

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

**City Commission Meeting
November 12, 2019**

Honorable Mayor, City Commissioners and Residents: This shall serve as your official notification of the Public Hearing and Regular City Commission Meeting to be held Tuesday, November 12, 2019, 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 HEARING AND REGULAR MEETING—7:30 P.M.

1. **Meeting Called to Order.**
2. **Pledge of Allegiance.**
3. **Roll Call.**
4. **PUBLIC DISCUSSION – items not on the Agenda.**
5. **Presentation by Ferndale Public Schools Superintendent Dania Bazzi.**
6. **Request by Whistle Stop I, LLC, 24060 Woodward Avenue, Pleasant Ridge, Michigan, regarding an amendment to the Class C Liquor License and Operating Agreement.**
 - a. **PUBLIC HEARING** – Request by Whistle Stop I, LLC, 24060 Woodward Avenue, Pleasant Ridge, Michigan, regarding an amendment to the Class C Liquor License and Operating Agreement.
 - b. Request by Whistle Stop I, LLC, 24060 Woodward Avenue, Pleasant Ridge, Michigan, regarding an amendment to the Class C Liquor License and Operating Agreement.
7. **Condemnation of the property commonly known as 71 Devonshire Road, Pleasant Ridge, Michigan.**
 - a. **Public Hearing** – Solicitation of public comments on the proposed condemnation of the property commonly known as 71 Devonshire, Pleasant Ridge, Michigan.
 - b. Condemnation of the property commonly known as 71 Devonshire, Pleasant Ridge, Michigan.

8. **Oakland County Community Development Block Grant Program Year 2020 Community Application and Subrecipient Agreement.**
 - a. **PUBLIC HEARING** – Oakland County Community Development Block Grant Program Year 2020 Community Application and Subrecipient Agreement.
 - b. Oakland County Community Development Block Grant Program Year 2020 Community Application and Subrecipient Agreement.
9. **Ordinance to amend Chapter 78, Vegetation, by the addition of a new Section Sec. 78-74 Trimming or cutting of trees susceptible to oak wilt.**
 - a. **PUBLIC HEARING** – Solicitation of public comments on Ordinance to amend Chapter 78, Vegetation, by the addition of a new Section Sec. 78-74, Trimming or cutting of trees susceptible to oak wilt.
 - b. Ordinance 437 to amend Chapter 78, Vegetation, by the addition of a new Section Sec. 78-74, Trimming or cutting of trees susceptible to oak wilt.
10. **City Commission Liaison Reports.**
 - **Commissioner Scott – Historical Commission.**
 - **Commissioner Wahl – Recreation Commission.**
 - **Commissioner Krzysiak – Ferndale Public Schools.**
 - **Commissioner Perry – Planning/DDA, Committee Liaison.**
11. **Consideration of the Official Certification and Election Report of the General Election held Tuesday, November 5, 2019.**
12. **Administration of the Oath of Office to City Commissioner Ann Perry.**
13. **Administration of the Oath of Office to City Commissioner Christopher Budnik.**
14. **Governmental Reports.**
15. **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. Consideration of the minutes of the Regular City Commission Meeting held Tuesday, October 8, 2019.
 - b. Consideration of the Monthly Disbursement Report.
 - c. Authorization of Mayor Kurt Metzger, City Commissioner Ann Perry, City Commissioner Bret Scott, City Clerk Amy M. Allison, and Police Chief Kevin Nowak and to sign checks on behalf of the City of Pleasant Ridge.
16. **Establishing a public hearing on Tuesday, December 10, 2019, at 7:30pm to solicit public comments on an ordinance to amend the Pleasant Ridge City Code by the addition of a new Section 34-52(14) establishing a maximum sound level for mechanical equipment in residential areas and by the addition of a new Section 82-193(9) regarding the location of air conditioners and generators in the side yard.**

17. City Manager's Report.
18. Other Business.
19. Adjournment.

**Please join us for a light reception
to welcome of our newly elected
City Commissioners Christopher Budnik and Ann Perry
and to offer sincere thanks to
City Commissioner Jason Krzysiak**

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.



FERNDALE
SCHOOLS

Ferndale Forward

Since we last visited...

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- Ferndale Schools adopts new strategic plan
 - A Strategic Plan is comprised of the vision, mission, values, strategic directions and goals for a school district. It is a dynamic, active document that guides decision-making at the school and District levels.
 - To view our new Strategic Plan visit <https://www.ferndaleschools.org/district/about/strategic-plan>



Equity Based Strategic Plan

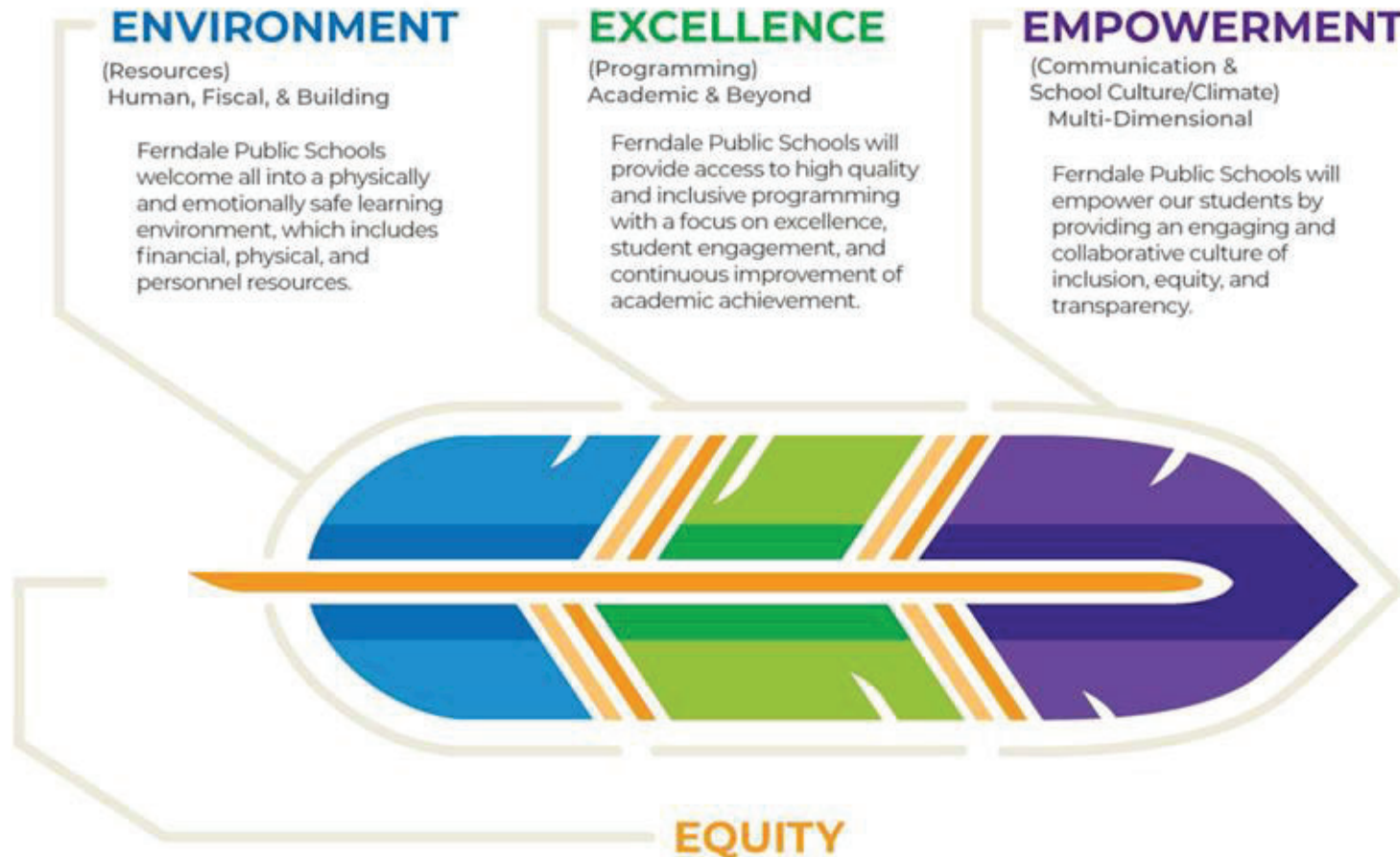
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- Equity Vision Statement:
 - At FPS, we are a school family of continual learners. We support each and every student to develop their purpose, plan, and passion. We encourage and honor dialogue about the histories, cultures, and goals of our communities. We actively and intentionally facilitate equitable access and representation, meaningful participation, and high expectations for ALL.



Equity Based Strategic Plan

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Equity is the foundation of everything we do. The goals of the Strategic Plan will only be achieved if their benefits are accessible to all members of our community, present and future.



FERNDALE
SCHOOLS

Ferndale Innovation

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FERNDALE
SCHOOLS

Ferndale Innovation

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- 2019 Equity Innovator Award
 - This award was presented by the Midwest & Plains Equity Assistance Center.
 - FPS was selected as the Equity Innovator because of the passion and persistence exhibited by school community stakeholders, educators, and administrators in pursuit of educational equity for all students in the district.
 - In particular, FPS was recognized for attention paid to groups of students who have been historically marginalized within our community.



Ferndale Innovation

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- 2019 Equity Innovator Award
 - Ferndale Public Schools has been recognized as an Innovative District by the International Center for Leadership in Education, a division of Houghton Mifflin Harcourt, for our Social-Emotional Learning (SEL) curriculum.
 - “Innovative Districts recognize the need for change, collectively establish a vision, and systematically work together to create a learning environment that enables students of all abilities to thrive. They focus on leveraging individual data to make instructional decisions and personalize instruction; balance rigor and relevance in interdisciplinary learning; and create equity, access, and opportunities for all.”



2020 Bond Update

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- What is a Bond?
 - A Bond is similar to a home mortgage.
 - A school district borrows a lump sum dollar amount through the sale of bonds and then pays the money back over a specified period of years.

2020 Bond Update

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- Why now?
 - We currently in the rare position where we have the ability to sell bonds at a zero mil increase, while having the need for facility improvements.

2020	\$53M
2023	\$35.5M
2026	\$36M
0 mill increase, \$125M, 30 year term	

2020 Bond Update

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School District	Levied Debt Retirement Mills
Hazel Park	15
Clawson	9.02
South Lyon	9
Oxford	7.9
Madison	7.76
Lake Orion	7.491
Avondale	7.3
Berkley	7
Clarkston	7
Ferndale	7
Huron Valley	7
Novi	7
Waterford	7
West Bloomfield	7
Oak Park	6
Rochester	6
Troy	4.7
Birmingham	3.8
Bloomfield Hills	0.95

- How much will a March 2020 Bond cost the taxpayer?
 - Currently Ferndale Schools levies 7 mils in taxes.
 - The March 2020 Bond would simply continue that millage rate.
 - The Bond would result in a 0 mil increase.

2020 Bond Update

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- What is a “three series bond”?
 - Doing a three series bond means that with one vote in March of 2020 the taxpayers can approve Ferndale Schools to sell bonds at three different times over the next 6 years, 2020,
 - This allows FPS to maximize our efficiencies and create a decade long, comprehensive facilities plan.

2020 Bond Update

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- Focus of the 2020 Bond
 - Safety, Sustainability, Reimagine the classroom
- Major Projects
 - A New Kindergarten – 2nd grade elementary school at Jackson Park (current site of CASA)
 - Roosevelt Building becomes new home of CASA
 - EVERY classroom in the district is updated – furniture, technology, flooring, etc
 - Secured entry vestibules constructed at each school
 - Winter gym entry addition & concessions
- Other Projects
 - Removal of one pool, convert space to weight room/wrestling room
 - Stadium building upgrades - new layout for softball / baseball
 - New varsity baseball and softball fields
 - 8 new tennis courts
 - Stem/steam addition
 - Music room addition
 - Theater backstage addition - scene shop, dressing, green room, etc.
 - And more!!!


Headlee Override

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- What is a Headlee Override?
- This will also be on the March 2020 ballot.
- Bottom line a “yes” vote on the Bond and Headlee Override will result in no increase to the current millage rate.

Handouts

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FERNDALE SCHOOLS

3-SERIES BOND FACTS

Election Day is March 10, 2020

WHY DO WE HAVE A 3-SERIES BOND BALLOT ISSUE IN MARCH?

The March 10 ballot proposal will allow the school district to continue to fund a 3-series bond at a continuation of the current tax rates to receive \$125 Million over the next ten years.

WHAT IS A 3-SERIES BOND?

The bond proposal that will be on the ballot in March 2020 is what is commonly referred to as a 3-series proposal. A traditional bond proposal allows a district to sell bonds one time and receive funds. If a 3-series bond is passed, it would authorize Ferndale Schools to sell bonds at three different times in the near future. This allows the district to create a decade-long facility plan.

If passed, below is the schedule for when the bonds would be sold and how much each series would yield.

- 2020: \$53M
- 2023: \$35.5M
- 2026: \$36M

WHY NOW?

Increased property values and fiscal responsibility have allowed Ferndale Schools to pay down past debt. A 3-series bond now would allow the district to create a decade-long facility plan.

IF THIS BOND DOES NOT PASS, WILL IT DECREASE MY PROPERTY TAXES?

Yes, but not immediately. Ferndale Schools is part of the School Loan Revolving Fund (SLRF). The SLRF is a self-sustaining fund that makes loans to school districts to assist with making debt service payments on state-qualified bonds issued under the School Bond Qualification and Loan Program. Loan repayment is deferred until the required debt millage yields enough to pay the district's debt service obligations. This means our residents current taxes would still go towards service obligations on our previous Bond. Once those obligations are met, the tax rate would decrease.

WHAT IS THE MONEY USED FOR?


These bond dollars are restricted to capital improvements, such as facility improvements, technology, and buses. The three key areas of focus we have targeted are:


- **Facility Restoration & Improvements**
 - Roof and Exterior Repairs & Replacements
 - Boilers, Plumbing, HVAC Improvements
- **Security Upgrades**
 - Secure Vestibules
 - Restructuring for Improved Deterrence
- **Flexible Learning Environments**
 - Flexible Furniture
 - Larger Classrooms
 - A New Lower Elementary

For a complete schedule of the improvements we plan to make with the bond dollars, visit our bond website:

FerndaleForward.com

ELECTION DAY
March 10, 2019




FERNDALE SCHOOLS

NON-HOMESTEAD MILLAGE FACTS

Election Day is March 10, 2020

WHY DO WE HAVE A NON-HOMESTEAD SCHOOL BALLOT ISSUE IN MARCH?

The March 10 ballot proposal will allow the school district to continue to levy 18 mills of Non-Homestead millage on all commercial, business, rental properties, vacant land and second-home properties. In order for the school district to receive its full operating revenue allowance, the district must levy 18 mills.

VOTERS JUST APPROVED THE NON-HOMESTEAD MILLAGE IN 2015. WHY IS IT ON THE BALLOT AGAIN?

When property taxable values grow faster than the cost of living index, it triggers a millage reduction fraction, required by the 1978 Headlee Amendment within the Michigan Constitution of 1963. Ferndale property values have increased significantly since 2015. As a result, our current millage is at 18.3851. This is more than 1.5 mills of roll back over the past four years.

WHY NOW?

Our current millage is at 18.3851. This is more than 1.5 mills of roll back over the past four years. If this roll back trend continues, we anticipate the Non-Homestead Millage Rate would drop below 18 mills in 2021.

This year, Ferndale Schools collected more than 10% of our total budget from the Non-Homestead Millage (about \$4.6 million.) If this ballot initiative does not pass, that portion of our budget would begin to decrease over time.

The State of Michigan will not replace the lost revenue; therefore, Ferndale Schools would have to reduce or cut programs to reach a balanced budget. If voters approve the Headlee Restoration millage in March, the district can still collect at the current rate.

WHAT IS THE MONEY USED FOR?

The money the district receives from the Non-Homestead millage supports the annual operational budget, or the day-to-day operations of the school district including classroom supplies, textbooks, equipment, utilities, transportation, staff, and more.

WHY DOES THE BALLOT LANGUAGE ASK AN INCREASE TO 20 MILLS?

By law, the district cannot levy more than 18 mills, even if it is voter approved. Ferndale Schools is requesting an increase to 20 mills to create a buffer of mills and to guard against losing money due to a future Headlee Amendment roll back, like the ones we have seen every year since 2015. By approving this ballot question, voters can help guarantee a more stable budget for the district, ensuring it is able to collect taxes on Non-Homestead property at the full 18 mills.

WILL THIS INCREASE MY PROPERTY TAXES ON MY PRIMARY RESIDENCE?


No. If you are a homeowner living in your primary residence more than six months per year, this millage renewal would not affect your property taxes on that property. This tax only applies to Non-Homestead property owners, such as commercial, business, rental properties, vacant land and second-home properties.

I OWN A BUSINESS OR VACANT LAND IN THE FERNDALE SCHOOL DISTRICT.

HOW WILL THIS AFFECT ME?

The passage of this millage would result in a continuation of the current 18 mills tax rate levied in 2015.

ELECTION DAY
March 10, 2019



Additional Information

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- More information on the March 2020 Bond Proposal
 - www.FerndaleForward.com
- Want to get involved?
 - Please contact Bill.Good@ferndaleschools.org to join the Bond Committee
- Email or call Dania or Jamie for a facilities tour:
 - Dania Bazzi, Superintendent 313-220-6797 or danialbazzi@ferndaleschools.org
 - Jamie Stottlemeyer, Director of Operations 248-701-4630 or james.stottlemeyer@ferndaleschools.org



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
 To: City Commission
 Date: November 6, 2019
 Re: Whistle Stop Liquor License Amendment

Overview

The owner of the Whistle Stop restaurant has leased the former Susan's Special Needs space and is proposing to expand the restaurant. The restaurant expansion will consist of 404 sq. ft. of new space connected to the existing Whistle Stop dining room. The remainder of the former Susan's space will not be used for restaurant purposes. With the addition of the proposed space, a liquor license review and operating plan amendment is required.

Background

In 2015 the owners of the Whistle Stop restaurant applied for a transfer of the liquor license formerly held by Mae's Restaurant. The transfer was conditioned upon the occupancy and seating as it had existed at the time.

With the closure of the Susan's Special Needs business, the owners of Whistle Stop leased out the additional space in order to add three (3) tables/ twelve (12) seats. The proposal is to add 404/sf of new space, which has been currently built. The remainder of the old Susan's space will be vacant and used for storage. The owners of Whistle Stop have received site plan/special land use approval from the Planning Commission at its meeting held Monday, September 23, 2019. The restaurant is an existing nonconforming use, and only the new portion of the restaurant requires special land use approval. The new portion of the restaurant must also comply with zoning ordinance requirements.

Specifically, the new portion of the restaurant must meet Zoning Ordinance off-street parking requirements and dumpster/garbage screening requirements.

1. **Parking.** Four parking spaces are required for the new restaurant parking space - 1 parking space per 100 sq. ft. of useable floor area is required for restaurants. Four parking spaces are provided to the south of the former Susan's space.
2. **Garbage.** The restaurant has long stored its garbage containers along the Amherst sidewalk. This condition preceded the Whistle Stop taking over the restaurant. As part of this special land use request, the garbage containers must be brought into compliance with Zoning Ordinance standards. The garbage storage area will now be on the Susan's side of the site, at the east side of the parking lot. The containers will be in a screened enclosure and will be carted over to the Amherst curb on trash pickup days.

In their motion, the Planning Commission included provisions regarding the additional parking, signage for the parking lot, moving the refuse collection into the parking lot to the south of the building and limited the hours of operation to the existing hours.

After the public hearing the City Commission may consider the attached amendment to the Whistle Stop liquor license operating agreement. The amendment changes only the number of seats with the new expansion. For reference, the existing agreement which will remain in effect is also attached to this memo. 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.

Requested Action

City Commission consideration of the requested amendment to the Whistle Stop liquor license operating agreement following the public hearing.

FIRST AMENDMENT TO OPERATION AGREEMENT FOR WHISTLE STOP DINER

THIS FIRST AMENDMENT TO OPERATION AGREEMENT ("Amendment") is entered into on October ____, 2019, by and between the City of Pleasant Ridge, a Michigan municipal corporation, whose address is 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069 ("City") and Whistle Stop 1, Inc., a Michigan corporation, whose address is 24060 Woodward, Pleasant Ridge, Michigan 48069 ("Applicant") The City and the Applicant are collectively referred to in this Agreement as the "Parties."

Recitals

- A. The Applicant and the City entered into an Operation Agreement dated September 8, 2015 in connection with the restaurant operated by the Applicant known as the Whistle Stop Diner located at 24060 Woodward Avenue, Pleasant Ridge, Michigan ("Restaurant") See legal description attached as Exhibit A;
- B. The Applicant has requested that the City approve an "Add Space" application to expand the dining area and add twelve seats to the Restaurant;
- C. As part of the Applicant's "Add Space" application to the City and as an inducement to the City to approve the "Add Space" application, the Applicant proposed and incorporated a revised plan of operation for the Restaurant attached as Exhibit B (the "Plan"), and a revised site plan for the Property attached as Exhibit C (the "Site Plan") which reflect the increased seating area;
- D. The Parties intent in executing this Amendment is to address the proposed increase in seating resulting from the "Add Space" application only. The Parties agree that the Operation Agreement dated September 8, 2015 otherwise remains in full force and effect.
- E. The City held a public hearing on _____, to consider the Applicant's request for the "Add Space" application, pursuant to the Liquor Control Ordinance.
- F. The City has approved the Applicant's "Add Space" application, 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 Amendment.

Agreement

The Operation Agreement between the Parties dated September 8, 2015 is amended as follows:

1. **Recitations and Exhibits.** The recitations above are incorporated by reference and made part of this Amendment for all purposes. The attached Exhibits and the information in those Exhibits are also incorporated as though a part of this Amendment.

2. **Plan of Operation.** The number of seats (42) referenced in the Plan of Operation attached as Exhibit B to the September 8, 2015 Operation Agreement is null and void. The Plan of Operation attached as Exhibit B to this Amendment reflecting a total of fifty-four (54) seats at the restaurant shall replace the original Plan of Operation.

3. **Site Plan.** The Site Plan attached as Exhibit C to the September 8, 2015 Operation Agreement is null and void. The Site Plan attached as Exhibit C to this Amendment reflecting the new site and floor plan that received special land use approval shall replace the original Site Plan.

4. **Extent of Changes.** The number of seats referenced in Exhibit B and the Site Plan are the only changes being made to the September 8, 2015 Operation Agreement by this Amendment. The Operation Agreement dated September 8, 2015 otherwise remains in full force and effect.

WHISTLE STOP 1, INC., a Michigan corporation

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

CITY OF PLEASANT RIDGE, a Michigan municipal corporation

EXECUTED:

By: _____
Kurt Metzger, Mayor

ATTESTED:

Amy M. Drealan, City Clerk

APPROVED AS TO SUBSTANCE:

James Breuckman, City Manager

APPROVED AS TO FORM:

Greg Need, City Attorney

Dated: _____

Plan of Operation

August 24, 2019

City of Pleasant Ridge
23925 Woodward Ave.
Pleasant Ridge, MI 48069

Re: Whistle Stop Diner
Add Space Application

Dear Sir/Madam:

We are respectfully submitting a Plan of Operation as required by Section 18-54 of the City of Pleasant Ridge Liquor Control Ordinance, in connection with Whistle Stop 1, Inc.'s application to "Add Space" by expanding the seating area of the Whistle Stop Diner.

The Whistle Stop Diner is located at the corner of 24060 Woodward Avenue and Amherst Road. Whistle Stop 1, Inc. has operated the Whistle Stop Diner since 2015, pursuant to an approved Plan of Operation, Operating Agreement, and Liquor License from the City of Pleasant Ridge. Whistle Stop Diner's current business hours are from 7:30 a.m. to 3:00 p.m. Monday through Saturday, and 8:00 a.m. to 3:00 p.m. on Sunday. There are occasions in which the Whistle Stop Diner is open for private events, such as birthday parties, baby and wedding showers, typically between 5:30 p.m. and 10:00 p.m.

Previously, the Whistle Stop Diner was a 42 seat establishment; however, Whistle Stop has expanded its seating area by removing an existing window and windowsill for a new door opening to allow 12 additional seats. As such, the proposed seating arrangement would make the Whistle Stop Diner a 54 seat establishment, with seating for 42 at tables and 12 counter seats, serving both dine in and carry out meals for breakfast, brunch and lunch.

As we anticipated, Whistle Stop has a higher percentage of food sales than alcohol sales, although the liquor license allows us to serve alcoholic beverages in keeping with standard brunch fare. Our alcohol inventory remains relatively small and includes vodka, champagne and cordials appropriate for coffee drinks, along with limited beer and wine selections.

The management structure has not changed since our previous Plan of Operation provided in 2015. I continue to act as the manager of the restaurant utilizing my numerous years of experience as a restaurant manager and owner, which includes the Whistle Stop Restaurant in Birmingham, Michigan. My wife also assists in the operation of the restaurant.

The parking situation has improved since our purchase of the restaurant. The City installed signs directing traffic to the public parking lot at Wellesley Drive and Woodward Avenue

City of Pleasant Ridge
August 24, 2019
Page 2

and we have put up our own signs directing patrons to this public lot. We have more than the minimum number of six parking spaces required, which are available on Amherst Road adjacent to the restaurant and in the Wellesley public parking lot.

Since taking over the restaurant we arranged for an additional weekly trash pickup, so that our trash is picked up twice per week. This has improved the trash issue which existed prior to our purchase.

We have been happy to serve the Pleasant Ridge community for the past five years, and remain committed to the betterment of Pleasant Ridge and the Pleasant Ridge business district. We believe that this expansion will improve the restaurant and its business, along with its relationship to the City, its residents and business visitors.

We hope to retain an excellent working relationship and remain a valuable member of the Pleasant Ridge business community.

Sincerely,

A handwritten signature in black ink, reading "Valter Khomaqi". The signature is written in a cursive, flowing style with a large initial 'V'.

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

Enc.

Site Plan

[illegible]

OPERATING AGREEMENT
Whistle Stop Liquor License

THIS OPERATION AGREEMENT ('Agreement') is made and entered into on 9.8.15, 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 9.8.15, 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 parties, 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.

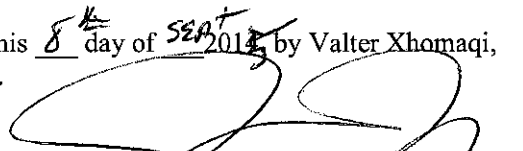
IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

WHISTLE STOP 1, INC., a Michigan corporation

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

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8th day of SEPT 2018 by Valter Xhomaqi, President of Whistle Stop 1, Inc., a Michigan corporation.


Notary Public
Acting in Oakland Michigan
My Commission expires: 7/28/18

Valter Xhomaqi, an individual

Valter Xhomaqi

STATE OF MICHIGAN)


)ss.

COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8th day of Sept 2015, by Valter Xhomaqi, an individual.

Public

Michigan

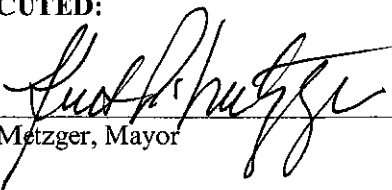

Notary

Acting in OAKLAND County

My Commission expires: 7/28/18

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: 9.8.15

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'

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.

City of Pleasant Ridge

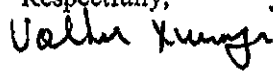
June 8, 2015

Page 2

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.

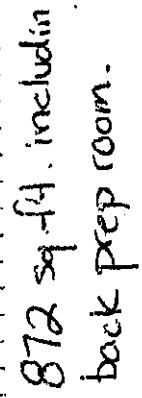
Respectfully,



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

EXHIBIT C

Site Plan

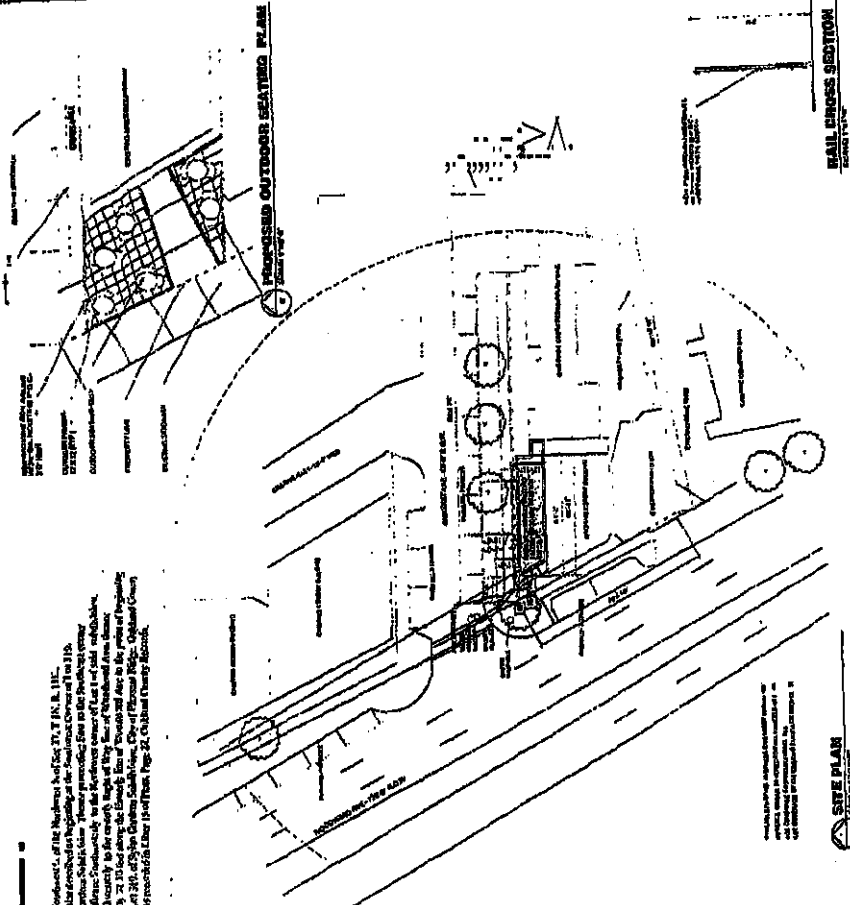


Handwritten signature

Mae's Restaurant
 2400 Woodward Ave., Pleasant Ridge, MI

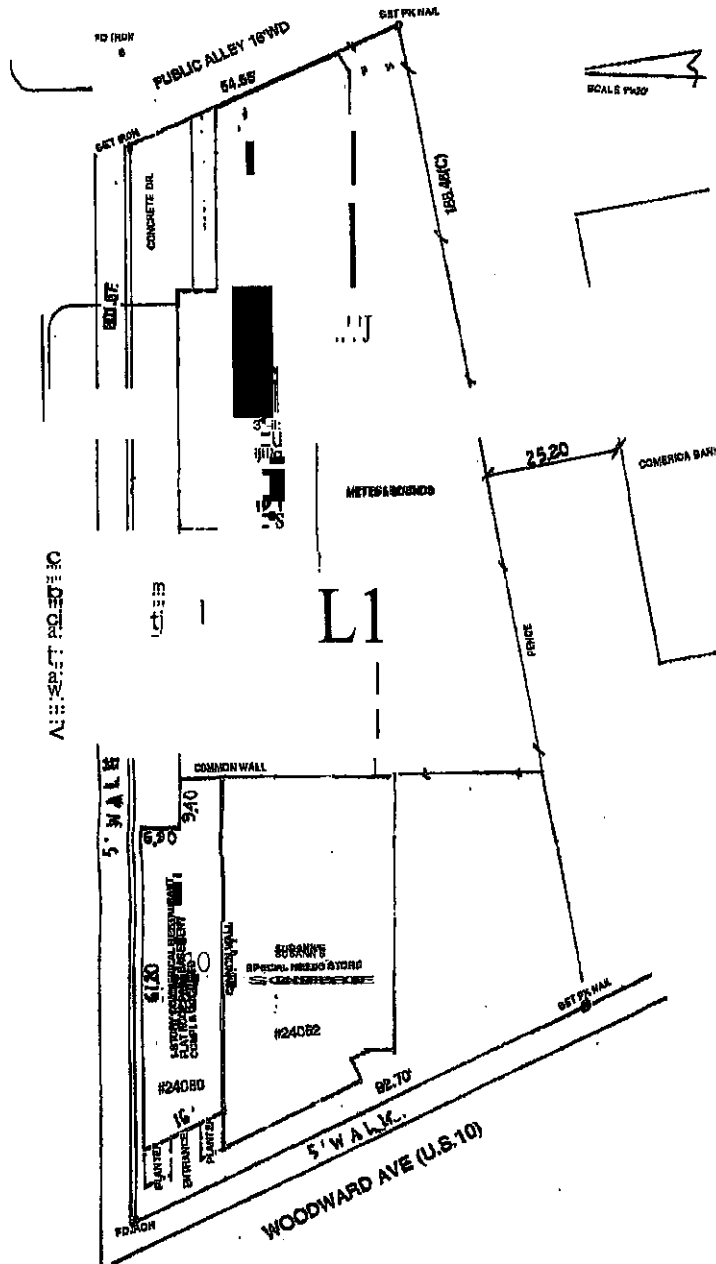
LOCATION PLAN
 Aerial photograph showing the location of the restaurant and surrounding area.

GENERAL INFORMATION
 The restaurant is located on the corner of Woodward Ave. and Pleasant Ridge Rd. The building is a two-story structure with a large parking lot in front.



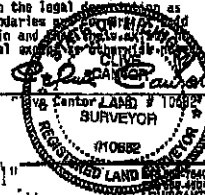
Part of the Restaurant, at the Northwest Corner of Woodward Ave. and Pleasant Ridge Rd. The building is a two-story structure with a large parking lot in front. The plan shows the location of the restaurant and surrounding area.

SITE PLAN
 The site plan shows the layout of the building, parking lot, and proposed outdoor seating area.



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 area of said parcel are as indicated herein and no encroachments upon said parcel exist.

By



Legal Description:

Part of the Southwest 1/4 of the Northwest 1/4 of Sec 27, T 1 N, R. 1 E., 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 Southeasterly to the Northwest corner of Lot 1 of said subdivision, Thence southerly, westerly to the easterly Right of Way line of Woodward Ave, thence Northwest 74.30 feet along the E1/4 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 reconed in Uter 15 of Plate, Page 22, Oakland County Records.

LOUIS CANTOR COMPANY
1740 NORTHLAND PARK CT. STE 201
SOUTHFIELD, MI 48075

Scale: 1"=20'
Date: 8/10/2012

Client: JESSICA & SEAN MCCARTHY

Drawn by:
J. G. L. REICH

Survey Number:
3323

Land Designation:

Per the Submittal to the Department of the State, 2017, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Mine's Restaurant
2400 Woodward Ave., Pleasant Ridge, MI

LOCATION PLAN

ZONING INFORMATION
RESIDENTIAL

RESIDENTIAL ZONING DISTRICTS
RESIDENTIAL ZONING DISTRICTS
RESIDENTIAL ZONING DISTRICTS

PROPOSED OUTDOOR SEATING PLAN

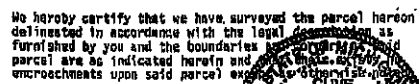
PROPOSED OUTDOOR SEATING PLAN
PROPOSED OUTDOOR SEATING PLAN
PROPOSED OUTDOOR SEATING PLAN

RAIL CROSS SECTION

RAIL CROSS SECTION
RAIL CROSS SECTION
RAIL CROSS SECTION

SITE PLAN

SITE PLAN
SHEET 1-2007



with the legal description as
boundaries of the 1/4 and
herein and 1/4 of the 1/4
acres) except the other 1/4 of the 1/4
acres.

By Clara Cantor
Clara Cantor LAND # 10682
SURVEYOR
#10682
REGISTERED LAND SURVEYOR

GAMING HU—

EXHIBIT D

Assignment of Liquor License

ASSIGNMENT OF LIQUOR LICENSE

This Assignment of Liquor License ("Assignment") is made and entered into on 9.8.15, 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 "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 Whistle Stop I, Inc., (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 Owner has requested that the City the issuance of a new Class C liquor license (referred to in this Agreement as the "License") from the City's quota of such licenses 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 9.8.15, 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 issuance 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
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.

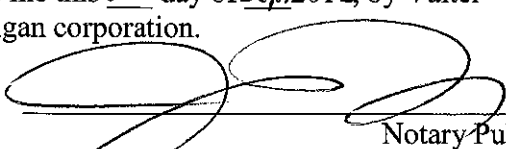
IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

WHISTLE STOP 1, INC., a Michigan corporation

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

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8th day of Sept 2014, by Valter Xhomaqi, President of Whistle Stop 1, Inc., a Michigan corporation.

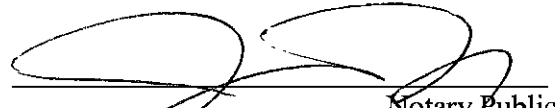

Notary Public
Acting in OAKLAND Cty, Michigan
My Commission expires: 7/28/18

Valter Xhomaqi, an individual

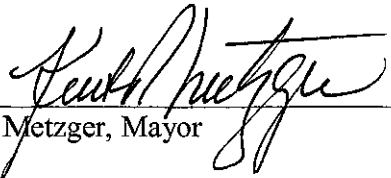
Valter Xhomaqi

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 8th day of Sept 2015, by Valter Xhomaqi, an individual.


Notary Public
Acting in Oakland City, Michigan
My Commission expires: 7/8/18

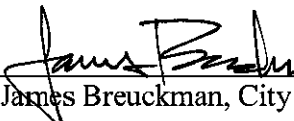
CITY OF PLEASANT RIDGE, a Michigan municipal corporation
EXECUTED:


Kurt Metzger, Mayor

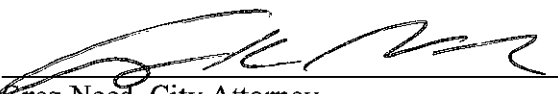
ATTEST:


Amy M. Drealan, City Clerk

APPROVED AS TO SUBSTANCE:


James Breuckman, City Manager

APPROVED AS TO FORM:


Greg Need, City Attorney

Dated: 9.8.15

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'

PUBLIC COMMENTS

FW: New message from "City of Pleasant Ridge Michigan"

James Breuckman

Tue 10/22/2019 11:50 AM

To: Amy Allison <cityclerk@cityofpleasantridge.org>

For the file.

From: City of Pleasant Ridge Michigan <pleasantridgcity@gmail.com>

Sent: Tuesday, October 22, 2019 11:38 AM

To: James Breuckman <citymanager@cityofpleasantridge.org>

Subject: New message from "City of Pleasant Ridge Michigan"

Name: Tina Rubino

Message: Please forward to the City Manager, James Breuckman.

Just a short note that as a Pleasant Ridge resident, I am all for the expansion of Whistle Stop.

Thank you,

Tina Rubino

66 Fairwood Blvd

Date: October 22, 2019

Time: 11:37 am

Page URL: <https://cityofpleasantridge.org/contact/>

User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko)

Chrome/77.0.3865.120 Safari/537.36

Remote IP: 75.15.184.231

Powered by: Elementor

FW: Whistle Stop request to add tables

James Breuckman

Wed 10/23/2019 8:04 AM

To: Amy Allison <cityclerk@cityofpleasantridge.org>

From: Carolyn Branigan

Sent: Tuesday, October 22, 2019 5:32 PM

To: James Breuckman <citymanager@cityofpleasantridge.org>

Subject: Whistle Stop request to add tables

Please let them add the table and chairs in the newly expanded space! I would love for the wait to be shorter in the morning for breakfast!

Carolyn Branigan (And my entire adult family feels the same!)

FW: Whistle Stop

James Breuckman

Mon 10/28/2019 10:13 AM

To: Amy Allison <cityclerk@cityofpleasantridge.org>

For the file.

From: Kathy Cavazos

Sent: Thursday, October 24, 2019 5:57 PM

To: James Breuckman <citymanager@cityofpleasantridge.org>

Cc: Kathy Cavazos

Subject: Whistle Stop

Members of the Pleasant Ridge City Commission,

I am responding, in favor of the amendment to the Liquor License Development and Operations agreement for the Whistle Stop restaurant.

The restaurant is a very positive place of business in our city. I believe that our residents enjoy the small community feel of the establishment.

It is unique, as is our community. We should embrace and continue to welcome them into our community.

Thank you for your consideration.

Kathy Cavazos

18 Norwich

FW: Whistle Stop expansion and liquor license

James Breuckman

Tue 10/29/2019 9:48 AM

To: Amy Allison <cityclerk@cityofpleasantridge.org>

One more.

From: Bridget Baker

Sent: Monday, October 28, 2019 9:59 PM

To: James Breuckman <citymanager@cityofpleasantridge.org>

Subject: Whistle Stop expansion and liquor license

Hi Mr. Breuckman,

I will be unable to attend the public hearing regarding this matter, but I have no problem with the proposed liquor license for the newly expanded Whistle Stop.

Thanks for providing an opportunity for comment,
Bridget
128 Cambridge Blvd

FW: Whistle Stop 1 hearing response

James Breuckman

Tue 11/5/2019 1:12 PM

To: Amy Allison <cityclerk@cityofpleasantridge.org>

-----Original Message-----

From: Susan Sanitate

Sent: Tuesday, November 5, 2019 12:36 PM

To: James Breuckman <citymanager@cityofpleasantridge.org>

Subject: Whistle Stop 1 hearing response

Dear Jim -

Giovanni and I will be out of town for the hearing, so I wanted to give you our input.

It seems that the expansion is a "done deal"; the space has been opened up for several weeks now, although there is no one using it yet. My hope is that the owner has not presumed too much.

What concerns us is that the owner seems to view this great little restaurant as a for-profit deal only. He has not extended any support (to my knowledge) toward the community of PR. He has refused to donate toward the swim team and I have not seen an ad for the restaurant, any promotional effort, or know of any contribution the owner has made to the Auction.

I could be misinformed or uninformed but I wonder. It seems like a "take" but no "give back" to the community. That's not reflective of the type of community PR really is. For these reasons, the Whistle Stop is not our favorite local place to go any more. Because it is such a convenient location for us, we used to eat there on weekdays several times a month, and honestly, we miss it. We would welcome a shift back to having a true "neighborhood diner".

Regarding the liquor license review, we feel there should be no change or expansion of the license that now exists.

Thank you.

Susan and Giovanni Sanitate

Sent from my iPad



City of Pleasant Ridge

Amy Drealan, City Clerk

From: Amy Drealan, City Clerk
To: James Breuckman, City Manager
Date: November 12, 2019
Re: Public Hearing – 71 Devonshire Condemnation

Overview

The property located at 71 Devonshire Road has been an ongoing building department issue dating back to 1998. This memo details a timeline of events done by the building department in terms of the property.

Background

This property has had chronic blight violations dating back to 1998, including the garage becoming so dilapidated that it required a violation notice including the threat of court action to have it removed. General maintenance of this property has been lax, and the police have left numerous tall grass/weeds/refuse notices. The owner of the property was elderly, and the City was patient with the owner and she worked with her son and other family members to get the property cleaned up.

In July 2019, the property once again was cited for blight. It was also cited for health and safety code violations as the front porch stairs had completely crumbled and were unsafe. The police department and code enforcement officer visit the property and noted that dumpster bags had been delivered to the property and were overflowing with construction debris. The Pleasant Ridge Police Department posted a Stop Work order on July 25th. At that time, the police officer found an unsecure door. While he was attempting to secure the property, he could see that the first floor had been gutted and was down to the studs and the owner had wired the basement with lighting and heating apparatus, again without the benefit of a permit. The owner ignored the code enforcement notices until the stop work was posted at the property.

The granddaughter of the owner responded on August 5th and indicated she was the new owner; however, she was not aware she was required to transfer the property into her name. She indicated she owned the property for over one year, but does not live there, so the property is vacant. She filed the proper paperwork to transfer the property and applied for a building permit on August 15th. After review and consideration by the Building Official, and much back and forth between the new owner, the permit for first floor renovation (kitchen and bathroom) was issued on August 21st. Permits for the electrical and plumbing renovation and the HVAC replacement have not been obtained and no interior inspections have been allowed. The owner has not made the property available to code enforcement or the Building Official.

The new/current owner of the property has been into City Hall and spoke with the Building Department Clerk several times over the past month discussing the progress of the remodel and questioning why she was required to obtain electrical, plumbing and HVAC permits. The Building Clerk and Building Official explained the need for the proper permits and reiterated the need for the front porch steps to be repaired/replaced.

On October 14th, the building department received a message regarding the condition of the property and noxious odors emitting from the vacant property. The police department sent an officer to view the property. The Police Chief and I also visited the property. By all appearance no progress had been made at the property and that the condition of the property has been getting worse, the side entry door facing Gainsboro Park is still not secure, there is an entry door leaning against another door but does not appear to latch or close properly. There are windows broken out in the rear of the property and most other windows are open and the interior of the home is exposed to the elements. The front porch looks completely inaccessible and the stairs at the front porch are deteriorated. In the yard there is tall grass/weeds, large portions of a tree trunk from a tree that looks like it was partially removed, refuse behind and at the side of the property (including a bathtub) and there are numerous rat holes throughout the property including under the porch.

A notice was forwarded to the homeowner that the City scheduled a public hearing for Tuesday, November 12, 2019 to consider condemnation of the property. It instructed the homeowner begin the permitting process for the rehabilitation and to resolve all the property maintenance issues. The deadline for the permits to be applied for and approved will be November 7, 2019, including an interior inspection by the building official. The property maintenance issues will also have to be addressed by that date. As of today, there has been no progress on the property. The homeowner did contact the Building Department on November 6th to indicate she will be attending the public hearing. She stated she has contractors to clean the yard and reconstruct the front porch but did not give a firm timeline when this would happen. Since the October meeting, I have had four additional complaints regarding the condition of the property.

Requested Action

The City Commission hold a public hearing to consider condemnation of the property commonly known as 71 Devonshire Road, Pleasant Ridge, Michigan.









WARNING

You are in violation of _____ Ordinance(s) # _____

Violation Date Monday Day Oct 14 Time 1257 pm

Name _____

Location 71 Devonshire

Address 71 Devonshire

VIOLATION

☐ Illegally Parked or Abandoned Vehicle(s) on

☐ Property ☐ Street

☒ Improper Disposal of Trash

Trash in Backyard

☐ Failure to Remove Snow or Ice From Sidewalk

☐ Improper Watering

☐ Loud Noise ☐ Disturbing Peace

☐ Violation of Animal Ordinance(s)

☒ High Grass or Weeds ☐ Fire ☐ Health ☐ Public Hazard

Weeds/Brush

☒ Other Unsecured Building

IMMEDIATE ACTION IS REQUIRED TO AVOID CITATION.

Officer Simon 123

Police













City of Pleasant Ridge

23925 Woodward Avenue, Pleasant Ridge, Michigan 48069
Phone: 248-541-2901 • Web: www.cityofpleasantridge.org

City Commission
Kurt Metzger, Mayor
Jason Krzysiak
Ann Perry
Bret Scott
Amanda Wahl

City Manager
James Breuckman

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN in accordance with Section 4.03 (B) of the Pleasant Ridge City Code that a Public Hearing will be held on Tuesday, November 12, 2019, 7:30 p.m., in the City Commission Chambers, 23925 Woodward Avenue, Pleasant Ridge, Michigan 48069, to solicit comments on the following item:

**Condemnation of the property commonly known as
71 Devonshire Road, Pleasant Ridge Michigan**

This meeting will be open to the public, you are welcome to attend the meeting. If that is not possible, please feel free to contact me by telephone (248-541-2901) to discuss this matter, or via email at cityclerk@cityofpleasantridge.org. You may submit your comments in writing to my attention.

Amy M. Drealan
City Clerk

Posted 10/16/2019 - This notice is not to be removed except by an authorized City official.



City of Pleasant Ridge

23925 Woodward Avenue, Pleasant Ridge, Michigan 48069
Phone: 248-541-2901 • Web: www.cityofpleasantridge.org

City Commission
Kurt Metzger, Mayor
Jason Krzysiak
Ann Perry
Bret Scott
Amanda Wahl

City Manager
James Breuckman

October 16, 2019

Ms. Brittany Flowers
71 Devonshire
Pleasant Ridge, Michigan 48069

RE: Notice of Public Hearing to Consider Condemnation
71 Devonshire, Pleasant Ridge, Michigan – 60-25-27-128-036

Dear Ms. Flowers:

This shall serve as your notice that your property was declared unsafe and has been posted DO NOT OCCUPY since October 16, 2019. Since little progress has been made regarding the rehabilitation of the property, and the property continues to deteriorate, this property has been officially declared a nuisance as defined in the Pleasant Ridge City Code, Article III, Nuisance, including but not limited to, Section 34-52 (1), (2), and (3).

The exterior of the property must also be maintained to City Code standards, including but not limited to lawn and landscape maintenance, debris removal, rat infestation abatement, and removal of the dead tree and tree trunks located on the property. The broken windows and doors must be secured immediately. Inoperable and/or open windows must be repaired and closed to protect the interior from the elements. Plans and permits must be approved, and work must begin for your reconstruction and interior inspections held on or before November 7, 2019.

Failure to respond to this notification will result in the City taking steps to rectify the nuisance, up to and including demolition of the property, the cost of such will be assessed to the property. There will be no extensions granted due to the health and safety issues of the property. The next action the City will take is to hold a public hearing to consider condemnation of the property. The public hearing is scheduled for Tuesday November 12, 2019.

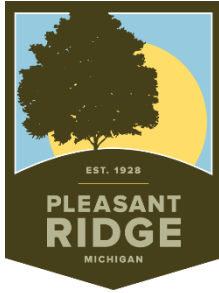
I am hopeful that the timeline presented in this correspondence can be met and further steps by the City do not need to be taken.

Should you have any questions please feel free to contact the Building Department.

Sincerely,

Amy Drealan
City Clerk

cc: R. Kee, Building Official
City Attorney
file



City of Pleasant Ridge

23925 Woodward Avenue, Pleasant Ridge, Michigan 48069
Phone: 248-541-2901 • Web: www.cityofpleasantridge.org

City Commission
Kurt Metzger, Mayor
Jason Krzysiak
Ann Perry
Bret Scott
Amanda Wahl

City Manager
James Breuckman

October 31, 2019

Dear Resident:

A public hearing will be held Tuesday, November 12, 2019, at 7:30 p.m. at City Hall during the November City Commission meeting to consider condemnation of the property commonly known as 71 Devonshire Road Pleasant Ridge.

Specifically, the public hearing is being held to solicit public comments on the state of the property and the next steps going forward. The property has been declared unsafe and has been posted DO NOT OCCUPY. Little progress has been made to repair the property, and it continues to deteriorate. This property has been officially declared a nuisance as defined in the Pleasant Ridge City Code, Article III, Nuisance, including but not limited to, Section 34-52 (1), (2), and (3).

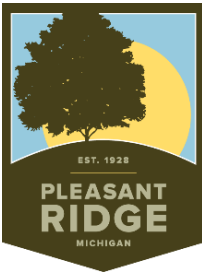
It is not our intention or desire to demolish the property, but to compel the property owner to abate the nuisance. If condemned, the property owner will have the opportunity to establish a schedule to abate the nuisance and restore the property to an occupiable condition that meets code requirements. If the property owner does not meet the schedule the City may proceed to demolish the property as a last resort.

You are welcome to attend the meeting. If that is not possible, please feel free to contact me by telephone to discuss this matter, or via email at cityclerk@cityofpleasantridge.org. You may submit your comments in writing to my attention and I will forward them to the members of the City Commission.

Sincerely,

Amy M. Drealan
City Clerk

Mailed to all properties within 300' of 71 Devonshire



City of Pleasant Ridge

Amy M. Drealan, City Clerk

From: Amy M. Drealan, City Clerk Jim
 To: Breuckman, City Manager
 Date: November 12, 2019
 Re: 2020 CDBG Program

In order to qualify for Federal funding through the Community Development Block Grant (CDBG) Program, a Public Hearing must be held and a resolution adopted by the governing body to approve the application and Subrecipient agreement. Pleasant Ridge qualifies for the minimum funding level, which has been \$7,000. Since the City receives funding at the minimum level, all the funds can be programed into one designated category or divided equally between two programs, or \$3,500/each.

Historical and Action for consideration

It has been increasingly difficult to find an appropriate way to spend the City's eligible CDBG funds. Several years ago, the City's low/moderate income area was eliminated and the city lost its ability to designate funds for programs such as sidewalk repairs, tree planting, and street improvements, which require at least a portion of the project be in the low/mod area. Listed below is the program category and recommended funding for the 2020 Program year. This is the same program the City funded for the last several years.

Public Services/ - \$7,000
 Senior Services

Public Service funds are designated to provide seniors, age 62 and above, transportation services for the Senior Travel Club, meals at the 50+ club events and other related workshops geared towards residents 62 and above. This program also may be used for the reasonable costs of overall program management, coordination, monitoring and evaluation for the program.

Requested Action

After the public hearing, City Commission determination for funding appropriation and approval of the 2020 Community Development Block Grant (CDBG) Community Application and Subrecipient Agreement.



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
To: City Commission
Date: November 6, 2019
Re: Oak Wilt Tree Trimming Ordinance

Overview

Attached is an ordinance for consideration restricting the trimming of oak trees susceptible to oak wilt between April 1 and November 1.

Background

Oak wilt is a fungal disease that affects mostly trees in the red oak group (oaks with pointy tips). White oaks, which have round-tipped leaves, are less visible. The disease is transmitted from an infected tree by sap-feeding beetles. The beetles are attracted quickly to fresh wounds on oak trees, and the beetles can then transmit the disease to the unaffected but newly-cut oak tree. Furthermore, oaks have root systems that graft together, allowing the movement of the fungus from tree to tree underground. One infected tree can cause the death of any nearby oaks in this manner, and it is very difficult and often impossible to stop the transmission of the disease once it is established in a stand of oaks.

For these reasons, it is imperative to not trim or cut down oak trees during the time period when the beetles are active. The beetles that transmit oak wilt are active when average daily temperatures are above 50 degrees. In Michigan, this corresponds to an active season from April 1 through October 31, generally, for the beetles.

The City already adheres to best practices and does not do any work on oak trees during the April 1 – November 1 period, unless in an emergency where an oak is damaged by a storm or other exogenous causes. The proposed ordinance will ensure that oak trees in the City are not cut by homeowners or third parties such as DTE doing line clearing work.

Requested Action

City Commission consideration of the attached ordinance following the a public hearing.

CITY OF PLEASANT RIDGE
Ordinance No 437

AN ORDINANCE TO AMEND THE CITY OF PLEASANT RIDGE CODE OF
ORDINANCES, CHAPTER 78 – VEGETATION

THE CITY OF PLEASANT RIDGE ORDAINS:

Section 1.

A new Section 78-74 of the Pleasant Ridge Code of Ordinances is added as follows:

Sec. 78-74 Trimming or cutting of trees susceptible to oak wilt

- (a) Oak trees shall not be pruned or trimmed between April 1 and October 31 regardless of their location in a public right-of-way, private property, or utility easement.
- (b) Any wounds, whether made by trimming, construction or accident, shall be treated immediately with an acceptable tree pruning sealer or latex paint to mask the exposed wound from contamination. Such repair shall occur as soon as possible, but not more than 48 hours of the time of the injury.
- (c) It shall be the responsibility of the property owner or any contractor to repair or cause to be repaired any oak trees that are inadvertently damaged or injured by storms, construction, accidents, or any other cause between April 1 and October 31. Exposed jagged surfaces shall be removed and sealed in accordance with the preceding subsection.
- (d) Trees confirmed with oak wilt shall be the responsibility of the property owner to perform any of the following applicable practices, as approved in advance by the City Manager:
 - a. Members of the red oak family which have died of oak wilt shall be removed within 4 weeks.
 - b. Members of the red oak family not infected by oak wilt, but potentially root grafted to a tree that was killed or diseased with oak wilt, shall be treated by injection of fungicide.
 - c. Members of the white oak family shall be treated with an appropriate tree injection.
 - d. Trenching may be a practice in lieu or in addition to injections for oak wilt management.
 - e. Dead oak trees will be removed and properly disposed by chipping to less than 3 inches or removed to a disposal site for debarking, burning, or burial. Stumps left by the removal of oak trees shall be promptly removed or buried.

Section 2. Severability.

Should any provision or part of this Article be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Article, which shall remain in full force and effect.

Section 3. Repealer.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings clause.

Nothing in this Article shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. Effective Date.

This Ordinance shall become effective seven days after publication of a notice of adoption, as provided by law.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the Commission of the City of Pleasant Ridge at a meeting duly called and held on the ____ day of _____, 2019, and ordered to be given publication in the manner prescribed by law.

Amy M. Drealan, City Clerk

City Commission Introduction:
City Commission Public Hearing:
City Commission Adoption:
Published:
Effective:

Tuesday, October 15, 2019
Tuesday, November 12, 2019



City of Pleasant Ridge

Amy M. Allison, City Clerk

From: Amy M. Allison, City Clerk
 To: Mayor and City Commission
 Date: November 12, 2019
 Re: November 5, 2019 Election Results

The City General Election was held Tuesday, November 5, 2019. Approximately 28% of the registered voters cast a ballot on Election Day, as compared with 44% in 2017, 24% in 2015, 52% in 2013, 45 % in 2011, 33% in 2009, 10% in 2007 and 13% in 2005.

Precinct 1 Precinct 2 Total

City Commissioner

Christopher Budnik	252	258	510
Ann Perry	308	303	611

Library Renewal Millage

Yes	316	314	630
No	31	34	65

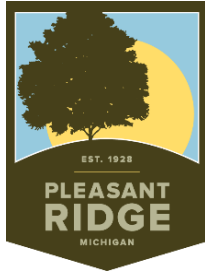
OCC Operating Renewal Millage

Yes	292	297	589
No	55	51	106

Total Voters

TOTAL PRECINCT 1	348
TOTAL PRECINCT 2	349
TOTAL VOTERS	697

There was a total of 348 ballots cast in Precinct #1, and 349 in Precinct #2. Both precincts include absentee ballots. I have not received the official Certification and Election Report from the Oakland County Board of Canvassers, however, I anticipate I will have it by the meeting. The official Certification and Election Report will be received and filed.



City of Pleasant Ridge

23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

**Regular City Commission Meeting
October 15, 2019**

Having been duly publicized, Mayor Metzger called the meeting to order at 7:33 p.m.

Present: Commissioners Krzysiak, Perry, Scott, Wahl, Mayor Metzger
Also Present: City Manager Breuckman, City Clerk Drealan
Absent: None

Beautification Awards

Mr. Don Daniels presented awards on behalf of the Beautification Committee. Recipients receive a specially commissioned tile and a lawn sign. The recipients were: A11 Devonshire, Michael Holmes; 56 Ridge Road, Judith and Robert Wachler; 54 Woodward Heights, Michele Varady; 22 Poplar Park, Amy and Brian Roemer. Special recognition was given to Rick Cook and Michael Yoskovich for the Ridge Roots community garden.

Public Discussion

Allison Smith, 85 Wellesley, objected to the tall pathway lighting that has been installed in the park. The footpath lighting was acceptable but the tall lights illuminate her home. The lights are left on all night long. Eight foot spruce have been planted but will take a great deal of time to grow to cover the 14 foot lights.

Cathy Koch, 83 Wellesley, also objected to the pathway lighting in the park. She noted that many other residents have been affected. She also mentioned the lighting at the Iron Ridge Development. The problem will worsen as the trees lose their leaves. She commented that the fact that the lights are on all night encourages people to use the park after hours.

Bill Rauch, 90 Wellesley, expressed concern that the park pathway lighting has deviated from the mission stated in the budget. The tall lighting illuminates the playscapes and not just the pathway. He commented that the park hours are not posted at the park.

Breuckman commented that they are looking into putting a timer on the pole lights. He noted that there are no set hours for the park. The 14-foot pole lights still fall within the definition of low lighting. Street level or parking lot lighting is typically 25 or 30 feet. He discussed the foot candles of light that are generated by the pole lights. He indicated that glare is more of a problem which is why the trees were planted. The Iron Ridge lights are taller and so trees cannot be planted to block them. The Iron Ridge lights meet city code. Scott discussed closing the tennis courts during late fall and

winter so that the lights never come on. Krzysiak raised the issue of looking into strengthening the lighting ordinance. Breuckman indicated that there was little more that they could do other than set certain height standards. There was discussion that there used to be posted park hours and Krzysiak suggested building that into the ordinance. He also raised the possibility of moving some of the taller lighting to the dog park and not installing the remaining pole light. Metzger also expressed concern regarding the installation of the second pole light. Breuckman indicated that more trees can be planted but it will take three or four years for them to block the lights.

Ted Zachary, 68 Devonshire, Pleasant Ridge Environmental Committee, expressed support for placing timers on the lights to reduce energy consumption. Recycling tonnage was 21 tons for August. Mixed solid waste was 80 tons. He suggested publishing a list in the Ridger of organizations that will pick up or accept drop offs of items that can be reused or donated to charity rather than going into the solid waste stream. He raised examples of furniture, medical equipment and books. Scott suggested adding the Yahoo group Freecycle to the list. New ideas for the list can be sent to wprtv@yahoo.com.

Jay Foreman, 60 Oakdale, candy collection at 4 Ridge will begin on November 1 and end on election day. The date stated in the Ridger is incorrect. Last year 318 pounds of candy were donated. He thanked Commission Krzysiak for his support and efforts in the community.

Governmental Reports

Chief Jack Pesha, Ferndale Fire Department, reported that two recent fires resulted from candles and one from halogen lights. Home inspections can be schedule by going to the ferndalemi.gov website. He indicated that they intend to expand their community outreach including a File of Life program and user surveys.

Chief Kevin Nowak, Pleasant Ridge Police Department, congratulated the beautification winners and the new Fire Chief. He asked that residents not park in the street on scheduled leaf pick up days. He also urged caution when parking a hot car near a pile of dry leaves. Recommended time for Halloween is from 5:00 to 8:00 p.m. The department recently purchased body cameras. Personnel are in the process of being trained. New car cameras will also sync with the new body cameras. He congratulated Krzysiak for his years of service.

City Commission Liaison Reports

Commissioner Krzysiak reported on Ferndale Public Schools. The September School Board meeting included reports from school liaisons Nya Williams and Zoe Butters. Ferndale Schools received the MAP Equity Innovator Award. They will receive a \$5000 honorarium to support equity efforts. School administration presents what make them proud about the district. Trustee Anna Ebrahim celebrated Jaya Webster from University High who is a member of the Detroit Youth Choir. He thanked the School Board, teachers, administrators and parents.

Commissioner Perry reported on the Planning Commission/DDA. The September 23rd meeting was a public hearing regarding the expansion of the Whistlestop dining room. One concern was the impact on parking. The Commission passed the request which will now go before the full City Commission regarding the liquor license. The next meeting is October 28th.

Commissioner Scott reported on the Historical Commission. The Home and Garden Tour was a great success. Over 300 people purchased tickets and attended the event. They will discuss whether to keep the tour in the fall next year. There are only five or six 100th Anniversary tiles left. The Historic Museum is open every third Saturday from 10:00 to noon.

Commissioner Wahl reported on the Recreation Commission. The Halloween movie is Hocus Pocus. The Hayride is October 26th at Gainsboro Park. Halloween house decorating contest ends on October 22nd. Junior Garden Club meeting November 19th at 3:45 p.m. Seventy shots were administered at the flu shot fair. Next meeting is October 30th.

Staff Addition to Agenda

Breuckman requested an addition to the Agenda - Item 7a Call for Public Hearing regarding Condemnation of the Property Commonly Known as 71 Devonshire.

19-3437

Motion by Commissioner Perry, second by Commissioner Wahl, to approve the amendment to the agenda as presented.

Adopted: Yeas: Commissioners Perry, Wahl, Krzysiak, Scott, Mayor Metzger
Nays: None

Schedule Public Hearing Tuesday, November 12, 2019, at 7:30 p.m. to Solicit Public Comment on Condemnation of the Property Commonly Known as 71 Devonshire, Pleasant Ridge

Breuckman noted that this property has had chronic blight violations dating back to 1998. The property was cited again for blight in July as well as for health and safety code violations. The police and fire departments visited the property and there were numerous dumpster bags overflowing with construction debris. A stop work order was issued on July 25th. A door was open and the police observed multiple installations of wiring and heating equipment which had been done without a permit. The previous owner passed away and their granddaughter is the new owner. She indicated that she had owned the property for over year. She does not live there, and she stated that the property is vacant. She applied for the proper permits on August 15th. Permits for first floor renovations were issued but there have been no permits for electrical, plumbing and HVAC replacement. The owner has not allowed entry by inspectors or city personnel. The city is in the process of replacing the code enforcement officer. Noxious odors are now emitting from the property. Police and city clerk visited the property yesterday and no progress has been made. In fact, the condition of the property has seriously deteriorated. The deadline for permits to be applied for and approved is November 7th, including an interior inspection by the building official before that date.

Krzysiak inquired regarding the permitting costs. Breuckman indicated that the owner has full equity in the property. There is no mortgage and they do not live in the home. Permit costs are based on the value of the job.

19-3438

Motion by Commissioner Perry, second by Commissioner Scott, to schedule a public hearing Tuesday, November 12, 2019, at 7:30 p.m. to consider condemnation of the property commonly known as 71 Devonshire Road.

Adopted: Yeas: Commissioners Perry, Wahl, Krzysiak, Scott, Mayor Metzger
Nays: None

Consent Agenda

19-3439

Motion by Commissioner Wahl, second by Commissioner Perry, to approve the consent agenda as presented.

Adopted: Yeas: Commissioners Perry, Wahl, Krzysiak, Scott, Mayor Metzger
Nays: None

Establish Public Hearing on November 12, 2019, at 7:30 p.m. to Solicit Public Comments on the Request by Whistle Stop I, LLC, to amend the Class C Liquor License Operating Agreement

Breuckman noted that the Whistle Stop has begun work on expanding their dining room. The liquor license operating agreement specifies the number of seats that can be in the restaurant, so it now needs to be amended to accommodate the expanded seating. The remainder of the agreement will be unchanged. Extra parking will be accommodated through the use of the parking attached to the new leased space. The garbage storage will be moved off of Amherst.

19-3440

Motion by Commissioner Perry, second by Commissioner Scott, to schedule a public hearing Tuesday, November 12, 2019, at 7:30 p.m. to consider the request by Whistle Stop I, LLC, to amend the Class C Liquor License Operating Agreement.

Adopted: Yeas: Commissioners Perry, Wahl, Krzysiak, Scott, Mayor Metzger
Nays: None

Establish Public Hearing on November 12, 2019, at 7:30 p.m. to Solicit Public Comments on an Ordinance Regarding Trimming or Cutting Trees Susceptible to Oak Wilt

Breuckman stated that the city contracts with one part of Davey Tree, which is a very large corporation. DTE contracts with another part of the same company. The city got DTE to stop trimming oak trees until November 1st. A previous city resolution had already addressed this issue. He presented a summary of oak wilt and its effect on the trees. Oak tree roots graft together so the fungus can spread easily. Red oak trees are more susceptible than white oaks. Due to the ability of the fungus to spread rapidly, it is necessary for the city to be vigilant in removing trees that contain the disease. It is best to trim oak trees when average daily temperatures are below 50 degrees which is essentially from November 1st to March 31st. Krzysiak discussed the fact that the ordinance applies to private property and civil infractions could be written for violations.

19-3441

Motion by Commissioner Perry, second by Commissioner Wahl, to schedule a public hearing Tuesday, November 12, 2019, at 7:30 p.m. to solicit public comment on an ordinance regarding trimming or cutting trees susceptible to oak wilt.

Adopted: Yeas: Commissioners Perry, Wahl, Krzysiak, Scott, Mayor Metzger
Nays: None

Discussion Regarding Consolidation of Election Precincts

Drealan indicated that the city periodically receives notice from the state that the number of voters does not meet the threshold for separate precincts. The threshold is 2999 voters. The city is under that and Drealan does not anticipate the number of voters will exceed that threshold in the near future. With the move to the electronic poll book, going to one precinct would be manageable at this time. There would still be the same number of voting booths and the change would allow the absentee ballots to be counted using a counting board. The voting location would still be the community center. The change would reduce the number of inspectors needed and would also reduce printing costs. The Election Commission, which consists of Drealan, the city manager and the city attorney, recommends changing to one precinct beginning with the March 10, 2020 election. The Election Commission will make an official determination in November and forward that decision to the Secretary of State.

There is an election November 5th, 2019. Absentee ballots are available now. Ballots must be returned by 8:00 p.m. on election day. Residents can register to vote at the city clerk's office through 8:00 p.m. on election day. She discussed the process for using the new electronic poll book. It is also backed up by a paper poll book.

Oakland County Sheriff's Office will be conducting the Coats for Cold Program. There will be a collection box at both the recreation center and at city hall throughout the month of November.

City Manager's Report

Breuckman noted that the construction barrels are decreasing. Construction continues at Woodward/Oakland Park for crosswalk improvement. Leaf pickup begins the last Monday of October. Leaf pickup will not be extended. The last week in November is the end of leaf pick up. Leaves can be put out in bags until December 16th. The Woodward Heights project is continuing and is both state and federally funded. It should be completed within a few weeks. The November City Commission meeting should be back in City Hall.

Other Business

Krzysiak proposed a resolution supporting the striking UAW workers. The resolution was read by Krzysiak and amended by Scott. Krzysiak agreed to the amended motion.

19-3442

Motion by Commissioner Krzysiak, second by Commissioner Perry, to issue the amended resolution in support of the striking UAW workers.

Adopted: Yeas: Commissioners Perry, Wahl, Krzysiak, Scott, Mayor Metzger
Nays: None

Krzysiak indicated that he had lawn signs and he listed a number of ways to contribute towards fundraising.

The next book for the book club is Toni Morrison's first book. November's book is *Beneath the Tamarind Tree*.

Drealan reported on the upcoming election. Two city commission seats will be on the ballot along with a library millage renewal. There is also a renewal millage for Oakland Community College. Absentee ballots will be available soon. Anyone can apply to vote absentee. New e-poll books will be used for the first time in this election.

Metzger discussed meeting Krzysiak at a public hearing in 2001 regarding moving fire services to Berkley. Krzysiak was in favor of staying in Ferndale. Krzysiak's input was very impactful. Krzysiak and Perry ran against incumbents and won. They worked hard to improve the communication and transparency of the city. Metzger noted that the city has been changed profoundly to the good by Krzysiak's dedication and hard work.

Perry expressed that she has been honored to serve on the commission with Krzysiak.

Krzysiak noted that it has been a challenging pleasure to serve the city for the last eight years.

With no further business or discussion, Mayor Metzger adjourned the meeting at 9:35 p.m.

Mayor Kurt Metzger

Amy M. Drealan, City Clerk

/dleg

October 2019

ACCOUNTS PAYABLE

PAYROLL LIABILITIES	\$	7,014.35
ACCOUNTS PAYABLE	\$	603,452.09
TAX LIABILITIES	\$	483,772.24

TOTAL	\$	610,466.44
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PAYROLL

October 9, 2019	\$	38,708.74
October 23, 2019	\$	37,266.59

TOTAL	\$	75,975.33
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CHECK REGISTER FOR CITY OF PLEASANT RIDGE
PAYROLL LIABILITIES
October 2019

PG 1

Check Date	Check	Vendor Name	Description	Amount
10/9/2019	2425	ALERUS FINANCIAL	RETIRMENT CONTRIBUTIONS	\$ 300.00
10/9/2019	2426	ALERUS FINANCIAL	RETIRMENT CONTRIBUTIONS	\$ 1,672.15
10/9/2019	2427	ALERUS FINANCIAL	RETIRMENT CONTRIBUTIONS	\$ 1,168.73
10/9/2019	2428	MIFOP	UNION DUES	\$ 188.00
10/9/2019	2429	MISDU	FOC DEDUCTIONS	\$ 224.60
10/9/2019	2430	ALERUS FINANCIAL	RHSP CONTRIBUTIONS	\$ 577.39
10/9/2019	2431	ICMA - VANTANGEPOINT	RETIRMENT CONTRIBUTIONS	\$ 80.00
10/23/2019	2432	ALERUS FINANCIAL	RETIRMENT CONTRIBUTIONS	\$ 300.00
10/23/2019	2433	ALERUS FINANCIAL	RETIRMENT CONTRIBUTIONS	\$ 1,524.72
10/23/2019	2434	ALERUS FINANCIAL	RETIRMENT CONTRIBUTIONS	\$ 122.70
10/23/2019	2435	MISDU	FOC DEDUCTIONS	\$ 224.60
10/23/2019	2436	ALERUS FINANCIAL	RHSP CONTRIBUTIONS	\$ 551.46
10/23/2019	2437	ICMA - VANTANGEPOINT	RETIRMENT CONTRIBUTIONS	\$ 80.00
TOTAL PAYROLL LIABILITIES				<u>\$ 7,014.35</u>

CHECK REGISTER FOR CITY OF PLEASANT RIDGE
TAX LIABILITIES
October 2019

PG 2

Check Date	Check	Vendor Name	Description	Amount
10/15/2019	2669	CITY OF PLEASANT RIDGE-DDA	2019 TAX COLLECTIONS	6,706.11
10/15/2019	2670	CITY OF PLEASANT RIDGE-GENERAL	2019 TAX COLLECTIONS	156.22
10/15/2019	2671	CITY OF PLEASANT RIDGE-TAXES	2019 TAX COLLECTIONS	126,577.16
10/15/2019	2672	FERNDALE SCHOOL DISTRICT	2019 TAX COLLECTIONS	59,185.64
10/15/2019	2673	LEGACY TITLE	2019 SUMMER TAX OVERPAYMENT	71.48
10/15/2019	2674	OAKLAND COUNTY TREASURER	2019 TAX COLLECTIONS	87,569.91
10/15/2019	2675	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2676	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2677	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2678	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2679	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2680	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2681	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2682	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2683	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/15/2019	2684	VOID CHECK	MISPRINT-VOID CHECK	0.00
10/30/2019	2685	CITY OF PLEASANT RIDGE-DDA	2019 TAX COLLECTIONS	2,901.07
10/30/2019	2686	CITY OF PLEASANT RIDGE-TAXES	2019 TAX COLLECTIONS	92,809.93
10/30/2019	2687	FERNDALE SCHOOL DISTRICT	2019 TAX COLLECTIONS	40,291.14
10/30/2019	2688	JONATHAN POSTEMA	2019 SUMMER TAX OVERPAYMENT	1,875.63
10/30/2019	2689	LERETA	2019 SUMMER TAX OVERPAYMENT	1,932.81
10/30/2019	2690	OAKLAND COUNTY TREASURER	2019 TAX COLLECTIONS	63,695.14

TOTAL TAX LIABILITIES

\$ 483,772.24

CITY OF PLEASANT RIDGE CHECK REGISTER
ACCOUNTS PAYABLE
October 15, 2019

PG 3

Check Date	Check	Vendor Name	Description	Amount
10/15/2019	23297	21ST CENTURY MEDIA-MICHIGAN	LEGAL NOTICE PUBLICATION	\$ 1,199.75
10/15/2019	23298	ADKISON, NEED & ALLEN P.L.L.C.	ATTORNEY SERVICES	\$ 1,167.25
10/15/2019	23299	ALBANA KOKA	SHELTER CLEANING	\$ 1,000.00
10/15/2019	23300	ALL GRAPHICS CORP	SYNCHRO SHOW SUPPLIES	\$ 131.80
10/15/2019	23301	AMERICAN INTERIORS	COMMISSION CHAMBERS RENOVATIONS	\$ 18,242.08
10/15/2019	23302	ANDERSON, ECKSTEIN & WESTRICK	ENGINEERING SERVICES	\$ 19,687.59
10/15/2019	23303	BADGER METER, INC.	WATER METER MAINTENANCE & PURCHASES	\$ 1,187.28
10/15/2019	23304	BLUE CROSS BLUE SHIELD OF MICHIGAN	HEALTH INSURANCE BENEFITS	\$ 5,770.70
10/15/2019	23305	CAROLE ZUPAN	HOME AND GARDEN TOUR AFTERGLOW	\$ 105.89
10/15/2019	23306	CHAMBERLIN PONY RIDES	HAYRIDE ENTERTAINMENT	\$ 600.00
10/15/2019	23307	CITY OF FERNDALE	FIRE SERVICES AGREEMENT	\$ 21,381.72
10/15/2019	23308	CITY OF FERNDALE	DISPATCH SERVICES AGREEMENT	\$ 3,250.00
10/15/2019	23309	COMMUNITY MEDIA NETWORK	CITY COMMISSION RECORDING	\$ 200.00
10/15/2019	23310	CREGGER COMPANY	BUILDING PERMIT OVERPAYMENT	\$ 5,000.00
10/15/2019	23311	DAVEY TREE EXPERT COMPANY	TREE MAINTENANCE SERVICES	\$ 21,205.00
10/15/2019	23312	DEBORAH GREEN	COMMISSION MINUTES	\$ 25.00
10/15/2019	23313	DETROIT EDISON COMPANY	STREETLIGHTING SERVICES	\$ 3,481.58
10/15/2019	23314	DIVERSIFIED INFRASTRUCTURE SRVS	SEWER CLEANING AND TELEVISION	\$ 7,999.65
10/15/2019	23315	EUGENE LUMBERG	COURT PROSECUTIONS	\$ 438.75
10/15/2019	23316	FLAME FURNACE	COMMUNITY CENTER REPAIRS	\$ 494.41
10/15/2019	23317	G2 CONSULTING GROUP	ENGINEERING SERVICES	\$ 2,425.00
10/15/2019	23318	GREAT AMERICAN FINANCIAL SRVS	TELEPHONE LEASE SERVICES	\$ 909.30
10/15/2019	23319	GREAT LAKES WATER AUTHORITY	IWC CHARGES-AUGUST & SEPTEMBER	\$ 520.52
10/15/2019	23320	HARTWELL CEMENT COMPANY	CONCRETE PAVEMENT PROGRAM	\$ 85,673.05
10/15/2019	23321	J & J AUTO TRUCK CENTER	POLICE VEHICLE MAINTENANCE	\$ 58.08
10/15/2019	23322	JANI-KING OF MICHIGAN, INC.	JANITORIAL SERVICES	\$ 2,161.00
10/15/2019	23323	JODI MCGUIRE	REFUND OF RECREATION PROGRAM FEES	\$ 6.00
10/15/2019	23324	LEGAL SHIELD	LEGAL SERVICES BENEFIT	\$ 25.90
10/15/2019	23325	M1 BEARS LACROSSE LLC	RECREATION PROGRAMS	\$ 612.00
10/15/2019	23326	MADISON HEIGHTS LITTLE LEAGUE	RECREATION PROGRAMS	\$ 174.00
10/15/2019	23327	MAGDY KODSY	FINAL PERFORMANCE BOND RETURN 19-227	\$ 500.00
10/15/2019	23328	MARXMODA	COMMISSION CHAMBERS RENOVATIONS	\$ 6,242.50
10/15/2019	23329	MELANIE SEVALD	RECREATION PROGRAM INSTRUCTOR	\$ 448.00
10/15/2019	23330	MICHELLE DELACOURT	NEWSLETTER LAYOUT	\$ 600.00
10/15/2019	23331	MICHIGAN MUNICIPAL LEAGUE	UNEMPLOYMENT CONTRIBUTIONS Q-3 2019	\$ 43.60
10/15/2019	23332	O'REILY AUTO PARTS	VEHICLE MAINTENANCE SUPPLIES	\$ 7.49
10/15/2019	23333	OAKLAND COMMUNITY COLLEGE	POLICE TRAINING SERVICES	\$ 60.00
10/15/2019	23334	OAKLAND COUNTY TREASURER	SEWERAGE TREATMENT-SEPT 2019	\$ 49,825.91
10/15/2019	23335	OAKLAND SCHOOLS	CITY WIDE NOTICE PRINTING AND MAILING	\$ 455.54
10/15/2019	23336	PAM KAMPF	RECREATION PROGRAM INSTRUCTOR	\$ 240.00
10/15/2019	23337	PATRICK THOMPSON DESIGNS, INC	COMMISSION CHAMBERS RENOVATIONS	\$ 1,394.66
10/15/2019	23338	PAUL BARYLSKI	HAYRIDE ENTERTAINMENT	\$ 300.00
10/15/2019	23339	PLANTE MORAN GROUP BENEFIT ADVISORS	BENEFIT CONSULTING SERVICES	\$ 1,125.00
10/15/2019	23340	ROCKET ENTERPRISE, INC	FLAG MAINTENANCE RENEWAL	\$ 890.00
10/15/2019	23341	SCHEER'S ACE HARDWARE	BUILDING MAINTENANCE SUPPLIES	\$ 155.45
10/15/2019	23342	SHAWNIE STAMPER	MILEAGE REIMBURSEMENT	\$ 229.51
10/15/2019	23343	SHORES TRAILER SALES	POLICE DEPARTMENT EQUIPMENT PURCHASES	\$ 3,375.00
10/15/2019	23344	SOCRRA	REFUSE COLLECTION AGREEMENT	\$ 9,424.00
10/15/2019	23345	SOCWA	WATER PURCHASES-SEPT 2019	\$ 18,192.77
10/15/2019	23346	SOUTHEASTERN OAKLAND COUNTY	MEMBERSHIP DUES	\$ 40.00
10/15/2019	23347	TOSHIBA FINANCIAL SERVICES	COPIER LEASE SERVICES	\$ 901.33
10/15/2019	23348	UNIFIRST CORPORATION	MAT RENTAL AND JANITORIAL SUPPLIES	\$ 167.95
10/15/2019	23349	UNUM LIFE INSURANCE COMPANY	LIFE INSURANCE BENEFITS	\$ 525.11
10/15/2019	23350	USZTAN CONSTRUCTION	COMMUNITY CENTER RENOVATIONS	\$ 2,596.33
10/15/2019	23351	VICTORIA DICKINSON	RECREATION PROGRAM INSTRUCTOR	\$ 96.00
10/15/2019	23352	W-S CITY OF PLEASANT RIDGE	WATER PURCHASES	\$ 2,967.13
10/15/2019	23353	WETMORE TIRE AND AUTO	POLICE VEHICLE MAINTENANCE	\$ 639.00
10/15/2019	23354	XFER COMMUNICATIONS	BODYCAMERA WIRING	\$ 505.00

Total for 10-15-2019

\$ 307,080.58

CITY OF PLEASANT RIDGE CHECK REGISTER
ACCOUNTS PAYABLE
October 30, 2019

PG 4

Check Date	Check	Vendor Name	Description	Amount
10/30/2019	23355	ACCUSHRED, LLC	SHREDDING SERVICES	\$ 55.00
10/30/2019	23356	AIR-MASTER HEATING & A.C., LLC	OVERPAYMENT OF MECHANICAL PERMIT	\$ 75.00
10/30/2019	23357	ANDERSON, ECKSTEIN & WESTRICK	ENGINEERING SERVICES	\$ 6,654.63
10/30/2019	23358	BRILAR	DPW SERVICES	\$ 20,912.90
10/30/2019	23359	COMMUNITY MEDIA NETWORK	MEETING TAPING	\$ 200.00
10/30/2019	23360	DAVEY TREE EXPERT COMPANY	TREE MAINTENANCE	\$ 3,000.00
10/30/2019	23361	DAVID SALAMAS	UNIFORM REIMBURSEMENT	\$ 244.18
10/30/2019	23362	ICMA RETIREMENT CORPORATION	PLAN MAINTENANCE FEE	\$ 250.00
10/30/2019	23363	LED SUPPLY CO	GAINSBORO PARK RENOVATIONS	\$ 26,175.00
10/30/2019	23364	MICHIGAN POLICE EQUIPMENT	POLICE DEPARTMENT SUPPLIES	\$ 1,202.45
10/30/2019	23365	NYE UNIFORM	DEPARTMENT LOGO SETUP FEE	\$ 45.00
10/30/2019	23366	O'REILY AUTO PARTS	VEHICLE MAINTENANCE	\$ 32.97
10/30/2019	23367	OAKLAND COUNTY ANIMAL CONTROL	DOG LICENSES	\$ 191.75
10/30/2019	23368	OAKLAND COUNTY TREASURER	POLICE DEPARTMENT EQUIPMENT	\$ 2,374.50
10/30/2019	23369	OPTUM BANK	HSA CONTRIBUTIONS-GUZZIK	\$ 250.00
10/30/2019	23370	PATRICK THOMPSON DESIGNS, INC.	BUILDING MAINTENANCE	\$ 4,000.00
10/30/2019	23371	POSTMASTER-PERMITS	BULK MAIL PERMIT RENEWAL	\$ 235.00
10/30/2019	23372	SOCRRA	REFUSE COLLECTION AGREEMENT	\$ 8,489.89
10/30/2019	23373	TEPEL BROTHER PRINTING	NEWSLETTER PRINTING	\$ 2,183.00
10/30/2019	23374	UNIFIRST CORPORATION	MAT RENTAL & JANITORIAL SUPPLIES	\$ 230.93
10/30/2019	23375	USZTAN CONSTRUCTION	CONSTRUCTION PROJECTS	\$ 99,180.38
10/30/2019	23376	WEX BANK	FUEL PURCHASES	\$ 1,352.73

Total for 10-30-2019

\$ 177,335.31

CITY OF PLEASANT RIDGE CHECK REGISTER
ACCOUNTS PAYABLE
Electronic Payments

PG 5

Check Date	Check	Vendor Name	Description	Amount
10/10/2019	1796	BLUE CROSS BLUE SHIELD OF MICHIGAN	HEALTHCARE BENEFITS	\$ 13,585.53
10/10/2019	1797	BLUE CROSS BLUE SHIELD OF MICHIGAN	HEALTHCARE BENEFITS	\$ 14,317.25
10/10/2019	1798	BLUE CROSS BLUE SHIELD OF MICHIGAN	HEALTHCARE BENEFITS	\$ 13,951.39
10/10/2019	1799	MUNICIPAL EMP.RETIREMENT SYST.	RETIREMENT BENEFITS	\$ 31,221.99
10/11/2019	1800	5TH 3RD	RECREATION TRANSACTIONS	\$ 1,508.93
10/11/2019	1801	ADOBE SYSTEMS INC	SOFTWARE MAINTENANCE	\$ 87.95
10/11/2019	1802	AMAZON.COM	POLCE DEPARTMENT SUPPLIES	\$ 1,217.94
10/11/2019	1803	AMAZON.COM	JANITORIAL SUPPLIES	\$ 51.62
10/11/2019	1804	AMAZON.COM	OFFICE SUPPLIES	\$ 26.97
10/11/2019	1805	AMAZON.COM	OFFICE SUPPLIES	\$ 12.66
10/11/2019	1806	AMAZON.COM	HOME AND GARDEN TOUR SUPPLIES	\$ 35.92
10/11/2019	1807	AMAZON.COM	COMMUNITY CENTER SUPPLIES	\$ 218.26
10/11/2019	1808	AMAZON.COM	COMM CENTER OFFICE SUPPLIES	\$ 6.88
10/11/2019	1809	AMAZON.COM	COMMUNITY CENTER JANITORIAL SUPPLIES	\$ 50.26
10/11/2019	1810	AMAZON.COM	POLICE DEPARTMENT SUPPLIES	\$ 61.76
10/11/2019	1811	AMAZON.COM	HOME AND GARDEN TOUR SUPPLIES	\$ 24.97
10/11/2019	1812	AMAZON.COM	DOG PARK SUPPLIES	\$ 119.97
10/11/2019	1813	AMAZON.COM	FITNESS CENTER SUPPLIES	\$ 98.50
10/11/2019	1814	AMAZON.COM	COMMUNITY CENTER BLDG MAINTENANCE	\$ 27.48
10/11/2019	1815	AMAZON.COM	JANITORIAL SUPPLIES	\$ 65.99
10/11/2019	1816	AMAZON.COM	RECREATION PROGRAM SUPPLIES	\$ 163.04
10/11/2019	1817	AT&T MOBILITY	WIRELESS SERVICES	\$ 394.39
10/11/2019	1818	CHAMBERLIN PONY RIDES	HAYRIDE ENTERTAINMENT	\$ 50.00
10/11/2019	1819	COMCAST	TELECOMMUNICATION SERVICES	\$ 636.58
10/11/2019	1820	CONSUMERS ENERGY	UTILITIES SERVICES	\$ 413.43
10/11/2019	1821	CROWN AWARDS	RECREATION PROGRAM SUPPLIES	\$ 176.09
10/11/2019	1822	DTE ENERGY	UTILITIES SERVICES	\$ 3,598.11
10/11/2019	1823	ERADICO SERVICES INC	EXTERMINATION SERVICES	\$ 111.00
10/11/2019	1824	FIDELITY SECURITY LIFE INS CO	HEALTH BENEFITS	\$ 577.40
10/11/2019	1825	GODFREY BROTHERS	DPW SUPPLIES	\$ 176.96
10/11/2019	1826	INTERMEDIA.NET INC.	TELEPHONE LEASE AGREEMENT	\$ 118.22
10/11/2019	1827	LEXISNEXIS	POLICE DEPARTMENT SUPPLIES	\$ 150.00
10/11/2019	1828	MAILCHIMP	SOFTWARE MAINTENANCE	\$ 60.00
10/11/2019	1829	MEADOWBROOK HALL	RECREATION PROGRAM	\$ 50.00
10/11/2019	1830	MICRO CENTER	OFFICE SUPPLIES	\$ 139.80
10/11/2019	1831	MSFT	SOFTWARE MAINTENANCE	\$ 376.64
10/11/2019	1832	PLANETIZEN.COM	TUITION FEES-BREUCKMAN	\$ 24.95
10/11/2019	1833	PLASTICPLACE.COM	PARK MAINTENANCE SUPPLIES	\$ 52.49
10/11/2019	1834	QUILL CORPORATION	OFFICE SUPPLIES	\$ 708.55
10/11/2019	1835	RENT A BOUNCE	RECREATION PROGRAM	\$ 500.00
10/11/2019	1836	SAMS CLUB	OFFICE, MEETING AND JANITORIAL SUPPLIES	\$ 371.21
10/11/2019	1837	SIGNS ON THE CHEAP	HOME AND GARDEN TOUR SUPPLIES	\$ 243.83
10/11/2019	1838	STAMPS.COM	POSTAGE SERVICES	\$ 217.99
10/11/2019	1839	TRESHNA ENTERPRISES/GYMMMASTER	SOFTWARE MAINTENANCE	\$ 185.00
10/11/2019	1840	WEX BANK	FUEL PURCHASES	\$ 15.00
10/11/2019	1841	WOW! BUSINESS	TELECOMMUNICATIONS SERVICES	\$ 303.90
10/11/2019	1842	XFER COMMUNICATIONS	COMPUTER SUPPORT AND BACKUP SERVICES	\$ 1,289.00
10/30/2019	1843	MUNICIPAL EMP.RETIREMENT SYST.	RETIREMENT CONTRIBUTIONS	\$ 31,240.40

Total Electronic Payments

\$ 119,036.20



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
To: City Commission
Date: November 7, 2019
Re: Zoning and City Code of Ordinances Amendment:
Air Conditioner Compressor and Outdoor Generator Location and Noise Standards

Overview

A recurring issue that staff has dealt with is the lack of detailed standards for air conditioner compressor units and permanent generators in the Zoning Ordinance. This lack of standards leads to occasional neighbor disputes over location and noise. The attached ordinance would establish clear and administratively enforceable location and noise level limits and would build in a neighbor consultation process.

Background

Currently the City considers air conditioner compressors and permanent generators (hereafter referred to as “units”) to be accessory structures for the purposes of ordinance compliance. This is not explicitly specified in the ordinance, but rather has been an administrative determination. The ordinance also does not have specific noise standards for such units, only general nuisance standards. This results in the City having to determine what is an appropriate noise level on a case by case basis, which is not an easy administrative task.

The proposed ordinance includes two components:

1. An amendment that requires all air conditioner compressor units and outdoor generators to be in the rear yard unless approval is granted by the adjacent neighbor for the unit to be in a side yard. This will require a notarized letter signed by the neighbor. The amendment also includes requirements for screening and establishes that units may not be located closer than 2 feet to a side property line if permission is granted.
2. The addition of specific noise standards to Section 34-52, Nuisances of the City Code of Ordinances. The amendment establishes 60 dBA as the sound limit for air conditioner compressors as measured 6 feet above grade at a property line. Power generators are not subject to the noise standards due to their different operating characteristics.

The ordinance is modeled after similar ordinances in Huntington Woods and Farmington which require neighbor permission to locate units in a side yard. The noise standards were based on a survey of other

community's noise standards. Most cities have a noise limit of 55 or 60 dBA at a property line in residential districts.

Process

This is a Zoning Ordinance amendment which requires a public hearing before the Planning Commission, which was held on October 28. The Planning Commission then recommended that the City Commission approve the ordinance. The City Commission holds a public hearing and then makes the final decision on the proposed amendment.

Requested Action

City Commission action to schedule a public hearing on December 10, 2019 for the proposed ordinance amendment.

CITY OF PLEASANT RIDGE
Ordinance No ____

AN ORDINANCE TO AMEND THE CITY OF PLEASANT RIDGE CODE
OF ORDINANCES, CHAPTER 82 – ZONING and CHAPTER 34 - ENVIRONMENT.

THE CITY OF PLEASANT RIDGE ORDAINS:

Section 1.

The following sections of Chapter 82, Zoning, of the Pleasant Ridge City Code are amended as follows:

Section 82-193 of the Pleasant Ridge Zoning Ordinance is amended to add a new subsection (9) as follows:

- (9) Air Conditioners and Power Generators. Refrigeration or cooling equipment (used for central air conditioning purposes) or power generators (used as a source of interim power) installed outside of a dwelling or main building shall be:
 - a. Screened from view from a public right of way with approved fencing or landscaping.
 - b. Located in the rear yard of the dwelling or main building, and no closer to the side property line than the principal structure. The City Manager may authorize installation in a side yard behind the front building line if site conditions make it impossible to install in a rear yard, or upon the receipt of notarized written approval of such installation from the owner of the adjacent neighboring property. If a side yard installation is allowed under this section, air conditioner compressors or generator units shall be set back at least two (2) feet from any property line.
 - c. In compliance with sound emission standards as set forth in Section 34-52(14).
 - d. In the case of corner lots, the City Manager may authorize installation toward the side lot line adjacent to the street in instances where site conditions make it impossible to install in a rear yard.

Section 2.

Section 34-52 of the Pleasant Ridge City Code is amended to add a new subsection (14) as follows:

- (14) The operation of mechanical equipment, including but not limited to air conditioning, air handling devices, refrigeration devices or other condensers causing a continuous sound level more than 60 dBA measured 6 feet above grade at any property line in residential areas. This subsection shall not apply if the sound from the equipment creates less than a three dBA increase in the sound level that exists in the absence of such sound.

Section 2. Severability.

Should any provision or part of this Article be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Article, which shall remain in full force and effect.

Section 3. Repealer.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings clause.

Nothing in this Article shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. Effective Date.

This Ordinance shall become effective seven days after publication of a notice of adoption, as provided by law.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the Commission of the City of Pleasant Ridge at a meeting duly called and held on the ____ day of _____, 2019, and ordered to be given publication in the manner prescribed by law.

Amy M. Drealan, City Clerk

Planning Commission Public Hearing:October 28, 2019
Planning Commission Recommendation:October 28, 2019
City Commission Introduction:November 12, 2019
City Commission Public Hearing:
City Commission Adoption:
Published: