Have you ever legally changed your name? ☐ Yes ☑ No List maiden names, or name changes due to naturalization or court order

If you answered yes, please state your prior name(s) (including maiden): _____

Have you ever been arrested? ☐ Yes ☑ No If yes, list below (attach additional pages if necessary)

Date	City/State	Charge	Disposition

Have you ever been licensed by the Michigan Liquor Control Commission? ☐ Yes ☑ No

If you are currently married, what is your **spouse's** full name? Elda Xhomaqi
(first, middle, last)

Spouse's date of birth: [redacted]

Is your **spouse** a citizen of the United States of America? ◉ Yes ○ No (If you answered "no", you will be asked to provide documentation to verify your spouse's legal status)

Has your **spouse** ever been arrested? ○ Yes ◉ No If yes, list below (attach additional pages if necessary)

Date	City/State	Charge	Disposition

Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan (civil defense volunteer policeman, mayors, village presidents, and members of city councils are not considered to be law enforcement officers).

☐ Yes ☑ No

Do you or your spouse hold a manufacturer or wholesale license in Michigan?

☐ Yes ☑ No

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

4/24/15 (Date)

Valter Xhomaqi Pres. (Individual, print name and title)

Valter Xhomaqi (Individual signature)

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Business ID: _____

Request ID: _____
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Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 8 - Report of Stockholders/Members/Limited Partners

Complete this section and attach more copies of this page if more room is needed.

Name and Address of stockholder/member:	Number of Shares/Percentage Held:
David M. Crisovan, c/o 501 S. Eton, Birmingham, MI 48009	10%
Valter Xhomaqi, c/o 501 S. Eton, Birmingham, MI 48009	90%

Name and address of Corporate Officers and Directors, pursuant to administrative rule R 436.1109

Elda Xhomaqi, c/o 501 S. Eton, Birmingham, MI 48009

Valter Xhomaqi, c/o 501 S. Eton, Birmingham, MI 48009

Name and address of Managers and Assignees, pursuant to administrative rule R 436.1110

What is the total number of shares that the corporation has issued to its stockholders? _____

Limited Partnerships

Name and address of General Partner(s) - Attach additional pages if necessary

Name and address of Limited Partner(s) - Attach additional pages if necessary

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Business ID: _____

Request ID: _____
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Application for New Licenses, Permits, or Transfer of Ownership or Interest in License

(Retail License Applicants)

Part 9 - Contact Information

Once the Commission has rendered a decision on your request there will be additional information that you will be required to provide. Complete this section so we know where to send your Commission Order and any closing packages.

What is your preferred method of receipt? (•) Mail ( ) E-Mail ( ) In office pick-up

(If you choose to pick this package up in the office our staff will contact you when it is ready)

Contact Name: Valter Xhomaqi

Mailing Address: c/o Whistle Stop Restaurant, 501 S. Eton, Birmingham, MI 48009

Business Phone: [redacted] Cell Phone: _____ E-mail address: _____

Part 10 - Attorney Information

Do you have an attorney representing you in this matter? (•) Yes ( ) No

Attorney Name: John B. Carlin, Jr. Member Number: P-[redacted]

Street Address, City, State, Zip Code: [redacted] Sylvan Lake, MI 48320

Business Phone: [redacted] Cell Phone: _____ E-mail address: [redacted]

Would you prefer that we contact your attorney for all licensing matters related to your request? (•) Yes ( ) No

Would you prefer any closing packages or notices be sent directly to your attorney? (•) Yes ( ) No

Be advised that the information contained in this application will only be used for this request. This section will need to be completed for each subsequent request you make with this office.

Signature of Applicant:

Notice: When purchasing a license, a buyer can be held liable for tax debts incurred by the previous owner. Prior to committing to the purchase of any license or establishment, the buyer should request a tax clearance certificate from the seller that indicates that all taxes have been paid up to the date of issuance. Obtaining sound professional assistance from an attorney or accountant can be helpful to identify and avoid any pitfalls and hidden liabilities when buying even a portion of a business. Sellers can make a request for the tax clearance certificate through the Michigan Department of Treasury.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this permit by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

4/24/15 — Date

Valter Xhomaq, President — Print name of applicant/licensee and title

Valter Xhomaqi — Signature of applicant/licensee

To check the status of your request, visit www.michigan.gov/lcc and click on "Online Services." Scroll down to Liquor Control Commission and click on "Online Status Check." Enter your request id number (RID) to check on your application 24 hours a day.

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Business ID: _____

Request ID: _____
(For MLCC use only)

Report of Stockholders/Members/Partners

(Authorized by MCL 436.1529(1); R 436.1051 and R 436.1110)

Name and Registered Address of Entity

Name of entity: Whistle Stop 1, Inc.

Address: 501 S. Eton

City, State, Zip Birmingham, MI 48009

Corporations - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all stockholders:	Certificate Numbers:	Shares Issued:	Date Issued/Acquired:
David M. Crisovan, c/o 501 S. Eton, Birmingham, MI 48009	1	10	
Valter Xhomaqi, c/o 501 S. Eton, Birmingham, MI 48009	2	90	

Name and address of Corporate Officers and Directors, pursuant to administrative rule R 436.1109:

Elda Xhomaqi, c/o 501 S. Eton, Birmingham, MI 48009, Secretary/Treasurer

Valter Xhomaqi, c/o 501 S. Eton, Birmingham, MI 48009, President and Director

Our Attorneys, John B. Carlin, Jr., Scott Edwards, Michael J. Brown, and Rick Perkins, Irene McGlinchey, are also authorized to execute documents,

[redacted] Sylvan Lake, MI 48320 or [redacted] Lansing, MI 48917

Limited Liability Companies - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all members:	Percent % Issued:	Date Issued/Acquired:
n/a		

Name and address of Managers and Assignees, pursuant to administrative rule R 436.1110:

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(Authorized by MCL 436.1529(1); R 436.1051 and R 436.1110)

Limited Partnerships - Please complete this section and attach more copies of this page if more room is needed.

Name and address of all partners:	Percent % Issued:	Date Issued/Acquired:
n/a		

Name and address of Managers, pursuant to administrative rule R 436.1111:

Signature of Applicant:

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

04/ 24 /15	Valter Xhomaqi, President	Valter Xhomaqi
Date	Print name of applicant/licensee and title	Signature of applicant/licensee

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

04/21/2015 1:31PM (GMT-04:00)

CSCL/CD-500 (Rev. 01/14)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

Date Received	(FOR BUREAU USE ONLY)
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name
I.Q. ACCOUNTING, INC

Address
22307 GREATER MACK

City	State	ZIP Code
SAINT CLAIR SHORES	MI	48080

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF INCORPORATION
For use by Domestic Profit Corporations
(Please read information and instructions on reverse side)

Pursuant to the provisions of Act 284, Public Acts of 1972, the undersigned executes the following Articles:

ARTICLE I

The name of the corporation is:

WHISTLE STOP 1, INC

ARTICLE II

The purpose or purposes for which the corporation is formed is to engage in any activity within the purposes for which corporations may be formed under the Business Corporation Act of Michigan.

ARTICLE III

The total authorized shares:

1. Common Shares 60,000 (SIXTY THOUSAND SHARES)

   Preferred Shares _____

2. A statement of all or any of the relative rights, preferences and limitations of the shares of each class is as follows:

ARTICLE IV

1. The name of the resident agent at the registered office is: VALTER XHOMAQI

2. The street address of the location of the registered office is:

   24060 WOODWARD AVE (Street Address) PLEASANT RIDGE (City), Michigan 48069 (Zip Code)

3. The mailing address of the registered office if different than above:

   SAME AS ABOVE (P.O. Box or Street Address) _____ (City), Michigan _____ (Zip Code)

Apr. 21. 2015 1:29PM No. 7510 P. 2

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
VALTER XHOMAQI	24060 WOODWARD AVE, PLEASANT RIDGE MI 48069

ARTICLE VI (Optional, Delete if not applicable)

When a compromise or arrangement or plan of reorganization of this corporation is proposed between this corporation and its creditors or any class of them or between this corporation and its shareholders or any class of them, a court of equity jurisdiction within the state, on application of this corporation or of a creditor or shareholder thereof, or an application of a receiver appointed for the corporation, may order a meeting of the creditors or class of creditors or of the shareholders or class of shareholders to be affected by the proposed compromise or arrangement or reorganization, to be summoned in such manner as the court directs. If a majority in number representing 3/4 in value of the creditors or class of creditors, or of the shareholders or class of shareholders to be affected by the proposed compromise or arrangement or a reorganization, agree to a compromise or arrangement or a reorganization of this corporation as a consequence of the compromise or arrangement, the compromise or arrangement of the reorganization, if sanctioned by the court to which the application has been made, shall be binding on all the creditors or class of creditors, or on all the shareholders or class of shareholders and also on this corporation.

ARTICLE VII (Optional, Delete if not applicable)

Any action required or permitted by the Act to be taken at an annual or special meeting of shareholders may be taken without a meeting, without prior notice, and without a vote, if consents in writing, setting forth the action so taken, are signed by the holders of outstanding shares having not less than the minimum number of votes that would be necessary to authorize or take the action at a meeting at which all shares entitled to vote on the action were present and voted. A written consent shall bear the date of signature of the shareholder who signs the consent. Written consents are not effective to take corporate action unless within 60 days after the record date for determining shareholders entitled to express consent to or to dissent from a proposal without a meeting, written consents dated not more than 10 days before the record date and signed by a sufficient number of shareholders to take the action are delivered to the corporation. Delivery shall be to the corporation's registered office, its principal place of business, or an officer or agent of the corporation having custody of the minutes of the proceedings of its shareholders. Delivery made to a corporation's registered office shall be by hand or by certified or registered mail, return receipt requested.

Prompt notice of taking of the corporate action without a meeting by less than unanimous written consent shall be given to shareholders who would have been entitled to notice of the shareholder meeting if the action had been taken at a meeting and who have not consented to the action in writing. An electronic transmission consenting to an action must comply with Section 407(3).

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the incorporator(s) sign my (our) name(s) this 21ST day of APRIL, 2015

Valter Xhomaqi

VALTER XHOMAQI

OPERATING AGREEMENT

OPERATING AGREEMENT
Whistle Stop Liquor License

THIS OPERATION AGREEMENT ('Agreement") is made and entered into on_____, 2015, by and between the City of Pleasant Ridge, a Michigan municipal corporation, whose address is 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069 (referred to in this Agreement as the "City"); Valter Xhomaqi, whose address is 501 S. Eton, Birmingham, Michigan 48009; and Whistle Stop I, Inc., a Michigan corporation, whose address is 501 S. Eton, Birmingham, Michigan. Valter Xhomaqi and Whistle Stop I, Inc. are referred to jointly in this Agreement as the "Applicant." The City and the Applicant are collectively referred to in this Agreement as the "Parties".

Recitals

A. The Applicant desires to operate a restaurant known as Whistle Stop (referred to in this Agreement as the "Restaurant") located at 24060 Woodward Avenue, Pleasant Ridge, Michigan, whose legal description is attached as Exhibit A (referred to in this Agreement as the "Property").

B. The Applicant has requested that the City approve a transfer to it of the existing Class C liquor license (referred to in this Agreement as the "License") that was issued in 2013 from the City's quota of such licenses for use at the Restaurant.

C. Under Sections 501 and 531 of the Michigan Liquor Control Code of 1998 (being MCL 436.1501 and 436. 1531), it is within the City's discretion to approve the issuance of Class C liquor licenses, including transfers, and the City is neither required to approve issuance of a minimum number of Class C quota liquor licenses, nor required to approve the transfer of any existing Class C quota liquor licenses.

D. The City has adopted Ordinance No. 391, which applies to the original City approval of the License and to the transfer presently requested by the Applicant. Said Ordinance No. 391, as it may be amended from time to time, is known and referred to in this Agreement as the "Liquor Control Ordinance."

E. As part of the Applicant's application, to the City, for the License and as an inducement to the City to approve the issuance of the License to the Applicant for its use at the Restaurant, the Applicant proposed and incorporated a plan of operation for the Restaurant, which is attached as Exhibit B (the "Plan"), and a site plan for the Property, which is attached as Exhibit C (the "Site Plan").

F. For the same purposes of inducing the City to approve the transfer and issuance of the License to the Applicant for its use at and continued operation of the Restaurant, the Applicant acknowledges that it has voluntarily offered or accepted the restrictions regarding the operation of the Restaurant as set forth or referred to in this Agreement and is, in all respects, willing to abide by the terms of this Agreement.

G. The City held a public hearing on _____, to consider the Applicant's request for the License, pursuant to the Liquor Control Ordinance.

H. The City has approved the Applicant's application for the transfer and issuance to it of the License at the Restaurant, pursuant to the Liquor Control Ordinance, and, consistent with Applicant's representations and the City's approval, the Applicant and the City enter into this Agreement.

Agreement

NOW, THEREFORE, as an integral part of the approval of the transfer and issuance of the License to the Applicant for its use at the Restaurant, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, IT IS AGREED as follows:

1. **Recitations and Exhibits.** The Recitations, above, are incorporated herein by this reference and expressly agreed to and made a part of this Agreement for all purposes. The exhibits attached hereto and the information contained therein are incorporated herein as though fully set forth as part of this Agreement.

2. **Approval of License.** The City will, in reliance upon the Applicant's agreement herein, declare its approval of the transfer and issuance of the above quota Liquor License to the Applicant for its use at the Licensed Premises as having been finalized and will notify the MLCC of said City approval.

3. **Operation.** In connection with its operation of the Restaurant and use of the License, the Applicant agrees to comply with:

   (a) all restrictions, limitations, requirements, representations and standards offered, proposed, set forth or otherwise identified in the Plan, the Site Plan, this Agreement, the Liquor Control Ordinance, and all other applicable federal, state and City laws, ordinances, rules and regulations (altogether the "Documents"); and

   (b) the following additional requirements:

      (i) except as provided in (ii), below, the days and hours of operation shall be limited to 7:30 a.m. until 3:00 p.m. from Monday through Saturday, and 8:00 a.m. until 3:00 p.m. on Sunday;

      (ii) the Restaurant may open for occasional private events (e.g, Birthday partes, baby showers, and wedding showers) between the hours of 5:30 p.m. and 10:30 p.m., provided there shall not be more than 1 such event in any (7) day period and no more than two (2) such events in any thirty (30) day period, and provided further that the Restaurant shall not be open to the general public during such events;

      (iii) there shall be no entertainment, such as performances, motion pictures, contests, patron dancing, other dancing, closed circuit television, or topless activity (as that term is defined by subsection 916(15) of the Michigan Liquor Control Code of 1998), at the Restaurant, and the Applicant hereby waives and releases the City from any claim that this mutually agreed upon restriction is unconstitutional or otherwise unenforceable.

In the event of any conflict between (a) and (b), above, the requirements in (b) shall apply.In the event of any conflict between any provisions of the Documents (other than the provisions in (b), above), the

City shall have the sole discretion to determine which provision applies and shall notify Applicant of such determination in writing.

(c) Outdoor Dining. A special land use was approved by the Pleasant Ridge Planning Commission with the following conditions:

(i) Location. The patio shall be designed and constructed and may operate in the area shown on the approved site plan.

(ii) Hours of operation. The outdoor patio may only operate during the normal business hours of the existing restaurant.

(iii) Dates of operation. Outdoor dining is permitted between April 15 and October 31. All furniture and fixtures must be removed immediately after October 31.

(iv) Outdoor music. There shall be no live or recorded music played outdoors on the patio.

(v) Patio permit renewal. If the patio creates a large volume of resident complaints due to the impacts of its operation, City Staff will place the patio item on a Planning Commission agenda for re-consideration of the special land use permit prior to renewal of the outdoor dining license.

(vi) Compliance with City Ordinances. The outdoor patio shall comply with all requirements of City Code Chapter 18, Article II, Division 1 – Accessory Outdoor Dining Areas; and City Code Section 26-13.5(q), Accessory Outdoor Dining Areas.

4. **Violations; Enforcement.** If Applicant fails to operate the Restaurant in compliance with all of the Documents, or uses the License in any manner that violates or does not comply with any of the Documents, the Parties agree that such noncompliance shall constitute a violation of the Liquor Control Ordinance and a breach of this Agreement, and, in such event, the Parties acknowledge and agree that the City may undertake enforcement in all or any of the following manners, in its discretion, pursuant to the Liquor Control Ordinance, other applicable ordinances of the City and applicable state law: (a) issue a misdemeanor appearance ticket, to Meredith Marie Walsh or any other officer or director of Detroit Celtic Entertainment, Inc. or manager of the Restaurant, for each such violation to be prosecuted in the District Court under the City Code of Ordinances and, in such event, each day on which any such violation shall continue shall constitute a separate and additional offense and shall be punishable as such; (b) notify the Michigan Liquor Control Commission of the violation(s) and seek nonrenewal of the License at its annual expiration date; and/or (c) seek immediate injunctive relief, specific performance, declaratory relief and other equitable and legal relief from the Oakland County Circuit Court, and Applicant agrees to be subject to the jurisdiction of the Oakland County Circuit Court and, if said Court determines that a violation of this Agreement or the Liquor Control Ordinance or any of the Documents has occurred, said Court may immediately suspend Applicant's liquor license and shall order liquidated damages to the City in the amount of $1,000.00 for each day that the violation existed and continues to exist. With respect to (c), above, the Parties acknowledge the following: (i) this Agreement and the covenants and obligations in this Agreement are unique, and in the event of default by the Applicant, the City would not be able to be adequately or fully compensated solely by money damages, and the City shall therefore have the right to enforce the terms and provisions of this Agreement by a court action for specific performance, injunctive relief, declaratory relief and/or other equitable relief; and (ii) the burdens and costs incurred by the City in the form of administrative, police, fire, health, legal and other undertakings due to such violations are impossible to predict and

the Parties have therefore agreed on the above amount of daily liquidated damages as being appropriate and reasonable in this matter. If the City prevails or is awarded any relief in any of the enforcement efforts described in this Section 4 of the Agreement, it shall be entitled to recover all reasonable court costs, expert costs and attorney fees it incurs in the course of undertaking such efforts.

5. **Transfers.** If Applicant seeks to transfer the License to another operator for use at the Property or another site located within the City of Pleasant Ridge, it shall comply with Section 18-56 of the Liquor Control Ordinance, and all other applicable Documents. For this purpose, a transfer of the License shall include a transfer of a majority of the voting stock or shares of Detroit Celtic Entertainment, Inc. In the event the Applicant transfers, sells or assigns its interest in the License and/or Restaurant at the Property to another person or entity, it shall make the provision, as a requirement of said sale, that the purchaser or purchasers abide by the terms of the Documents and this Agreement, in writing, and enter into a new agreement with the City under the same terms and conditions as stated in this Agreement.

6. **Cessation of Operations.** If Applicant ceases operations of the Restaurant for more than 30 consecutive days, Applicant shall not place the License in escrow with the Michigan Liquor Control Commission, but rather shall return the License to the Michigan Liquor Control Commission and request that its rights to the License be terminated and that the License not be placed or continued in escrow but instead be returned to the City to be added to its available licenses under the quota provisions of Section 531 of the Michigan Liquor Control Code of 1998 (being MCL 436.1531). Notwithstanding the previous sentence, if the cessation of operations is due to an emergency business interruption event, such as a fire, weather-related damage, or governmentally-declared emergency, Applicant may place the License in escrow for a period not to exceed 120 days. The Applicant may request an extension of the time parameters from the City Commission because of extenuating circumstances. If the License cannot be reactivated by Applicant within that 120-day period, Applicant shall request that the License be cancelled unless granted additional time by the City Commission.

7. **Prohibition on License in Escrow.** If Applicant determines that it does not need or cannot use the License, for whatever reason, Applicant shall not place the License in escrow with the Michigan Liquor Control Commission, but rather shall request that its rights to the License be terminated and that the License not be placed or continued in escrow but instead be returned to the City to be added to its available licenses under the quota provisions of Section 531 of the Michigan Liquor Control Code of 1998 (being MCL 436.1531), unless after a request from the Applicant, the City approves the placement of the License into escrow.

8. **Assignment to City**. If the Applicant

   (a) determines that it desires to cancel the License and so notifies the City,
   (b) takes action so as to cancel the License and fails to notify the City, or
   (c))fails to take any action such that the License could be canceled by operation of law,

   the City shall have the right and option, upon written notice to the Applicant, to accept the assignment and transfer of the License to the City, without payment to Applicant, pursuant to the Assignment of Liquor License, attached as Exhibit D.

9. **Indemnification and Insurance**. Applicant shall defend, hold harmless and indemnify the City, its elected and appointed officials, employees, and agents, against any claims, losses, damages, demands, expenses, or other liabilities, including attorneys' fees, which are caused in any way by Applicant's operation of the Restaurant or its use of the License, or by Applicant's employees, agents, or invitees, including but not limited to personal injury or property damage. In support of this hold harmless provision, Applicant shall secure and maintain commercial general liability insurance, insuring both personal injury and property damage, with limits not less than $1,000,000 per occurrence. The City (and those persons named above) shall be named as additional insureds and such policies shall have a 30-day notice provision prior to cancellation, lapse or non-renewal. A certificate of such insurance, showing such parties as additional insureds, shall be provided to the City upon issuance of the Policy and upon each renewal or replacement thereof.

10. **Waiver**. Applicant voluntarily waives and forever releases any right or option it may have under current or future state laws or regulations that are inconsistent with the terms of this Agreement, and agrees that the terms of this Agreement are reasonable and lawful.

11. **Non-Taking**. The Applicant fully accepts and agrees to the final terms, conditions, requirements, and obligations of this Agreement and the ordinances and policies of the City, and Applicant shall not be permitted in the future to claim that the effect of this Agreement or the ordinances and policies of the City result in an unreasonable limitation upon use of the Property, Restaurant or License, or claim that enforcement of this Agreement or the ordinances and policies of the City causes an inverse condemnation, other condemnation or taking of all or any portion of the Property, Restaurant or License. Furthermore, it is agreed and acknowledged hereby that the terms, conditions, requirements, and obligations of this Agreement and the ordinances and policies of the City are clearly and substantially related to the City's legitimate interests in preserving and promoting economic development and business growth within the City, and in protecting the public health, safety, and general welfare of the City.

12. **Severability**. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect: (a) such invalidity, illegality, or unenforceability shall not affect the enforceability of any other provision of this Agreement; (b) this Agreement shall be construed as if the invalid, illegal or unenforceable provision had never been contained in it; and (c) the remainder of this Agreement shall remain in full force and effect.

13. **Amendments.** No waiver, alteration, amendment, or modification of any provision of this Agreement shall be binding unless in writing and signed by the parties hereto. The fact that one of the parties to this Agreement may be deemed to have drafted or structured any provision of this Agreement shall not be considered in construing or interpreting any particular provision of this Agreement, either in favor of or against such party.

14. **Third Parties.** It is the intention of the parties hereto that this Agreement is not made for the benefit of any private third party.

15. **Non-Waiver; Estoppel.** A delay in enforcement of any provision of this Agreement shall not be construed as a waiver or estoppel of the City's right to eventually enforce, or take action to enforce, the terms of this Agreement. Failure by a Party to object to a violation of the terms of this Agreement shall not be a waiver of any continuing or subsequent violation.

16. **Miscellaneous.** This Agreement shall be binding upon the heirs, legal representatives, successors and assigns of the Parties. This Agreement shall be construed in accordance with the laws of the State of Michigan. This Agreement may be executed in counterparts and such counterparts taken together shall be construed as an original. Time shall be of the essence for all obligations of this Agreement.

17. **Notice.** All requirements for notice contained in this Agreement shall be deemed to require notice in writing at the following addresses by hand delivery or facsimile followed by mail, with service being effective upon delivery or sending:

To City: City Manager
City of Pleasant Ridge
23925 Woodward Avenue Pleasant Ridge, Michigan 48069

To Applicant: Valter Xhomaqi, President
Whistle Stop 1, Inc.
501 S. Eton
Birmingham, Michigan 48009

18. **Effective Date.** This Agreement shall become effective only upon the last to occur of the following events: (a) the execution of this Agreement by all of the Parties; (b) the effective date of the City's approval of the transfer requested by the Applicant; and (c) the effective date of the Michigan Liquor Control Commission's approval of the transfer requested by the Applicant. On the date, if any, that this Agreement becomes effective, the Original Operation Agreement shall be superseded by this Agreement and of no further force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

WHISTLE STOP 1, INC., a Michigan corporation

By: _____
Print Name: Valter Xhomaqi
Print Title: President and Secretary

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ___ day of ___2014, by Valter Xhomaqi, President of Whistle Stop 1, Inc., a Michigan corporation.

_____
Notary Public
Acting in _____, Michigan
My Commission expires:_____

Valter Xhomaqi, an individual

_____

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ___day of ___2015, by Valter Xhomaqi, an individual.

_____
Notary Public

Acting in _____,

Michigan

My Commission expires:_____

Signatures continued on following page

CITY OF PLEASANT RIDGE, a Michigan municipal corporation
EXECUTED:

_____
Kurt Metzger, Mayor

ATTEST:

_____
Amy M. Drealan, City Clerk

APPROVED AS TO SUBSTANCE:

_____
James Breuckman, City Manager

APPROVED AS TO FORM:

_____
Greg Need, City Attorney

Dated: _____

EXHIBIT A

Property Legal Description

Parcel Number:
60-25-27-105-028

OWNERS ADDBESS:
DEMOS, ALEX
DEMOS, PAT
2 AMHERST RD
PLEASANT RIDGE, MI 48069-1203

PROPERTY ADDRESS:
24052 WOODWARD AVE
PLEASANT RIDGE, MI 48069-1137

DATE PRINTED : 01/14/2013

2012 LEGAL DESCRIPTION :
T1N, R11E, SEC 27 PART OF SW 1/4 OF NW 1/4 BEG AT SW COR OF LOT 319 OF 'SYLVAN GARDENS SUB', TH E TO SE COR OF SD LOT, TH SELY TO NE COR OF LOT 1 OF SD SUB, TH SWLY TO ELY R/W LINE OF WOODWARD AVE, TH NWLY 74.30 FT ALG ELY LINE OF WOODWARD AVE TO BEG, ALSO LOT 319 OF 'SYLVAN GARDENS SUB'

EXHIBIT B

Plan of Operation

June 8, 2015

City of Pleasant Ridge
4 Ridge Road
Pleasant Ridge, MI 48069

Re: Mae's Restaurant

City of Pleasant Ridge:

We are respectfully submitting a Plan of Operation as required by Section 18-54 of the City of Pleasant Ridge Liquor Control Ordinance.

Mae's is located at 24060 Woodward Avenue on the corner of Amherst. Mae's has been in operation since April 10, 2010 with an approved business plan and license from the City of Pleasant Ridge. Our current business hours are open from 6:30 am until 3:00 pm from Tuesday through Friday and 8:00 am until 3:00 pm on Saturday and Sunday. We are closed on Monday. There are occasions in which we open for private events, such as birthday parties, baby and wedding showers, typically between 5:30 and 10:00 pm. Mae's typically closes for Thanksgiving and Christmas.

Mae's is a 42 seat establishment, with seating for 26 at tables and 16 counter seats, serving both dine in and carryout meals for breakfast, brunch and lunch. The character of this business will definitely improve and become a real asset for the community. Mae's will continue with the current hours of operation and no modifications are planned for the interior layout. We anticipate a higher percentage of food sales than alcohol in the restaurant, where one can enjoy an alcoholic beverage with their meal. The liquor license will allow us to continue serving alcoholic beverages that are in keeping with standard brunch fare such as Mimosas, Bloody Mary's, specialty coffee beverages, beer and wine. Because of a limited amount of refrigeration and storage, our inventory would be relatively small and include vodka, champagne, cordials appropriate for coffee drinks and both beer and wine selections. In order to maintain a steady rotation of guests and avoid long wait times, a time limit of 90 minutes will apply to each table from time of seating. These times will be kept track of by individual servers and overseen by the management.

Management structure would not be changed. I will act as the manager. I have many years of experience as a manager and owner. I presently own and operate small restaurants such as this and will continue to do so in the future. My wife will also assist me in the operation of this restaurant.

Parking is available to customers on the south side of Amherst up to the alley, which accommodates about seven vehicles, three parking spaces on the north side of the street, two parking spaces on Woodward Avenue and the municipal lot at the corner of Wellesley and Woodward located one block from Mae's. This has served as ample parking due to the high percentage of customers who walk to Mae's from their residences in Pleasant Ridge.

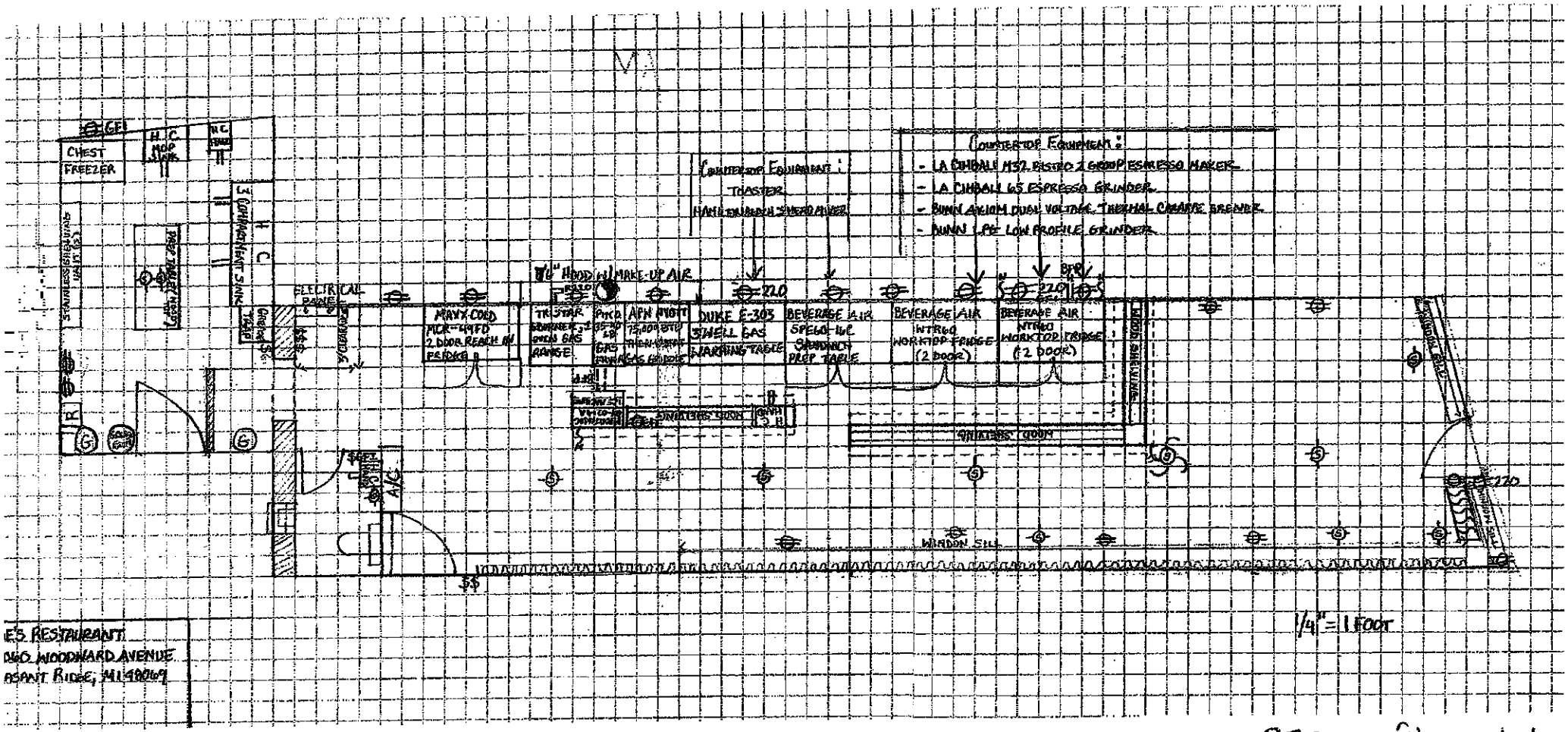
An initial investment of $50,000.00 was used to purchase the business. Mae's has integrated into and been supported by the community. Mae's continues to highly value this support and is committed to the betterment of Pleasant Ridge for residents and the Pleasant Ridge Business District. The owners are committed to improving the restaurant and its business as well as its relationship with the City, its residents and business visitors. We have been very successful with our current restaurants and will continue to do the same in Pleasant Ridge.

Respectfully,
Valter Xhomaqi

Valter Xhomaqi, President
Whistle Stop 1, Inc.
24060 Woodward
Pleasant Ridge, MI 48069
(248) 548-5355

EXHIBIT C

Site Plan



ES RESTAURANT
960 WOODWARD AVENUE
ASANT RIDGE, MI 48069

872 sq-ft. including back prep room.

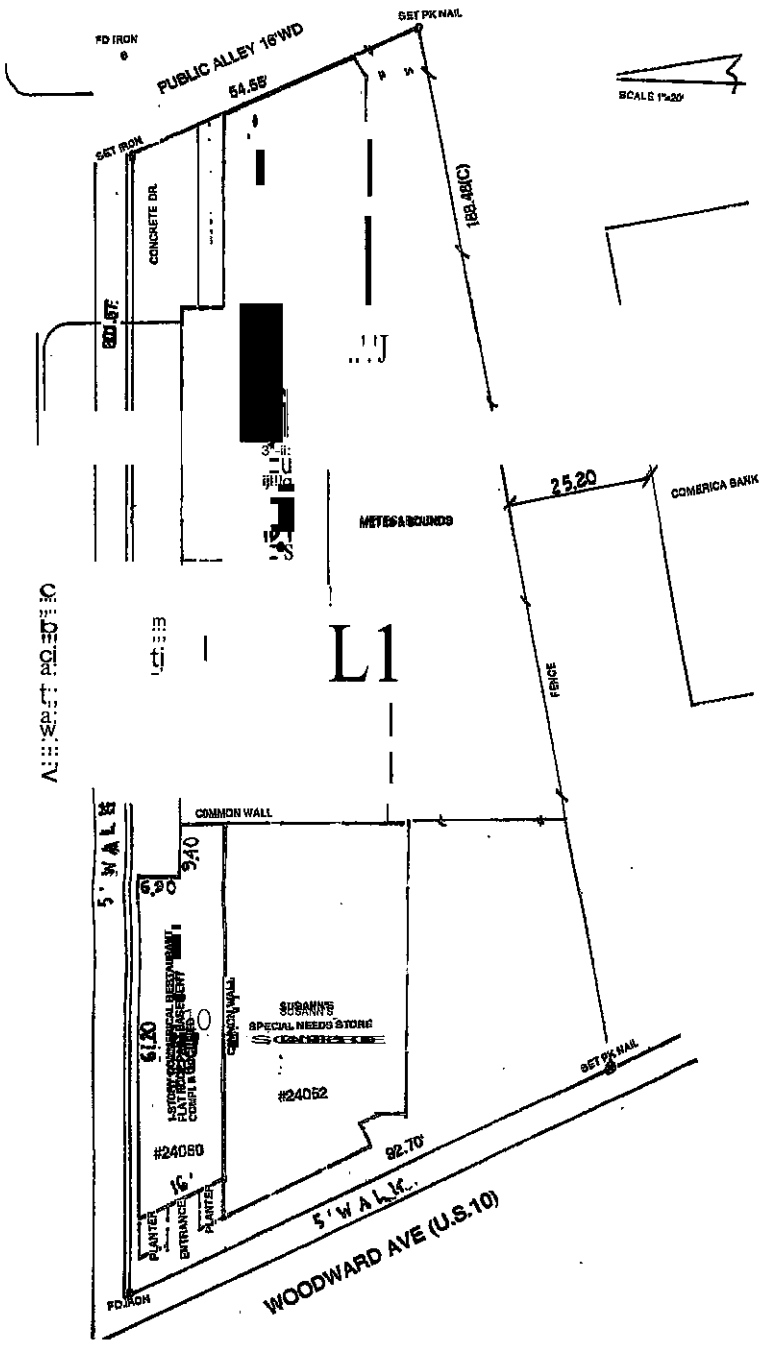
Mae's Restaurant
24960 Woodward Ave., Pleasant Ridge, MI

LOCATION PLAN

PROPOSED OUTDOOR SEATING PLAN

RAIL CROSS SECTION

SITE PLAN



We hereby certify that we have surveyed the parcel hereon. delineated in accordance with the legal description as furnished by you and the boundaries and [illegible] parcel are as indicated herein and [illegible] encroachments upon said parcel except as otherwise noted.

By [signature]
Clive Cantor LAND # 10682
SURVEYOR
#10682
REGISTERED LAND SURVEYOR

Legal Description:

Part of the Southwest Y. of the Northwest Y. of Sec 27, T IN, R. IIE., more particular ctescttbed as beginning at the Southwest Comer of Lot 319, of Sylvan Gardens Sllbdivisiou. Thence proceeding East to the Southeast comer of said lot, thence Southeasterly to the Nortbwe5t comer of Lot I of said subdivisioo, ThencesoullJ.westerly to the easterly Right of Way line of Woodward Ave, thence Northwesterly 74.30 feet along the Ei!Sterly line of Woodward Avc to the point of beginning. Also all of Lot 319, ofSyJan Gardens Subdivision, City of Pleasant Ridge,. Oakland Cowlty Michigan. As reconied in Uber 15 of Plats, Page 22, Oakland CoLtUl.y Records.

LOUIS CANTOR COMPANY
1'MIONORTHLAND PARK CT.STE 20'1"
SOUTMFJELD,MI.4&175
[illegible]-7640
[illegible]-4604 FX
LOUISCANTOR.COM

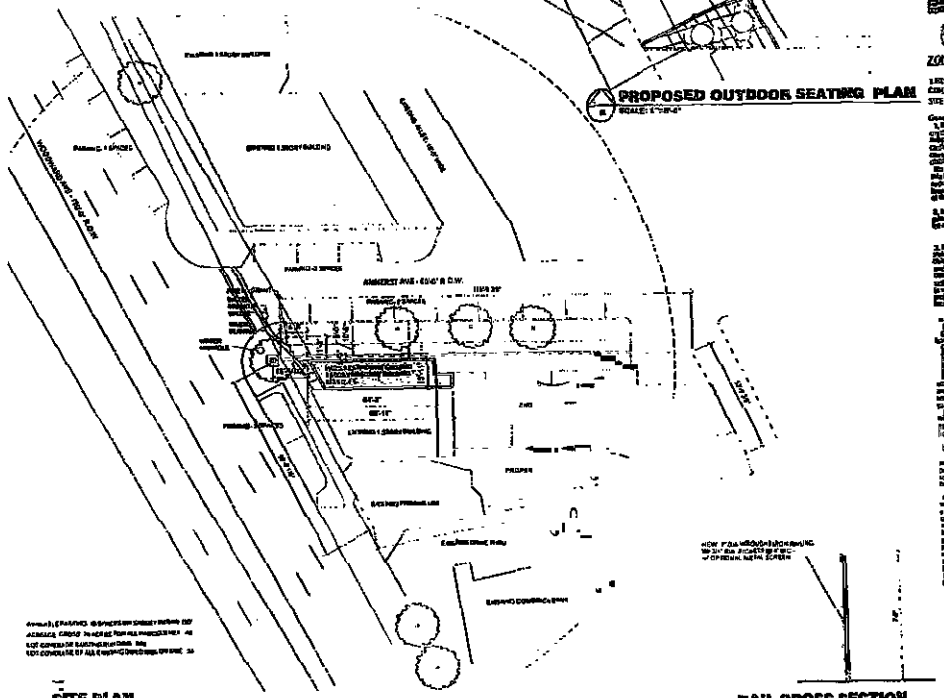
SCALE: 1"=20'
DATE: 3/5/2012
DRAWN BY
J.OaLriRE!:Jfl,

CIJENT:JESsICA & SEAN MCCARTI-N

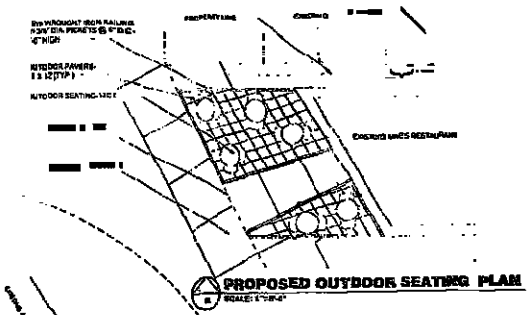
DRAWING NUMBER
32-23

Legal Description:

Part of the Southwest ¼ of the Northeast ¼ of Sec 27, T 1N, R. 11E., more particular described as beginning at the Southwest Corner of Lot 319, of Sylvan Gardens Subdivision; Thence proceeding East to the Southeast corner of said lot, thence Southwesterly to the Northwest corner of Lot 1 of said subdivision, Thence southwesterly to the easterly Right of Way line of Woodward Ave, thence Northwesterly 71.30 feet along the Easterly line of Woodward Ave to the point of beginning Also all of Lot 319, of Sylvan Gardens Subdivision, City of Pleasant Ridge, Oakland County Michigan As recorded in Liber 15 of Plats, Page 22, Oakland County Records.

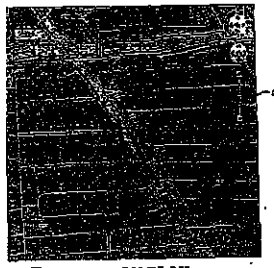


SITE PLAN



PROPOSED OUTDOOR SEATING PLAN

RAIL CROSS SECTION



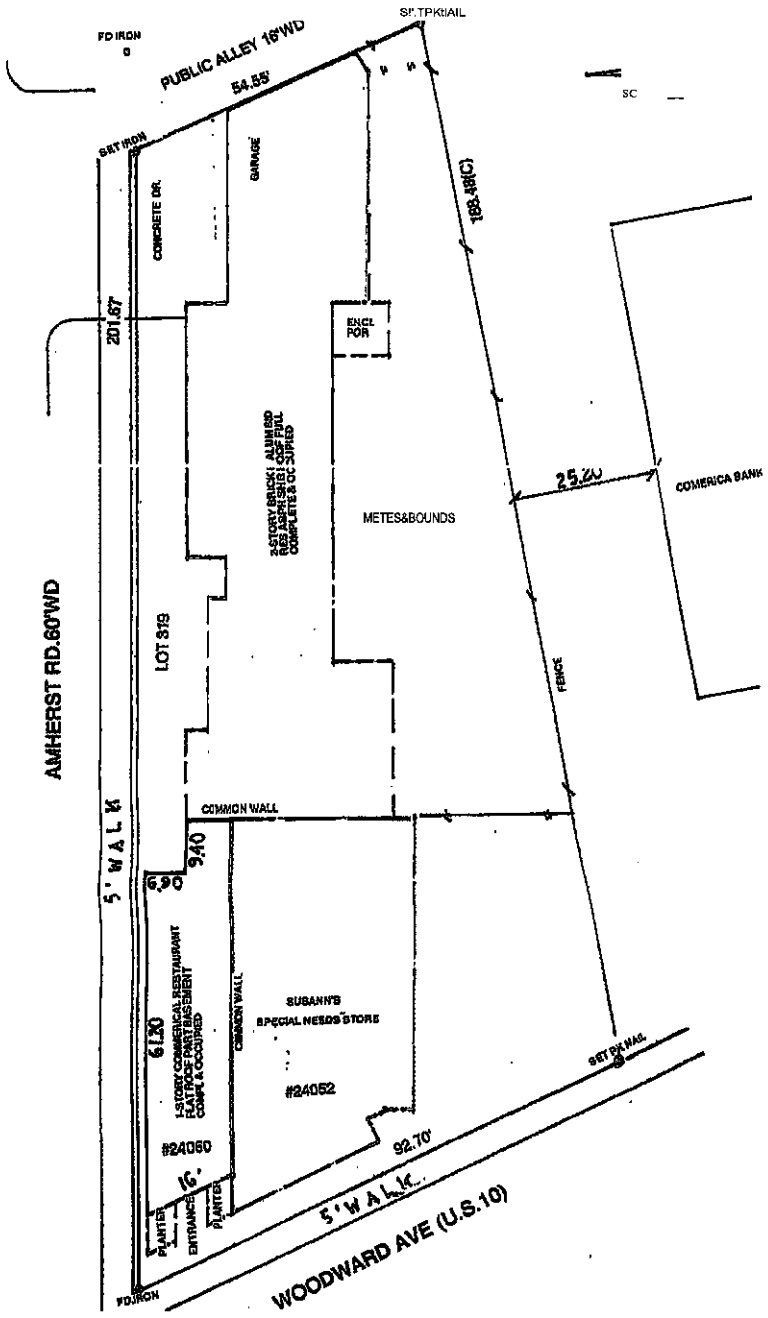
LOCATION PLAN

ZONING INFORMATION

Mae's Restaurant
24060 Woodward Ave., Pleasant Ridge, MI

Site Plan

SP-100



We hereby certify that we have surveyed the parcel hereon delineated in accordance with the legal description as furnished by you and the boundaries and contents of said parcel are as indicated herein and that there are no visible encroachments upon said parcel except as otherwise noted.

By _____
Clive Cantor LAND # 10682
SURVEYOR

CLIVE CANTOR
#10682
REGISTERED LAND SURVEYOR

LOUIS CANTOR COMPANY
17610 NORTHLAND PARK CT. STE
SOUTHFIELD, MI/48075
LOUISCANTOR.COM

DRAWN BY
J.OGLETREE JR.

SCALE, 1"=10'
APPRDV.D BY
DATE, 05/21/12

LegalDescription:

Part of the Southwest *V.* of the Northwest *V.* of Sec 27. T IN, R. 1 IE., more particular described as beginning at the Southwest Corner of Lot 319, of Sylvan Gardens Subdivision. Thence proceeding East to the Southeast comer of said lot, thence Southeasterly to the Northwest comer of Lot I of said subdivision,

Thence soulbwesterly to the easterly Right of Way line of Woodward Ave, thence Northwesterly 74.30 feet along the Easterly line of Woodward Ave to the point of beginning. Also all of Lot 319, of Sylan Gw·dens Subdivision, City of Pleasant Ridge, Oakland County Michigan. *As* recorded in Uber *15* of Plats. Page 22, Oakland County Reeords.

CIENTIJESSICA&SEAII MCCARTHY

OAAWINQ N U

EXHIBIT D

Assignment of Liquor License

ASSIGNMENT OF LIQUOR LICENSE

This Assignment of Liquor License ("Assignment") is made and entered into on _____, 2015, by and between the City of Pleasant Ridge, a Michigan municipal corporation, whose address is 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069 (referred to in this Agreement as the "City"); Valter Xhomaqi, whose address is 501 S. Eton, Birmingham, Michigan 48009; and Whistle Stop 1, Inc., a Michigan corporation, whose address is 501 S. Eton, Birmingham, Michigan 48009. Valter Xhomaqi, and Whistle Stop 1, Inc., are referred to jointly in this Agreement as the "Owner". The City and the Owner are collectively referred to in this Agreement as the "Parties".

Recitals

A. The Owner operates a restaurant known as Mae's Restaurant (referred to in this Agreement as the "Restaurant") located at 24060 Woodward Avenue, Pleasant Ridge, Michigan 48069, whose legal description is attached as Exhibit A (referred to in this Agreement as the "Property").

B. The Owner has requested that the City approve the transfer of the Class C liquor license referred to in this Agreement as the "License") from Mae's Restaurant, Inc., the current Licensee for use by the Applicant at the Restaurant.

C. For purposes of inducing the City to approve the issuance of the License to the Owner for its use at the Restaurant, the Owner voluntarily offered or accepted the restrictions regarding the operation of the Restaurant and other covenants as set forth or referred to in the Operation Agreement, dated _____, 2015 (the "Operation Agreement").

D. This Assignment is attached to the Operation Agreement and the execution of this Assignment is a principal inducement for the City to approve Owner's request for the transfer of the License to it, and as agreed under and pursuant to Section 8 of the Operation Agreement, Owner and the City enter into this Assignment.

Agreement

NOW, THEREFORE, as an integral part of the approval of the issuance of the License to the Owner for its use at the Restaurant, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, IT IS AGREED as follows:

1. **Assignment**. If Owner either A) determines that it desires to cancel the License and so notifies the City, B) takes action so as to cancel the License and fails to notify the City; or C) fails to take any action such that the License could be canceled by operation of law ("Act of Cancellation"), Owner hereby transfers and assigns to the City all of Owner's right, title and interest in and to the License, subject only to the approval of the Michigan Liquor Control Commission and the City's acceptance of such transfer and assignment as provided herein. The transfer and assignment under this Section shall become effective only upon the City exercising its

right and option to accept the transfer and assignment by providing written notice of such acceptance to Owner within ninety (90) days of receiving written notice of the Act of Cancellation. Furthermore, upon any Act of Cancellation, Owner agrees to execute and deliver to the City any instruments necessary to effect a transfer of the License to the City.

2 **Power of Attorney**. If Owner fails to execute and deliver such instruments necessary to effect a transfer of the License to the City within three (3) business days after City's written request for such instruments, Owner hereby grants to the City an irrevocable power of attorney to execute and deliver such instruments to effect the transfer of the License to the City. This power of attorney shall not be considered executor in nature, but is fully effective as of the date of this Assignment. Owner hereby irrevocably appoints the City as its attorney-in-fact, with such appointment to be coupled with an interest, to execute any necessary documents on Owner's behalf in its name for the purposes of accomplishing the goals of this Assignment.

3 **Representations.** Owner represents and covenants to the City that its rights in the License are unencumbered; that it has executed no prior assignments of the License; that it shall not encumber or assign the License without prior written consent of the City; and that it shall do all things required to maintain the License in good standing at all times.

4. **Recitations and Exhibits.** The Recitations, above, are incorporated herein by this reference and expressly agreed to and made a part of this Assignment for all purposes. The exhibits attached hereto and the information contained therein are incorporated herein as though fully set forth as part of this Assignment.

5. **Miscellaneous.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect: (a) such invalidity, illegality, or unenforceability shall not affect the enforceability of any other provision of this Agreement; (b) this Agreement shall be construed as if the invalid, illegal or unenforceable provision had never been contained in it; and (c) the remainder of this Agreement shall remain in full force and effect. This Assignment shall be binding upon the heirs, legal representatives, successors and assigns of the Parties, This Assignment shall be construed in accordance with the laws of the State of Michigan, This Assignment may be executed in counterparts and such counterparts taken together shall be construed as an original. Failure by a Party to object to a violation of the terms of this Assignment shall not be a waiver of any continuing or subsequent violation. The prevailing Party in an action to enforce the terms of this Assignment is entitled to reimbursement of its costs, including reasonable attorneys' fees, from the non-prevailing Party. Time shall be of the essence for all obligations of this Assignment.

6. **Non-Waiver; Estoppel**. A delay in enforcement of any provision of this Agreement shall not be construed as a waiver or estoppel of the City's right to eventually enforce, or take action to enforce, the terms of this Agreement. Failure by a Party to object to a violation of the terms of this Agreement shall not be a waiver of any continuing or subsequent violation.

7. **Notice.** All requirements for notice contained in this Agreement shall be deemed to require notice in writing at the following addresses by hand delivery or facsimile followed by mail, with service being effective upon delivery or sending:

To City: City Manager
City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

To Owner: Valter Xhomaqi
501 S. Eton St.
Birmingham, Michigan 48009

8. **Effective Date.** Except to the extent otherwise specifically provided in Section 1, above, the provisions of this Assignment shall become effective upon the last to occur of the following events: (a) the execution of this Agreement by all of the Parties; (b) the effective date of the City's approval of the issuance of the License requested by the Owner; and (c) the effective date of the Michigan Liquor Control Commission's approval and issuance of the License to Owner.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first written above.

WHISTLE STOP 1, INC., a Michigan corporation

By:_____
Print Name: Valter Xhomaqi
Its: President and Secretary

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ___ day of _____, 2015 by Valter Xhomaqi, the President and Secretary of Whistle Stop 1, Inc., a Michigan corporation.

_____
Notary Public
Oakland County, Michigan
My Commission Expires:_____
Acting in the County of _____

Valter Xhomaqi, an individual

_____

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ___ day of ___2015, by Valter Xhomaqi, an individual.

_____
Notary Public
Acting in _____, Michigan
My Commission expires:_____

CITY OF PLEASANT RIDGE, a Michigan municipal corporation

EXECUTED:

_____
Kurt Metzger, Mayor

ATTEST:

_____
Amy M. Drealan, City Clerk

APPROVED AS TO SUBSTANCE:

_____
James Breuckman, City Manager

APPROVED AS TO FORM:

_____
Greg Need, City Attorney

Dated: _____

EXHIBIT A

Property Legal Description

Parcel Number:
60-25-27-105-028

OWNERS ADDRESS:
DEMOS, ALEX
DEMOS, PAT
2 AMHERST RD
PLEASANT RIDGE, MI 48069-1203

PROPERTY ADDRESS:
24052 WOODWARD AVE
PLEASANT RIDGE, MI 48069-1137

DATE PRINTED, 01/14/2013

2012 LEGAL DESCRIPTION:
T1N, R11E, SEC 27 PART OF SW 1/4 OF NW 1/4 BEG AT SW COR OF LOT 319 OF 'SYLVAN GARDENS SUB', TH E TO SE COR OF SD LOT, TH SELY TO NE COR OF LOT 1 OF SD SUB, TH SWLY TO ELY R/W LINE OF WOODWARD AVE, TH NWLY 74.30 FT ALG ELY LINE OF WOODWARD AVE TO BEG, ALSO LOT 319 OF 'SYLVAN GARDENS SUB'

ORDINANCE #391

LIQUOR CONTROL ORDINANCE

City of Pleasant Ridge

LIQUOR CONTROL ORDINANCE
ORDINANCE NO. 391

An Ordinance to amend Chapter 18, Businesses, by the addition of a new Article, Article II. Liquor Control Ordinance, Division 2. Liquor Licenses, Sections 18-51 through 18-64 of the Pleasant Ridge City Code.

THE CITY OF PLEASANT RIDGE ORDAINS:

Section 1. Amendment – Chapter 18. Businesses, Division 2. Liquor Licenses, Sections 18-51 through 18-64 of the Pleasant Ridge City Code is hereby amended to read as follows:

Division 2.
LIQUOR CONTROL ORDINANCE

Sec. 18-51. Short Title.

This article shall be known and may be cited as the "Liquor Control Ordinance."

Sec. 18-52. Statement of purpose.

The purpose of this article is to allow the City to establish and administer a policy for the issuance and transfer of liquor licenses and permits, to provide for the enforcement of liquor laws, regulations and ordinances, and to limit the number of liquor licenses in the City of Pleasant Ridge.

Sec. 18-53. Licensing policy.

New licenses or permits, transfer of ownership of existing licenses, transfers into the City of new licenses, and relocation or expansion of an existing licensed establishment will be subject to the approval of and at the sole discretion of the City Commission.

Sec. 18-54. Plan of operation required.

A. Business operation. All on-premises licenses shall operate in accordance with a plan of operation approved by the City Commission.

B. Plan of operation. A plan of operation shall contain an operational statement outlining the proposed manner in which the establishment will be operated, including, but not limited to, the format, schedule of the hours of operation, crowd control, security, alcohol management, use of the facilities, parking provisions, plan for interior use and layout, and any other pertinent information as requested by the City or City's Liquor Control Committee (PRLCC).

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C. Compliance. Licensees shall comply with all applicable state and City regulations, this general policy, and a plan of operation as approved by the City Commission. Any change to a plan of operation must be approved by the City Commission prior to implementation of the change by the licensee. Failure of such compliance or variance from an approved plan is a violation of this article and may result in the City Commission recommending to the Michigan Liquor Control Commission that the license be revoked or not renewed.

Sec. 18-55. Review procedures.

Each applicant for a new license, the transfer into the City of a new license, an applicant seeking to relocate or alter the size of the physical structure of an existing licensed premises or seeking an amendment to any material agreement with the City, shall make a request to the City in accordance with the following procedures:

A. Application. Each applicant must submit to the City Clerk an application (on a form provided by the City), a plan of operation, site plan based on the requirements of the Zoning Ordinance, a plan for interior use and exterior design, and the layout of any ancillary facilities. As part of the application, each applicant shall submit a written statement explaining in detail how their proposal meets the factors as listed in Subsection D of this section.

B. City Department Review. Upon receipt of an application and plans, the City Manager will refer same to the Chief of Police, Planning Commission, Building Department, Downtown Development Authority and other city officers or employees, who shall cause a thorough review and investigation, including but not limited to a complete history of past business experience and liquor law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The applicant shall provide all requested information to, and fully cooperate with, all City Departments requesting any and all additional information. The findings resulting from such review and investigation shall be reported to the City Manager, who then will report same to the PRLCC and the City Commission.

C. Public hearing/review.

(1) Hearing. The City Commission shall hold a public hearing upon a request for a new license, to transfer a new license into the City, to relocate or alter the physical size of an existing establishment or seeking an amendment to any material agreement with the City.

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(a) In lieu of conducting the hearing, the City Commission may alternatively appoint a hearing officer or direct the PRLCC to conduct such a hearing. Upon the completion of the hearing, the hearing officer or PRLCC shall submit to the City a written finding within 30 days following completion of the hearing.

(b) The applicant shall have the right to appeal an adverse decision by the hearing officer or PRLCC to the City Commission, provided that a written request for appeal is filed with the City Manager within 21 days after receipt of the findings. The appeal to the City Commission shall be upon the record made before the hearing officer or PRLCC.

(2) Notice. Notice of all hearings shall be provided to all property owners, and residents, within the City of Pleasant Ridge (or outside of the city limits but within 300 feet of the proposed establishment). The applicant shall pay the cost of such notice.

(3) Appearance. The applicant will be required to appear at the hearing before the PRLCC, hearing officer, or the City Commission, and make a written and/or oral presentation concerning the request.

(4) Recommendation. The PRLCC, hearing officer, or the City Commission shall review and may recommend approval or disapproval of all requests to the City Commission.

D. Review factors. In reviewing a request, the City Commission, hearing officer or PRLCC may consider and/or weigh any or all of the following not necessarily in order of priority:

(1) Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and property.

(2) Appropriate relationship between buildings and land uses.

(3) The general and appropriate trend and character of land, building, and population development.

(4) Total number of similar licenses in the City.

(5) Input from residents and surrounding business owners.

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(6) Impact of the establishment on surrounding businesses and neighborhoods.

(7) Whether a proposed licensed premises is part of a multi-use project with substantial new retail, office, or residential components. The size of the licensed premises relative to the overall project or development shall be considered.

(8) Crowd control.

(9) Pedestrian movement.

(10) Vehicular movement.

(11) Parking availability.

(12) Total square footage of PRLCC establishments within the area.

(13) Number of on-premises establishments within the area.

(14) Concentration and capacity of similar establishments.

(15) Number of seats/occupancy per given area (block, intersection, etc.)

(16) Association/integration with multi-use development.

(17) Amount invested in the facility/establishment.

(18) Substantial renovation of existing buildings.

(19) Preservation or restoration of historic buildings.

(20) Locating in an underdeveloped area.

(21) Concentration of drinking establishments and impact on policing requirements.

(22) Policing requirements.

(23) Business history.

(24) Business experience.

(25) PRLCC and/or MLCC violation history.

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(26) Ratio of food to alcohol sales.

(27) Percent of floor area devoted to dining versus bar area.

(28) Size of kitchen (square footage) in relation to total square footage of the establishment.

(29) Size of bar area.

(30) Type or character of the establishment, e.g. dining, nightclub, hotel, dance club.

(31) Overall benefit of the plan to the City of Pleasant Ridge.

(32) Nonpayment of taxes.

(33) Any other factor(s) that may affect the health, safety and welfare or the best interests of the community.

E. Approval. If, after a review by the PRLCC, and a public hearing, the City Commission is satisfied that the establishment or operation will provide a benefit to the City of Pleasant Ridge and constitute an asset to the community, it may adopt a resolution granting approval, subject to the satisfaction of any conditions stated in the resolution and the City and the applicant entering into a mutually acceptable agreement outlining the details of the operation of the establishment, which may include, but not limited to, site regulation, hours of operation and parking requirements.

(1) Building; remodeling. If the request involves a change to the physical size or layout of the establishment, when the applicant's building or remodeling is completed, it must meet all state and local requirements, and must comply with the representations made to the City Commission and PRLCC by the applicant. If such physical alteration is approved by the City Commission and it is subsequently determined that the project was not to be completed as required by the plans and specifications presented to the City, or in compliance with representations made to the City, the City may recommend that the license be revoked or not be renewed for the following year.

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Sec. 18-56. Permits; transfer of ownership.

A. Permits. Requests for permits for dance, entertainment, or dance and entertainment shall be reviewed by the PRLCC and shall be subject to approval by and in the sole discretion of the City Commission after an evaluation of the factors listed in Section 18.55 (D).

B. Transfer of ownership. Requests for transfer of ownership of existing licensed establishments shall be reviewed by the PRLCC and approved or disapproved by the City Commission. The City Commission shall hold a public hearing. If the continuation of an existing operation is contemplated, the applicant must present a plan relating to how it will deal with any existing problems created by the business.

Sec. 18-57. Annual license and permit review.

A. The City Commission may undertake a review of any license or permit for the purpose of making a recommendation to the Michigan Liquor Control Commission regarding renewal of said license or permit. The Commission shall consider whether a licensed establishment has been operated in a manner consistent with the provisions of this article and all other applicable laws and regulations of the City of Pleasant Ridge and the State of Michigan.

B. Each year the City Manager shall cause an investigation to be made relative to each existing on-premises licensed establishment. The investigation shall include, but not be limited to, the following:

(1) An inspection of the premises to determine whether the licensee is in compliance with all applicable City and state codes. All inspection reports for the prior twelve-month period from the County Health Department shall be obtained for review by the City Commission.

(2) An inspection of the premises to determine whether the licensee is in compliance with the license itself, its approved site plan and plan of operation, as well as any conditions imposed by the City or the Michigan Liquor Control Commission or representations made by the licensee at the time of issuance or transfer of the license.

(3) An inspection to determine the general condition of the premises, both interior and exterior.

(4) An inspection of City records to determine whether all taxes and other monies due the City are timely paid.

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(5) An inspection of police files or other sources of information to determine total calls for service and whether any activity in connection with the licensed premises is in violation of the law, disturbs the public peace and tranquility, constitutes a nuisance, or contributes to the disruption of the normal activities of those in the neighborhood of the licensed premises.

(6) A review to determine the existence of any of the criteria as described in Section 18.59 of this Ordinance.

(7) A review of the operation of the licensed establishment to determine whether the business is being operated in compliance with any and all representations made by the licensee to the City or the City Commission.

C. Recommendation from City Departments. Following receipt of a fully completed application, fees, and such other information as may be requested by the City, the City Clerk shall forward the application to the Chief of Police, Planning Commission, Building Department, Downtown Development Authority, and such other departments as required by the City Manager, which departments shall make their inspections and recommendations prior to consideration by the City Commission. In conducting its review, the City may request other pertinent information from the licensee.

Sec. 18-58. Revocation and nonrenewal.

A. Each establishment within the City for which a liquor license or permit is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Pleasant Ridge and the State of Michigan and in accordance with all agreements with the City of Pleasant Ridge. Upon any violation of this article, the Commission may, after notice and hearing, request the Michigan Liquor Control Commission revoke such license and/or permit.

B. Before filing any objection to renewal or request for revocation of a license or permit with the Michigan Liquor Control Commission, the City shall serve the licensee with written notice by first class mail, mailed at least five (5) business days prior to a hearing with notice of hearing, which notice shall contain the following:

(1) Date, time and place of hearing.
(2) Notice of the proposed action.
(3) Reasons for the proposed action.
(4) Names of witnesses known at time who will testify.

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(5) A statement requiring the licensee to notify the City Manager at least three days prior to the hearing date if (s)he intends to contest the proposed action and to provide names of witnesses known who will testify on their behalf.

C. All hearings shall be open to the public. Any person shall be given an opportunity to be heard.

D. Upon completion of the hearing, the City Commission shall submit to the licensee and the Michigan Liquor Control Commission a written statement of its findings and determination.

Sec. 18-59. Criteria for nonrenewal or revocation.

The City Commission may recommend nonrenewal or revocation of a license or permit to the Liquor Control Commission upon a determination based upon a preponderance of the evidence presented at the hearing that any of the following exists:

A. Failure to comply with all standards, plans or agreements entered into in consideration for the issuance, transfer or continuance of the license or permit, or failure to comply with all agreements or consent judgments entered into subsequent to the issuance of the license or permit.

B. Failure to comply with an approved plan of operation and other plans, specifications, or representations made or submitted to the City by the licensee, including, but not limited to, loss of parking.

C. Violations of the state liquor laws or regulations of the Liquor Control Commission.

D. Violations of state laws or local ordinances concerning health, safety, moral conduct or public welfare.

E. Maintenance of a nuisance upon or in connection with the licensed premises, including, but not limited to, any of the following:

(1) Violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, to include the history thereof;

(2) A pattern of patron conduct in the neighborhood of the licensed premises which is a violation of the law and/or disturbs the peace, order and tranquility of the neighborhood;

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(3) Failure to maintain the grounds and exterior of the licensed premises, including litter, debris or refuse blowing or being deposited upon adjoining properties;

(4) Entertainment on the premises or activity in connection with the licensed premises, which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinance or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.

F. Failure by the licensee to permit the inspection of the licensed premises by the City's agents or employees in connection with the enforcement of this article.

Sec. 18-60. Capacity limits.

The total capacity of each room of a licensed establishment shall be in conformity with Michigan Liquor Control Commission Rules and Regulations, and the City of Pleasant Ridge Zoning Ordinance regarding space and area.

Sec. 18-61. Permission necessary for transfer of license

Any liquor license issued by the City of Pleasant Ridge cannot be transferred out of the City without the express consent of the Pleasant Ridge City Commission.

Sec. 18-62. Pleasant Ridge Liquor Control Committee

A three member Pleasant Ridge Liquor Control Committee (PRLCC) is hereby created as an advisory body to assist the City Commission. The members of such committee will be selected by the City Commission. The City Manager shall serve as an advisor to the PRLCC in accordance with Section 2.17 of the Pleasant Ridge City Charter.

Sec. 18-63. Termination of escrowed licenses.

The City Commission may, through resolution, request that the Michigan Liquor Control Commission terminate an on-premises license that has been placed in escrow for more than one year after its expiration.

Sec. 18-64. Fees.

Each applicant for a new license or permit, for transfer of an existing license or permit, for expansion of an existing establishment, and for renewal of an existing license or permit shall pay a nonrefundable application investigation fee. Such fee will be in addition to any fee required by the Liquor Control Commission and shall be set by a City Commission resolution that shall be subject to annual review and renewal.

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Section 2. Effective Date.

This Ordinance shall be effective fifteen (15) days after enactment and upon publication.

Introduced:	Tuesday, March 10, 2009
Public Hearing:	Tuesday, April 14, 2009
Adopted:	Tuesday, April 14, 2009
Published:	Sunday, April 19, 2009
Effective:	Thursday, April 30, 2009

RECYCLED PAPER

City of Pleasant Ridge

Amy M. Drealan, City Clerk

From: Amy M. Drealan, City Clerk
To: City Commission
Date: September 3, 2015
Re: August 11, 2015 – City Commission Meeting Minutes

The meeting minutes for the August 11, 2015 City Commission Meeting were not provided prior to the meeting for inclusion in the packet. As soon as I receive minutes, I will forward them on.

Please feel free to contact me should you wish to discuss this matter further.

August 2015

ACCOUNTS PAYABLE

PAYROLL LIABILITIES	$	6,549.55
TAX LIABILITIES	$	1,243,038.30
ACCOUNTS PAYABLE	$	518,330.87
TOTAL	$	1,767,918.72

PAYROLL

August 5, 2015	$	47,001.64
August 19, 2015	$	39,810.80
TOTAL	$	86,812.44

CHECK REGISTER FOR CITY OF PLEASANT RIDGE
PAYROLL LIABILITIES
AUGUST 2015

Check Date	Check	Vendor Name	Description	Amount
8/5/2015	1476	MIFOP	UNION DUES-AUG 2015	$ 188.00
8/5/2015	1477	MISDU	FOC DEDUCTIONS	$ 224.60
8/5/2015	1478	M&T BANK-ICMA - 401a	RETIRMENT CONTRIBUTIONS	$ 1,324.67
8/5/2015	1479	ICMA RETIREMENT TRUST - 457	RETIRMENT CONTRIBUTIONS	$ 1,624.84
8/5/2015	1480	TIMOTHY BAXTER & ASSOCIATES	GARNISHMENT FEES	$ 272.28
8/19/2015	1488	MISDU	FOC DEDUCTIONS	$ 224.60
8/19/2015	1489	M&T BANK-ICMA - 401a	RETIRMENT CONTRIBUTIONS	$ 1,209.67
8/19/2015	1490	ICMA RETIREMENT TRUST - 457	RETIRMENT CONTRIBUTIONS	$ 1,480.89
			TOTAL PAYROLL LIABILITIES	$ 6,549.55

CHECK REGISTER FOR CITY OF PLEASANT RIDGE
TAX LIABILITIES
AUGUST 2015

Check Date	Check	Vendor Name	Description		Amount
8/11/2015	2299	ANTON GARDNER & KATHERINE HANLEY	2015 SUMMER TAX OVERPAYMENT	$	3,744.72
8/11/2015	2300	BLUE RALEIGH INVESTMENTS LTD	2015 SUMMER TAX OVERPAYMENT	$	598.69
8/11/2015	2301	CITY OF PLEASANT RIDGE-DDA	2015 TAX COLLECTIONS TO 8-6-15	$	18,153.15
8/11/2015	2302	CITY OF PLEASANT RIDGE-GENERAL	2015 TAX COLLECTIONS TO 8-6-15	$	511,362.15
8/11/2015	2303	CORELOGIC REFUND DEPT	2015 SUMMER TAX OVERPAYMENT	$	3,191.50
8/11/2015	2304	FERNDALE PUBLIC SCHOOL	2015 TAX COLLECTIONS TO 8-6-15	$	194,940.65
8/11/2015	2305	OAKLAND COUNTY TREASURER	2015 TAX COLLECTIONS TO 8-6-15	$	339,161.34
8/26/2015	2306	CITY OF PLEASANT RIDGE-DDA	2015 TAX COLLECTIONS TO 8-24-2015	$	2,258.83
8/26/2015	2307	CITY OF PLEASANT RIDGE-GENERAL	2015 TAX COLLECTIONS TO 8-24-2015	$	74,797.59
8/26/2015	2308	FERNDALE PUBLIC SCHOOLS	2015 TAX COLLECTIONS TO 8-24-2015	$	36,291.29
8/26/2015	2309	JOEL DAULT	2015 TAX OVERPAYMENT	$	539.35
8/26/2015	2310	OAKLAND COUNTY TREASURER	2015 TAX COLLECTIONS TO 8-24-2015	$	49,350.16
8/26/2015	2311	RICHARD GUAY	2015 SUMMER TAX OVERPAYMENT	$	4,067.11
8/26/2015	2312	TITLE PARTNERS, LLC	2015 SUMMER TAX OVERPAYMENT	$	4,581.77
			TOTAL TAX LIABILITIES	$	1,243,038.30

CITY OF PLEASANT RIDGE CHECK REGISTER
ACCOUNTS PAYABLE
AUGUST 12, 2015

Check Date	Check	Vendor Name	Description		Amount
08/12/2015	19777	10-8 VIDEO	POLICE IN CAR CAMERA SYSTEM	$	3,590.00
08/12/2015	19778	21ST CENTURY MEDIA-MICHIGAN	PRINTING OF LEGAL ADDS	$	903.84
08/12/2015	19779	ACCUSHRED, LLC	CITY SHREDDING SERVICES	$	55.00
08/12/2015	19780	ADKISON, NEED & ALLEN P.L.L.C.	CITY ATTORNEY CONTRACT	$	2,099.50
08/12/2015	19781	ARROW UNIFORM RENTAL	MAT RENTAL AND JANITORIAL SUPPLIES	$	236.23
08/12/2015	19782	BEIER HOWLETT PC	CITY ATTORNEY CONTRACT	$	265.11
08/12/2015	19783	CITY OF BERKLEY	JULY DISPATCH SERVCIES	$	3,484.61
08/12/2015	19784	CITY OF PLEASANT RIDGE-GENERAL	CITY WATER UTILITY SERIVCE	$	13,833.67
08/12/2015	19785	COMMUNITY MEDIA NETWORK	COMMISSION MEETING RECORDINGS	$	200.00
08/12/2015	19786	CONSUMERS ENERGY	UTILITY SERVICES	$	484.29
08/12/2015	19787	DES MOINES STAMPS	OFFICE SUPPLIES	$	18.50
08/12/2015	19788	DILISIO CONTRACTING INC	STREET PAVING PROJECT	$	233,535.54
08/12/2015	19789	EUGENE LUMBERG	CITY ATTORNEY CONTRACT	$	468.75
08/12/2015	19790	FIRING LINE	POLICE DEPARTMENT EQUIPMENT	$	6,210.00
08/12/2015	19791	GREAT AMERICA	TELEPHONE SYSTEM	$	433.00
08/12/2015	19792	INTERMEDIA	WIRELESS SERVICES	$	137.73
08/12/2015	19793	J & J AUTO TRUCK CENTER	POLICE CAR MAINTEANCE AND REPAIRS	$	65.71
08/12/2015	19794	JANI-KING OF MICHIGAN, INC	JANITORIAL SERVICES	$	2,161.00
08/12/2015	19795	KENNETH BORYCZ	INSPECTION SERVICES	$	761.25
08/12/2015	19796	KIRK, HUTH & LANGE PLC	CITY ATTORNEY CONTRACT	$	75.00
08/12/2015	19797	LIVING LAB	PARK IMPROVEMENT	$	17,203.83
08/12/2015	19798	O.P. AQUATICS	POOL CHEMICALS AND SUPPLIES	$	675.55
08/12/2015	19799	OAKLAND COUNTY TREASURER	GWK BOND PAYMENT	$	56,981.50
08/12/2015	19800	PROLIGHTING.COM	COMMUNITY STREET LIGHTING	$	1,672.98
08/12/2015	19801	RAY KEE	INSPECTION SERVICES	$	1,350.00
08/12/2015	19802	ROBERT CAMPBELL	REIMBUREMENT OF APPRAISAL FEES	$	425.00
08/12/2015	19803	ROCKET ENTERPRISE, INC	ANNUAL FLAG SERVICE RENEWAL	$	275.00
08/12/2015	19804	S & S WORLDWIDE	RECREATION SUPPLIES	$	174.70
08/12/2015	19805	SCHEER'S ACE HARDWARE	BUILDING MAINTENANCE SUPPLIES	$	110.57
08/12/2015	19806	SIR SPEEDY	CITY OFFICE SUPPLIES	$	125.70
08/12/2015	19807	SOCRRA	REFUSE COLLECTION CONTRACT	$	7,396.00
08/12/2015	19808	SOCWA	WATER PURCHASES JULY 2015	$	24,071.92
08/12/2015	19809	THE BANK OF NEW YORK	PAYMENT ON POOL BONDS	$	39,762.50
08/12/2015	19810	WEB MATTERS BY KRISTIE	MONTHLY WEBSITE HOSTING FEES	$	24.95
08/12/2015	19811	WEX BANK	FUEL PURCHASES FOR POLICE CARS	$	1,225.54
08/12/2015	19812	WOLVERINE POWER SYSTEMS	GENERATOR SERIVCE CALL AND REPAIR	$	270.00
			Total for 8-12-15	$	420,764.47

CITY OF PLEASANT RIDGE CHECK REGISTER
ACCOUNTS PAYABLE
AUGUST 26, 2015

Check Date	Check	Vendor Name	Description		Amount
08/26/2015	19813	ABOVE & BEYOND INSTALLATION	WELLESLEY LOT LIGHTING	$	529.47
08/26/2015	19814	ARROW UNIFORM RENTAL	MAT RENTAL AND JANITORIAL SUPPLIES	$	241.91
08/26/2015	19815	BCBS OF MICHIGAN	HEALTH CARE BENEFITS	$	26,867.64
08/26/2015	19816	BOARD OF WATER COMMISSIONERS	IWC CHARGES FOR JULY 2015	$	418.00
08/26/2015	19817	BRILAR	65 SYLVAN BLIGHT CUT	$	135.00
08/26/2015	19818	CITY OF ROYAL OAK	DPW SERVICES MAY 2015	$	8,364.24
08/26/2015	19819	DES MOINES STAMPS	PERMA DATE STAMP	$	31.80
08/26/2015	19820	FERNDALE PIZZA CO., INC.	RECREATION SUPPLIES	$	114.00
08/26/2015	19821	GLENN FEARN	UNIFORM REIMBURSEMENT	$	80.00
08/26/2015	19822	HOLIDAY FOOD CENTER	HOME AND GARDEN TOUR SUPPLIES	$	291.50
08/26/2015	19823	LEGAL SHIELD	PRE PAID LEGAL SERVICES	$	25.90
08/26/2015	19824	LIGHTING SUPPLY COMPANY	BUILDING MAINTENANCE SUPPLIES	$	436.55
08/26/2015	19825	LIVING LAB	GAINSBORO PARK IMPROVEMENTS	$	2,450.00
08/26/2015	19826	MAT COURT RECORDING	MEETING MINUTES	$	225.00
08/26/2015	19827	MUNICIPAL CODE CORPORATION	CITY CODE BOOK UPDATES	$	830.83
08/26/2015	19828	O.P. AQUATICS	POOL CHEMICALS AND SUPPLIES	$	619.50
08/26/2015	19829	OAKLAND SCHOOLS	2015 SUMMER TAX BILL PRINTING & MAILING	$	474.68
08/26/2015	19830	PLANTE & MORAN PLLC	ACCOUNTING SERVICES	$	5,339.00
08/26/2015	19831	SIR SPEEDY	OFFICE SUPPLIES	$	219.41
08/26/2015	19832	SOCRRA	REFUSE COLLECTION CONTRACT	$	7,624.34
08/26/2015	19833	VERIZON	WIRELESS SERVICES	$	180.08
08/26/2015	19834	MELANIE SEVALD	REC INSTRUCTOR SUMMER I & II	$	540.00
			Total for 8-26-15	$	56,038.85

CITY OF PLEASANT RIDGE CHECK REGISTER
ACCOUNTS PAYABLE
Electronic Payments & P-Card Transactions

Check Date	Check	Vendor Name	Description	Amount
08/11/2015	116	AMMO TO GO	AMMUNITION PURCHASES	$ 315.18
08/11/2015	117	AT&T MOBILITY	WIRELESS SERVICES	$ 47.52
08/11/2015	118	CNU	MEMBERSHIP-BREUCKMAN	$ 195.00
08/11/2015	119	GLOBAL INDUSTRIAL	REFLECTIVE DELINEATOR POSTS	$ 839.49
08/11/2015	120	HARBOR FREIGHT TOOLS	POLICE MAINTENANCE SUPPLIES	$ 84.73
08/11/2015	121	HOME DEPOT CREDIT SERVICES	BLDG MAINTENANCE SUPPLIES	$ 19.59
08/11/2015	122	JAX KAR WASH	POLICE VEHICLE MAINTENANCE	$ 59.94
08/11/2015	123	MAJIK GRAPHICS INC	POLICE VEHICLE GRAPHICS	$ 657.00
08/11/2015	124	MICRO CENTER	POLICE OPERATING SUPPLIES	$ 101.68
08/11/2015	125	MILES TACTICAL	DEPARTMENT SUPPLIES	$ 281.96
08/11/2015	126	MERS	JUNE 2015 MERS CONTRIBUTIONS	$ 17,137.57
08/11/2015	127	MERS	JULY 2015 MERS CONTRIBUTIONS	$ 19,424.76
08/11/2015	128	MY PARKING PERMIT.COM	SYLVAN PERMIT PARKING SUPPLIES	$ 627.95
08/11/2015	129	PERFECT WATER	FITNESS CENTER SUPPLIES	$ 39.95
08/11/2015	130	POSTMASTER	POSTAGE	$ 490.00
08/11/2015	131	SABRAGE	PROMOTIONAL SUPPLIES	$ 100.00
08/11/2015	132	TARGET STORES	MEETING SUPPLIES	$ 31.45
08/11/2015	133	WINDER POLICE EQUIPMENT	POLICE OPERATING SUPPLIES	$ 330.28
08/11/2015	134	XFER COMMUNICATIONS	TELECOMMUNICATION SERVCES	$ 743.50
			Total For Electronic Payments:	$ 41,527.55

City of Pleasant Ridge

PROCLAMATION
NATIONAL PREPAREDNESS MONTH

Whereas, September 2015, has been proclaimed as "National Preparedness Month"; and

Whereas, "National Preparedness Month" provides a welcome opportunity for the State of Michigan to work cooperatively with local jurisdictions to make citizen preparedness a priority for every person, family and community in our nation; and

Whereas, the coordinated and participatory efforts of federal, state, tribal and local governments, individual communities, private businesses and citizens are critical to the success of homeland security and the protection of our nation; and

Whereas, it is essential that all citizens of the nation be aware of the importance of emergency preparedness and become more familiar with threats that may impact local communities.

NOW, THEREFORE, I, Kurt Metzger, on behalf of the entire community of Pleasant Ridge, do hereby proclaim September 2015, as National Preparedness Month and encourage all citizens to seriously contemplate the state of their personal preparedness, strive to meet the challenge of increasing their self reliance and recognize the need to provide provisions for their families in case of any emergency.

_____

Kurt Metzger, Mayor

SIGNED AND SEALED THIS 8th DAY OF SEPTEMBER, 2015

City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

PROCLAMATION

WHEREAS, Thursday, September 17, 2015, has been designated Citizenship Day, and the period of September 13th through September 19th has been designated as Constitution Week; and

WHEREAS, Citizenship Day commemorates the signing of the American Constitution on September 17, 1787, and gives us the opportunity to recall the high ideals and devotion to liberty of the men who framed our Constitution, and to review the many blessings enjoyed by our nation; and

WHEREAS, all of us need to be inspired to rededicate ourselves to our country and to the support and defense of our Constitution, and to an involvement in responsible citizenship;

NOW, THEREFORE, by virtue of the authority vested in me as Mayor, do hereby proclaim Thursday, September 17, 2015, as Citizenship Day and September 13 through September 19, 2015 as Constitution Week in our community our community, and urge our citizens to renew their spirit of dedication to the great imperatives of Citizenship, Duty to God and to our Country.

SIGNED AND SEALED this 8th day of September, 2015.

_____
Kurt Metzger, Mayor

IN WITNESS WHEREOF, I Amy M. Drealan, duly certified Clerk of the City of Pleasant Ridge do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Commission at its Regular Meeting held September 8, 2015.

_____
Amy M. Drealan, CMC

City of Pleasant Ridge

Amy M. Drealan, City Clerk

From: Amy M. Drealan, City Clerk

To: City Commission

Date: September 8, 2015

Re: Municipal Employee Retirement Systems (MERS) Annual Conference

Overview

Each year, in the Fall, MERS holds its Annual Conference which offers a wide variety of educational sessions focusing on topics related to the City's retirement fund. The City Commission must authorize the officer delegate to the MERS Annual Conference.

As provided in Section 45(2) of the MERS Plan Document, the governing body for each municipality shall certify the names of two (2) delegates to the Annual Conference. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality.

Requested Action

Appoint the City Clerk, Amy Drealan, as the officer delegate to the MERS Annual Conference.

Please feel free to contact me should you wish to discuss this matter further.

City of Pleasant Ridge

Amy M. Drealan, City Clerk

From: Amy M. Drealan, City Clerk

To: City Commission

Date: September 8, 2015

Re: Pleasant Ridge Environmental Committee Resolution

Overview

The members of the Environmental Committee are requesting the City Commission support their efforts by passing the attached resolution regarding the sale of eco-friendly lawn and garden products.

Requested Action

Approval of the resolution requested by the Environmental Committee.

Please feel free to contact me should you wish to discuss this matter further.

RESOLUTION

In Support of the Pleasant Ridge Environmental Committee
Letter regarding Eco-friendly Lawn and Garden products

WHEREAS, the Pleasant Ridge Environmental Committee has concerns about products sold by local retailers for lawn and garden care and the possible effects of these chemicals on human and pet health; and,

WHEREAS, the Pleasant Ridge Environmental Committee has crafted a letter for local merchants urging them to stock and carry eco-friendly lawn and garden products to increase choice for consumers who wish to use such products.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Commission of Pleasant Ridge supports the Pleasant Ridge Environmental Committee's efforts to increase the availability of eco-friendly lawn and garden products by local merchants.

I, Amy M. Drealan, duly certified clerk of the City of Pleasant Ridge, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted at the Regular City Commission Meeting held Tuesday, September 8, 2015.

IN WITNESS WHEREOF, I do hereby set my hand and affix the official seal of the City this 8th day of September, 2015.

_____

Amy M. Drealan, City Clerk

To (designated Corporate Office),

As members of the Pleasant Ridge Environmental Committee, we have concerns about some products you currently sell for lawn and garden care. Many residents in our community have questions about possible links between colony collapse disorder and the decline in Monarch Butterfly populations and the use of herbicides such as Round-up and neonicotinoid pesticides. People have expressed general concerns about the effects of these chemicals on human and pet health as well.

Residents have asked members of our group where they can purchase alternative products such as horticultural vinegar and corn meal gluten. We checked with some of your retail outlets about the availability of these items and were directed to contact corporate offices to request these products.

Many eco-friendly items are currently available online but we like to see them made available at a local source. Perhaps you could consider having an aisle or section dedicated to safer, natural, organic products so it would be easier for people to make clear choices when choosing what to use in their yards. I believe you may already offer a few of these items such as Milorganite and perhaps some Ringer's and Safer brand products but we would appreciate a more comprehensive selection and an effort on your part to actively promote eco-friendly products.

(Insert store name) is in a great position to be a leader in the alternative lawn and garden care market. Selling and promoting environmentally friendly products would result in two major benefits: a larger customer base of those seeking safer products as well as the promotion of human, pet and environmental health and sustainability.

Please let us know if you would be willing to carry these types of products.
We would like to be able to direct residents to your store as a local source for these items and would do so on our FaceBook page if they were to be made available.
Please contact us at p.ridgeenvironmental@gmail.com or by mail to Leslie Jones, 19 Fairwood, Pleasant Ridge, Mi. 48069.

Respectfully,

Leslie Jones,

Chair, Pleasant Ridge Environmental Committee

City of Pleasant Ridge

Amy M. Drealan, City Clerk

From: Amy M. Drealan, City Clerk
To: Mayor and City Commission
Date: September 9, 2015
Re: Detroit Pubic TV - Solicitation Request

The City received a request by Detroit Public TV (DPTV) to solicit door-to-door from September 10 - November 10, 2015.

Canvassers for the organization will be working on a door-to-door campaign to gain new support for the station by signing up new members. According to the Canvass Director, any contributions go directly toward funding DPTV's educational programming and its other charitable efforts based in and around Metro Detroit.

Detroit Public TV is a registered 5013(c). As a courtesy to our residents, we place notice of these types of solicitation on our monthly City Commission agenda.

Requested Action

Approval of the request by Detroit Public TV to solicit door-to-door from September 10 - November 10, 2015.

Please feel free to contact me should you wish to discuss this matter further.

City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager

To: City Commission

Date: September 2, 2015

Re: Resident Request for Pit Bull/Dangerous Dog Ban

Overview

The City is in receipt of a letter from Thea Augustyn of 20 Maplefield requesting that the City enact a pit bull and vicious dog ban. The reasons for this request are contained in her letter attached to this memo.

Background

In April of 2014 the City repealed our local dog ordinances and began using Oakland County as our Animal Control agency. Oakland County Animal Control enforces the laws of the state regarding dogs and other animals. There are provisions in state law (Act 426 of 1988, attached) that deal with dangerous dogs. In order to be classified as a dangerous dog, the dog must bite or attack a person or cause serious injury or death to another dog (MCL 281.321). Once a dog is declared dangerous, enforcement actions may begin.

The requested action by the homeowner would result in the City adopting an additional standard that applied to pit bulls or specified dangerous breeds of dogs. This additional regulation would be enforced and administered by the City. The presumption behind this action would be to restrict of ban certain breeds of dogs that are presumed to be dangerous prior to any attacks by those dogs.

If the City is interested in adopting an ordinance it can take the form of a regulatory ordinance or an outright ban:

- A regulatory ordinance would not ban certain breeds, but would establish specific requirements for certain breeds. These requirements could include specifications for what kind of outdoor confinement must be provided for certain breeds, insurance coverage requirements, restrictions on the number of animals, registration, posting beware of dog signs, providing information about the breeding or provenance of the dog, etc.

- A ban could be applied to pit bulls and/or certain other breeds which precludes residents from owning such dogs in the City.

Requested Action

Staff is requesting that the City Commission provide direction on how to proceed with this issue. Options include:

1. Taking no action and continuing to operate under existing regulations.

2. Beginning a public input process to assess the level of support for action of some kind on this issue.

3. Providing guidance to Staff on a preferred approach and directing Staff and the City Attorney to begin preparing an ordinance for City Commission review.

Thea Augustyn
20 Maplefield,
August 20,2015

Jim,
Per our conversations of the last week, I am writing this letter to request that Pleasant Ridge establish and enforce, without delay, a pit bull and vicious dog ban. Jeff and I currently live at 20 Maplefield with our 3 children Max (13), Miller (12) and Marnie (7). We are making this request based on the events that have recently occurred on our street and are listed below.

1. 15 Maplefield was recently rented to a young couple with the option to buy in the next several months. The renters own a pit bull dog. It appears that neither owner can manage the dog. I have seen the woman attempt to walk her pit bull dog. As I watched the dog basically drag her along, it was very clear that she could not keep the dog under control. My neighbor at 22 Maplefield, also watched the other owner attempt to walk the dog. He stopped the walk not more than 4 houses down unable to keep the dog on the side walk and he needed to use the choke chain to bring it back home.
   The owner mentioned to our neighbors at 22 Maplefield, that their dog is a "rescue" pit bull puppy. I recently talked with the animal control officer at Grosse Pointe Woods and she strongly recommended avoiding the adoption of any rescue pit bulls because it is very difficult to guarantee that the dog is not bred from a line of fighters.
   The backyard of 15 Maplefield is fenced from the previous owners but was built to restrict only dachshunds, so this fence is clearly not properly sized for larger animals.
   I have spoken to our neighbors at 19 Maplefield and they are very concerned about the pit bull dog. The dog barks into all hours of the night and is able to raise his head over the privacy fence separating their yards. They fear for their two smaller dogs.
2. Several weeks ago a couple purchased 23 Maplefield (directly across the street from us). They have begun extensive work on the house so they are not able to move in yet. They own a bull terrier mix breed.
3. Last year our neighbor at 18 Maplefield fell ill and her daughter and son-in-law moved in to help care for her. They own a pit bull, as well. We discussed the dog before they moved in and we came to an agreement (the dog is older, missing most of its teeth and is kept as an indoor dog). The owner agreed to accompany the dog whenever they let it out to go the bathroom and we instructed our kids to come inside when it is out. Over time we have gotten used to the dog but it still growls at you if you look at it.

So you see, there are **3** pit bulls living in the span of the first 6 houses, south of the freeway wall on Maplefield!

For the safety of all Pleasant Ridgers, but especially for our children and our elderly, we are requesting the establishment and enforcement of a vicious dog ban similar to that of Grosse Pointe Woods. Grosse Pointe Woods City Ordinance 6-94 bans all bull terrier breed of dog, Staffordshire bull terrier breed of dog, American Staffordshire bull terrier breed of dog, American pit bull breed of dog and any mixed breed known as a pit bull or pit bull terrier and has the appearance and characteristics of being predominately of any of the above listed breeds. Sylvan Lake, which also has a pit bull ban, provides stringent requirements for previously owned licensed pit bulls under Ordinance10-85. The requirements include, but not limited to, muzzling the jaw of the pit bull when on walks off the owner's property, a pen on the owner's property with a secured top (Please consider that the animal control officer of Grosse Pointe Woods mentioned that she has seen a pit bull climb a 10 foot fence when being chased by police) and public liability insurance for an amount no less than $100,000 coverage.

My plan was to provide information regarding pit bull attacks, such as the one that just occurred in Warren last week, in which a **9 year old girl** was **mauled** when a neighbor **accidently** left the door open. However, I was becoming far too frightened to continue that pursuit. Plus, I am confident that police records provide more truthful information than the internet.

Most importantly, I want you to consider that the children on our street and neighboring streets ride their bikes to our house to play. They play four-square and Frisbee on the street in front of our house and play tag and hide-and-go seek across several of our yards. Having vicious dogs that could possibly jump the fence and attack will put an end to all that play. Consider the concern of the families, especially those with small children, who we invite over for barbecues and to play in our yard; or even just for my neighbors and family walking to and from our cars.

We feel it is not enough to just legally declare them vicious and/or dangerous. That only makes it difficult to own the breed and provides for monetary compensation **after** an attack. That is only being reactive. We want the City of Pleasant Ridge to be proactive and address this issue **before** a possible tragedy. We want to be neighborly and welcoming to new families moving into the city but not at the expense of all of our safety.

Thank You,

Thea Augustyn