

Southgate City Council Agenda

Council Chambers

Wednesday September 6, 2017

6:30pm **Work Study Session**

1. Officials Reports
2. Memo from Administrator; Re: Section 862.06 – Use of Streets Page 25
3. Discussions regarding agenda items.

7:00 pm **Regular Meeting**

Pledge of Allegiance

Roll Call: Colovos, Farrah, George, Graziani, Rauch, Rollet, Zamecki.

Minutes:

1. Work Study Session Minutes dated August 16, 2017.
2. Regular City Council Meeting Minutes dated August 16, 2017.

Scheduled Persons in the Audience:

1. Peter and Nancy Alley Page 2

Consideration of Bids:

Scheduled Hearings:

1. Memo from Administrator; Re: Public Hearing; Alley Vacation
Between Irene and Helen Page 3

Communications "A" –

1. Memo from Administrator; Re: Request to Repeal Ordinance 468.04 Page 16
2. Memo from Administrator; Re: Resolution to Vacate Alley Page 18
3. Memo from Administrator; Re: Market Center Park Liquor License Page 19

Communications "B" – (Receive and File)

Ordinances:

1. First Reading – Section 862.06 Use of Streets Page 25

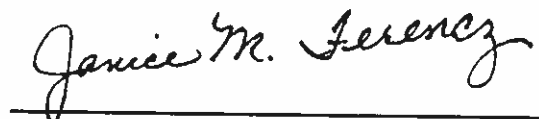
Old Business:

New Business:

Unscheduled Persons in the Audience:

Claims & Accounts: Warrant # 1336 **See Warrant**

Adjournment:



Janice M. Ferencz, City Clerk

Request to Speak at Council Meeting

TODAY'S DATE:

8-7-2017

YOUR NAME:

Peter & Nancy Alley
PLEASE PRINT

ADDRESS:

15205 Goddard Rd.
SOUTHGATE, MI

PHONE #:

734-934-1699

DATE OF MEETING YOU WISH TO SPEAK AT:

8-16-2017

SUBJECT YOU WISH TO ADDRESS:

4 yr on going building issue
w/ Olive Cornett

*Attach additional information if desired.

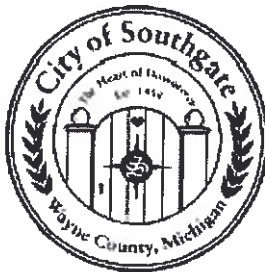
SIGNATURE:

Peter & Nancy Alley

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate

NORMA J. WURLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

KAREN E. GEORGE

MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator

Re: Public Hearing; Alley Vacation; Between Irene and Helen St.'s, Lots 272 and 273 of Dix-Toledo Highway Subdivision

Date: August 28, 2017

In accordance with the Southgate City Charter, a public hearing has been scheduled to hear any comments in relation to the above referenced alley vacation application filed by Marc T. Mogg, 13336 Irene St.

The Planning Commission voted unanimously at their July 10, 2017 meeting to recommend that you consider vacating the alley between Irene and Helen between Lots 272 and 273 of Dix-Toledo Highway Subdivision. The Administration concurs with their recommendation and respectfully requests that you approve the alley vacation request.

If you have any questions, please contact Robert Casanova or me.

Cc: Mayor Joseph G. Kuspa
Robert Casanova

City of Southgate
Planning Commission Informal Meeting


July 10, 2017

This meeting of the Planning Commission was held in the Caucus Room, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, July 10, 2017 and called to order by Chairman Joseph Charney, at 7:00 p.m.

PRESENT: Anna Renaud, Sheryl Denman, Marie Henegar, Jay Cashmer, Joseph Charney, Ed Gawlick

EXCUSED: Marcy Lemerand, Patricia Anderson

ALSO PRESENT: Plan Consultant John Enos, Council Member Karen George, Building Inspections Director Bob Casanova, City Attorney, Ed Zelenak

 Plan Consultant Enos explained the applicant, Mark^c Mogg, at 13336 Irene, is submitting a petition seeking to vacate the alley between Irene and Helen just north of Dix and parallel with Dix. Based upon the information provided, the existing conditions, the limited use and condition of the alley and the existing office building screen wall we recommend approval. It is also recommended conditioning the approval on the applicant and office property owner working out an agreement whereas the applicant gains control and maintains whole area encompassing the vacated alley.

Plan Consultant Enos explained two public hearings on proposed ordinance amendments will be set this evening for the September meeting.

The first one will be for new language on Corner Lot Parallel Parking Pad, allowing residents the ability to have at least one off street parking space on their property to allow for a parking area to be constructed between the sidewalk and curb.

Second, Body Art Ordinance amendment by adding new language and reviewing the General Law Body Act 813, possibly revoking the ordinance by City Council.

The meeting ended at 7:26 p.m.

City of Southgate
Planning Commission Meeting
July 10, 2017

This meeting of the Planning Commission was held in the Municipal Council Chambers, 14400 Dix-Toledo Highway, Southgate, Michigan on Monday, July 10, 2017 and called to order by Chairman Joe Charney, at 7:30 p.m.

PRESENT: Anna Renaud, Sheryl Denman, Joseph Charney, Ed Gawlick, Marie Henegar, Jay Cashmer

ABSENT: Patricia Anderson, Marcy Lemerand (both excused)


ALSO PRESENT: Plan Consultant John Enos, Council Member Karen George, Building Inspections Director Bob Casanova, City Attorney Ed Zelenak

Minutes:

The first order of business is approval of the minutes from the February 20, 2017 Planning Commission meeting.

Moved by Renaud, supported by Cashmer, that the minutes of the Planning Commission Meeting dated February 20, 2017 be approved. **MOTION APPROVED UNANIMOUSLY.**

Persons and/or Petitioners:

- 
1. Mark^c Mogg, 13336 Irene Street, Southgate, MI 48195, Vacant Alley between Irene and Helen just north of Dix and parallel with Dix.

Plan Consultant Enos explained the applicant, Mark^c Mogg, 13336 Irene Street, is submitting a petition seeking to vacate the alley between Irene and Helen, just north of Dix and parallel with Dix. The applicant is requesting the vacating of the alley so they can expand their lawn area and add some privacy to their property by installing a fence. It is suggested taking control up to the masonry wall.

The commercial business on the south side of the alley is not interested in the additional land they would receive by vacating the alley. It is recommended conditioning the approval on the applicant and office property owner working out an agreement whereas the applicant gains control and maintains the whole area encompassing the vacated alley.

Moved by Henegar, supported by Renaud, to recommend City Council approve the request by Mark^c Mogg, 13336 Irene Street, to vacate the alley between Irene and Helen, just north of Dix and parallel with Dix. **MOTION APPROVED UNANIMOUSLY.**

Public Hearings: None

Officials' Reports: None

Correspondence: None

RETURN TO:
Clerk's Office
City of Southgate
14400 Dix-Toledo
Southgate, MI 48195

Form No. 01

Case No. PC 002-2017

Date Received 6-12-2017

CITY OF SOUTHGATE APPLICATION FOR PLANNING COMMISSION REVIEW

Concerning a request to be heard before the Southgate Planning Commission on the following:

TO BE COMPLETED BY THE APPLICANT:

Owner/Applicant	Agent
Name <u>MARC T Mogg</u>	Name _____
Address <u>13336 Irene</u>	Address _____
<u>Southgate</u> <u>mi</u> <u>48195</u>	_____ (City) (State) (Zip)
Telephone <u>734 752 9463</u>	Telephone _____

Information regarding the site:

Street Address: 13336 Irene Southgate mi 48195

Major Cross Streets: Irene & Dix

Parcel / Lot No.: Parcel code # 82 53 009 03 0273 000

Acreage: .25 Dimensions of Parcel / Lot: _____ Frontage: _____

Current Zoning (please circle): RE R-1 R-1A R-1B RM RO C-1 C-2 C-3 M-1 MH PD P-1

Current Use: _____

Requested action:

☐ Rezoning

Requested District: _____

☐ Conditional Use Approval

Requested Use: _____

☐ Site Plan Review

☐ Plat Review

☒ Other

Please Specify close or Buy Alley

Information regarding request:

I hereby request a hearing before this body to:

(Please supply detailed information. For example, why you are requesting the proposed action, a complete description of the project, how the request is compatible with adjacent land uses and zoning districts, how the request is in compliance with the goals, policies, and future land use plan of the City of Southgate Master Plan, any information you feel is pertinent to your application, etc. Feel free to attach additional documents to this application if it will help describe your project or if you need more room than is provided below.)

- Please See Attached Documents i.e...
1. Proposed Alleyway Request Letter.
 - 2 Drawing, Ariel View of Property to be Vacated or purchased.
 3. Current Legal Description of Property 13336 Irene

A SKETCH CLEARLY DEPICTING THE REQUEST MUST BE ATTACHED TO THIS APPLICATION FOR IT TO BE VALID. FOR SITE PLAN REVIEW, A SITE PLAN MEETING THE REQUIREMENTS OF SECTION 1298.07 MUST BE ATTACHED.

The Applicant / Agent must appear before the Planning Commission on _____
(Date)

THE OWNER OF THE PROPERTY DESCRIBED ON THIS APPLICATION AND THAT ALL STATEMENTS HEREIN AND IN THE DOCUMENTS SUBMITTED ARE TRUE.

Signature - Owner / Agent: Date: 5-31-17

To review your application properly, Planning Commission members may need access to the property in question. Please initial if permission is given for property access. INITIALS M.M

Fees must be paid at the same time this application is submitted to the City.

OFFICE USE:

Date Received: _____

Received By: _____
(Staff's Name)

Fee Charged: _____

Check No.: _____

Receipt No.: _____

June 6, 2017
Southgate City Council
14400 Dix-Toledo Highway
Southgate, Michigan 48195

SUBJECT: Proposed Alleyway Vacation

Dear Southgate City Council,

On behalf of my self-resident of Southgate Michigan Marc Mogg, I respectfully request the vacation of an alley segment that runs north-south on the 13336 block Irene and Dix/Toledo (see attached vicinity map).

The purpose of the vacation is to clean up the alleyway of stinch as well as add to my property. Three other property owners are surrounding the subject alley segment. I have discussed with my neighbors the intention of expanding my yard and closing the alley way with a privacy fence adding to my property as well as cleaning up the stench and standing water in the pot holes by way of grass and landscaping. I believe they are all in agreeance with this request and I have not heard any negative feedback.

By observing daily traffic on the alley we believe that its closure will not affect abutting properties as these structures are mainly accessed via Dix. Likewise, closing the alley is not anticipated to be detrimental to the driving public since the alley segment is not accessed by through traffic. Attached for your review are: (a) vicinity map; (b) site plan

If you have questions regarding this petition, please give me a call at this number (734) 732-9663.

Thank you.
Marc Mogg

Trene st.

new
Double
gate

Parking lot

13400
Dix

Block wall

107 ft

121 ft with new
Fence

ALLEY

My Fence

Yard

New
Fence

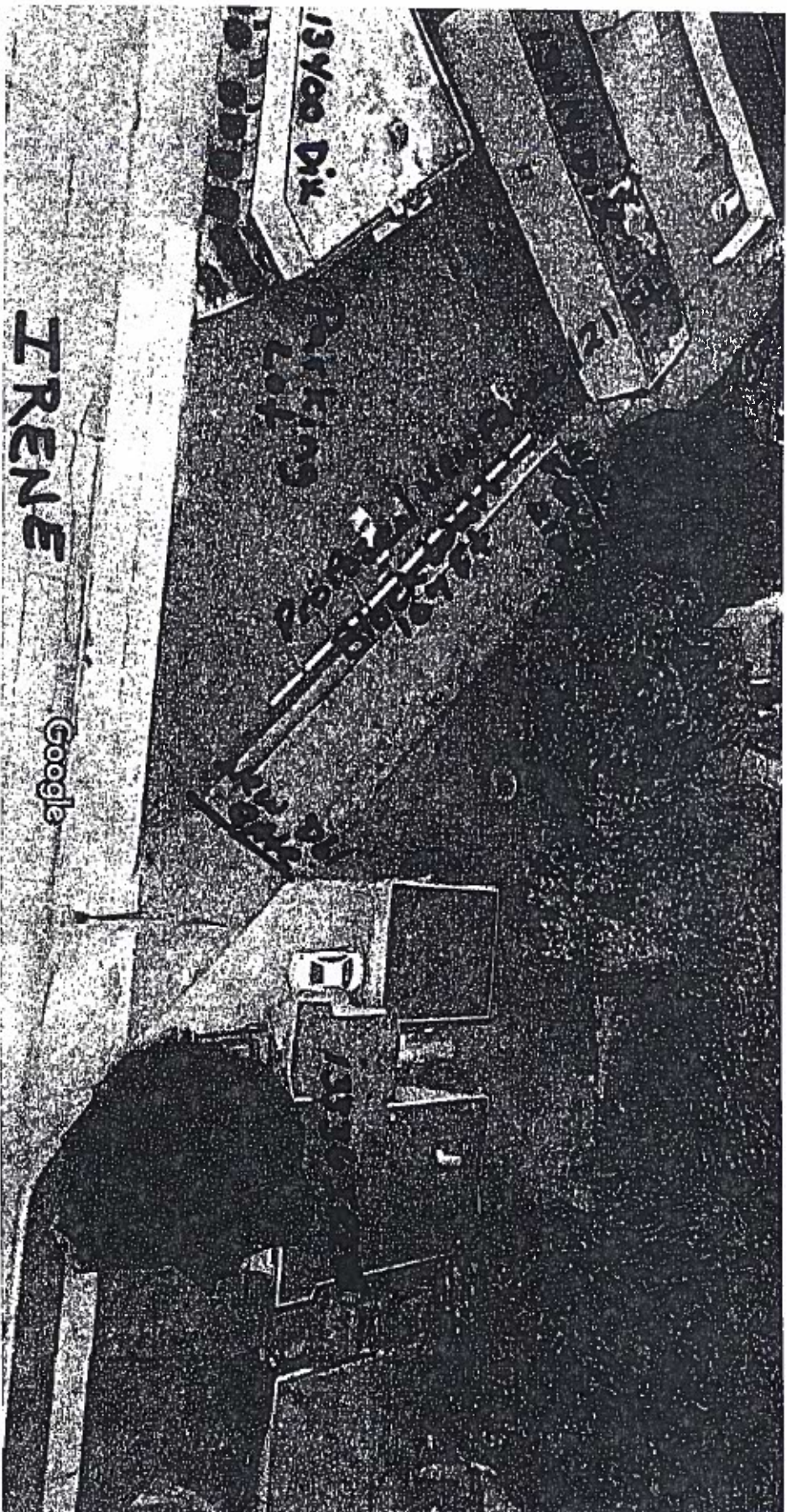
New
Fence

21 ft

ALLEY

13336 Irene St

requesting to purchase alley way



Imagery ©2017 Google, Map data ©2017 Google 10 ft.

- New Fence & Gateways
- Existing Currently

Google Maps

13334 Irene St

request to vacate or purchase ally way

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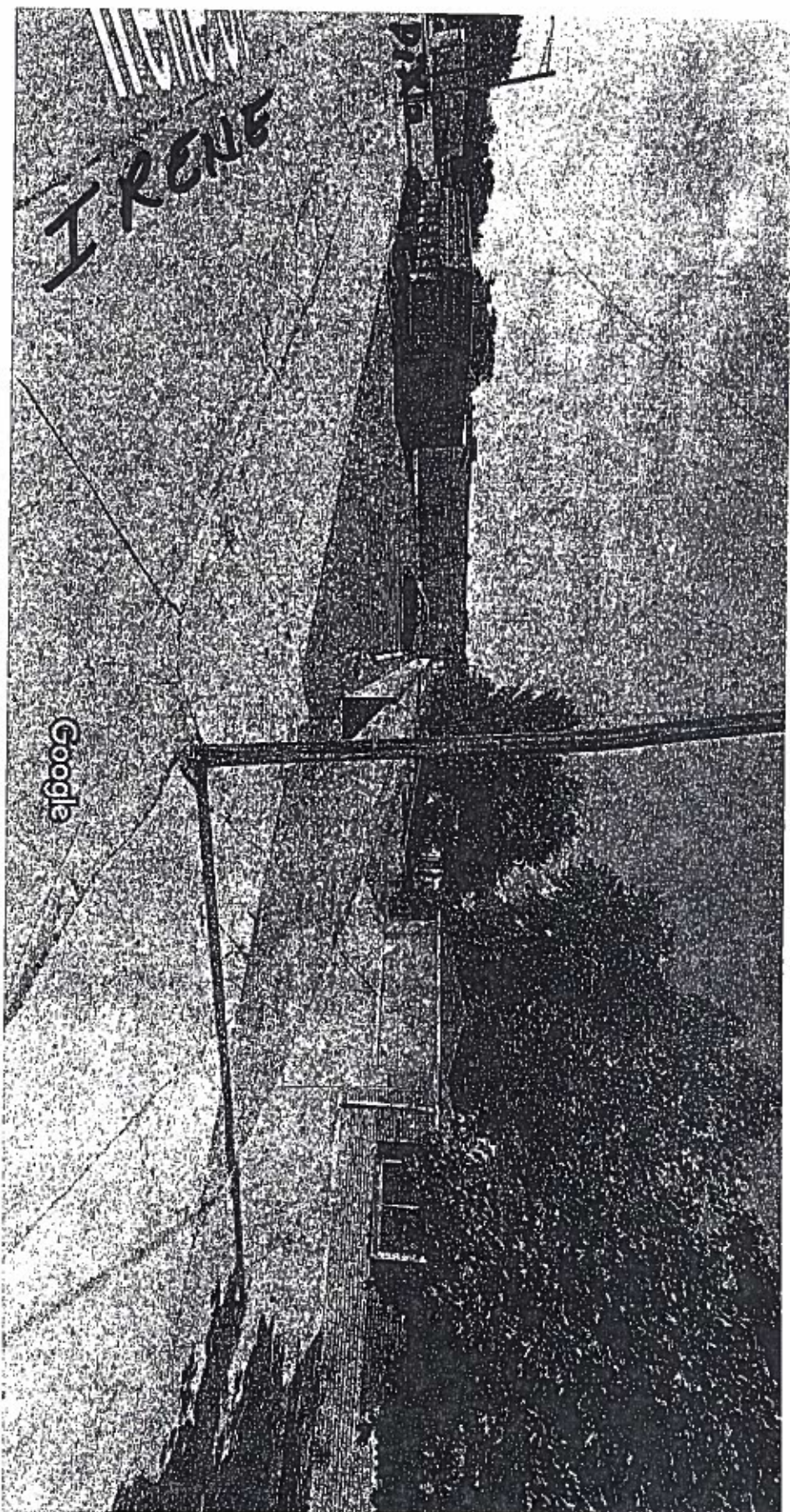
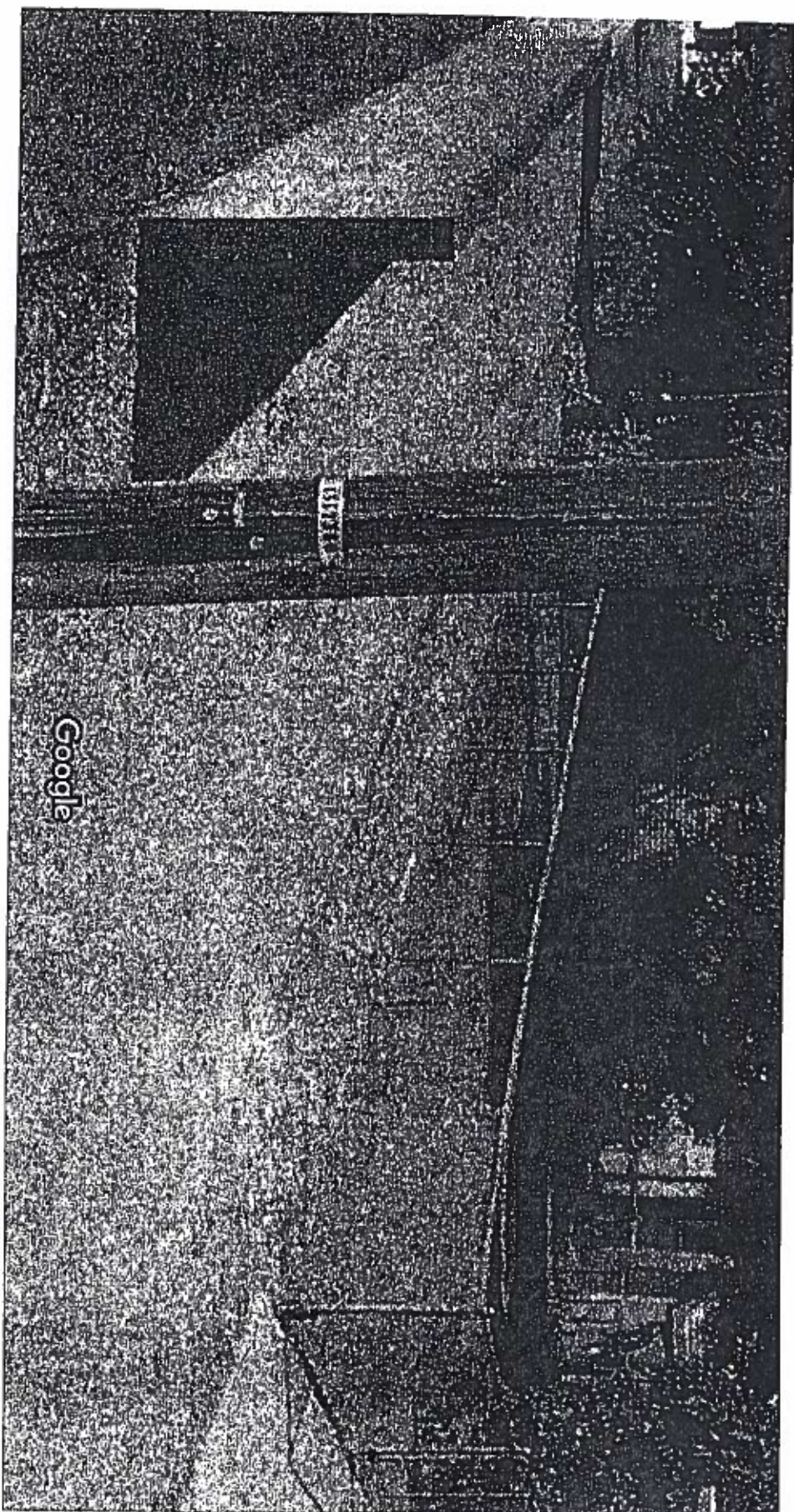


Image capture: Sep 2016 © 2017 Google

Google Maps 13334 Irene St

page 12



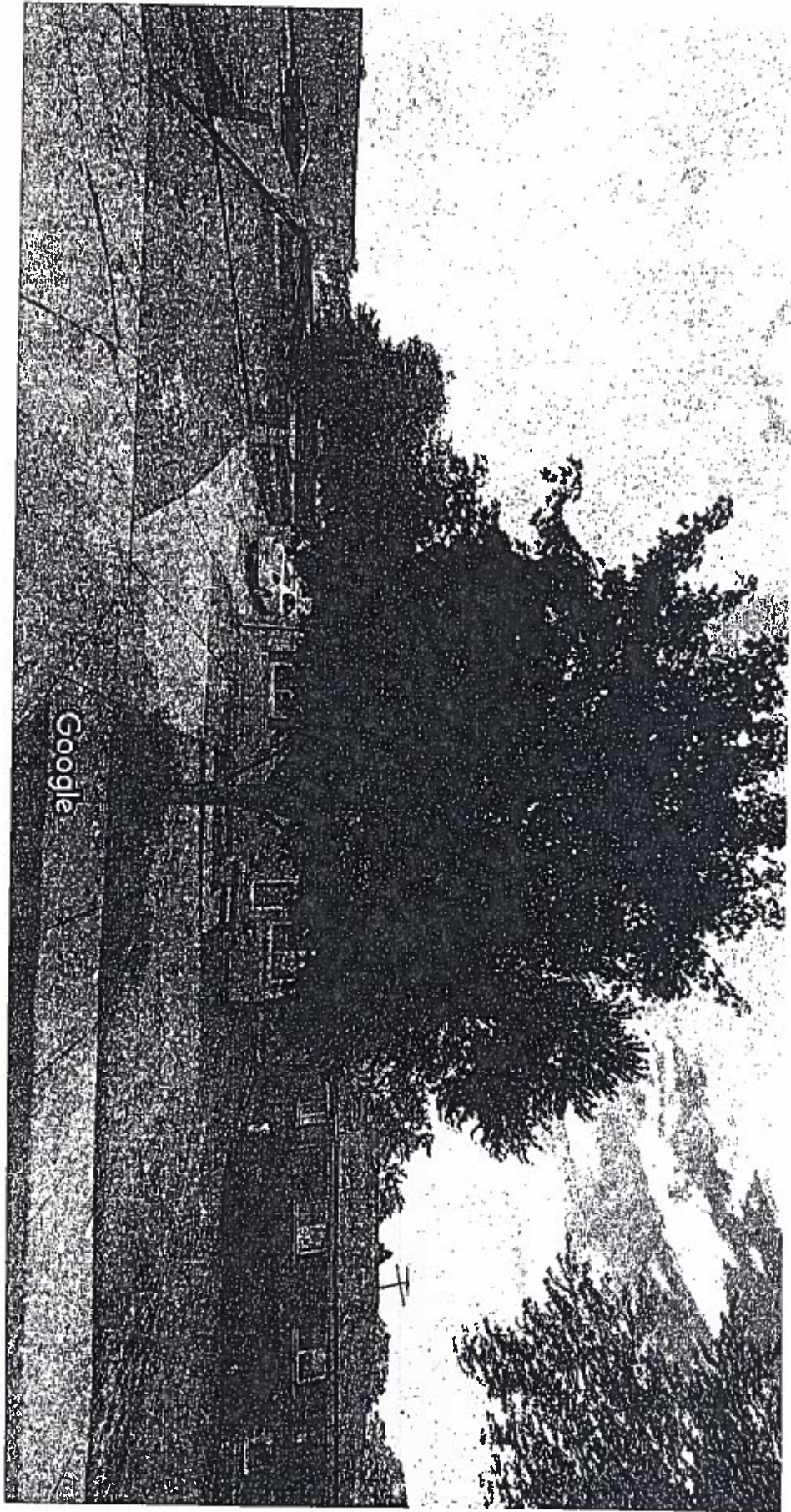
Google

Image capture: Sep 2016 © 2017 Google

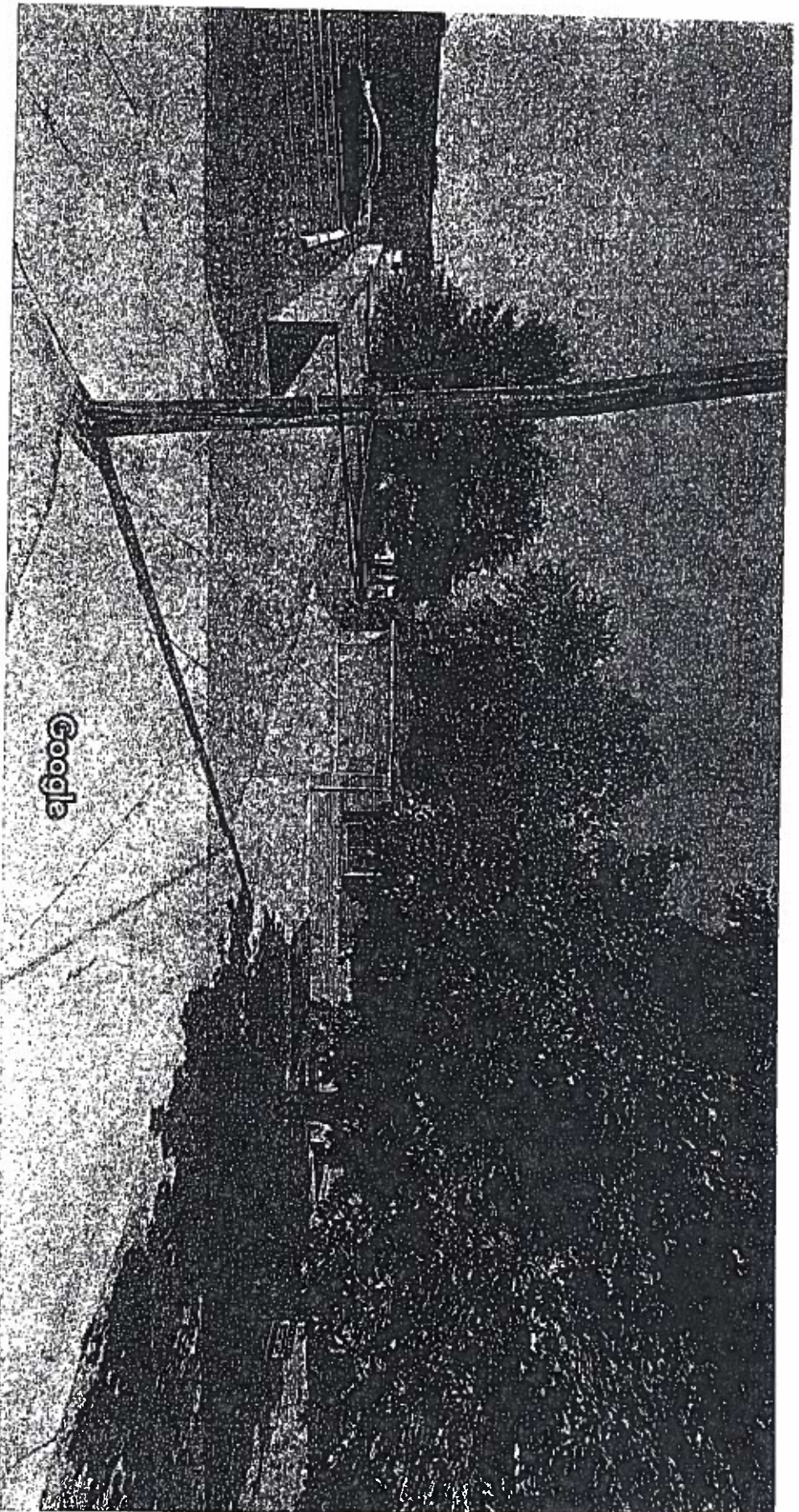
Google Maps

13324 Irene St

request to vacate and or purchase ally way



Google Maps 13334 Irene St



Southgate, Michigan

Street View - Sep 2016

Image capture: Sep 2016 © 2017 Google

Equalizer Charter Township

14965 Abbey Lane Bath MI 48808 517.641.8900 FAX 517.641.8960

DEPARTMENT OF BUILDING SAFETY

PPLAN-0015

Issued: 06/22/2017

Expires: 09/20/2017

PLANNING COMMISSI

This permit conveys no right to occupy any STREET, ALLEY, or SIDEWALK, or any part thereof either temporarily or permanently.

Type of Construction: _____ Occupancy Group: _____ Edition of Code: _____

LOCATION	OWNER	APPLICANT
13336 IRENE 53 009 03 0273 000 Lot: Plat/Sub: R-1B SINGLE RES	MOGG, MARC T 13336 IRENE SOUTHGATE MI 48195 Phone: Fax:	MOGG, MARC T 13336 IRENE SOUTHGATE MI 48195 Phone: Fax:

Work Description: PUBLIC RIGHT-OF-WAY VACATION JULY 10, 2017
Stipulations:

Permit Item	Work Type	Fee Basis	Item Total
PLANNING COMM-RIGHT OF WAY VA	PLANNING COMM- RIGHT OF WAY	1.00	300.00

Fee Total: \$300.00
Amount Paid: \$300.00
Balance Due: \$0.00

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURMLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

KAREN E. GEORGE

MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator

Date: August 24, 2017

Re: Request to Repeal Ordinance 468.04 (Parking on Jobin between Fort St. and Barberry from 10pm to 3:00am of the following day.)

The Public Safety Director has asked that Ordinance 468.04 be repealed as it is no longer needed. Please find his request attached. The Administration concurs with his request that you repeal Ordinance 468.04.

If you have any questions about this matter, please contact Jeff Smith or me.

Cc: Mayor Joseph G. Kuspa
Jeffrey Smith
Brett Selby
David Angileri

John Zech

From: Jeff Smith
Sent: Thursday, August 24, 2017 1:07 PM
To: Joseph Kuspa; John Graziani
Cc: John Zech; David Angileri; Brett Selby; Emily Stacy
Subject: Repeal 469.04

468.04 PARKING ON JOBIN.

No person shall park any motor vehicle on eastbound and westbound Jobin, between the intersections of Fort Street and Barberry Street, between 10:00 p.m. and 3:00 a.m. of the following day.
(Ord. 409. Passed 4-17-85.)

Good Morning,

I have been doing some housekeeping on different city ordinance and came across this one.

This was passed in 1985 to deal with parking issues in the residential area cause by a bar that at one time was located on the corner of Fort St. and Jobin (Spankies).

The bar has been closed for two decades and the signs were removed many years ago.

I am requesting that the City Council repeal this parking ordinance.

Respectfully,



Jeffrey Smith
Director of Public Safety
Southgate Police Department
14710 Reaume Parkway
Southgate, MI 48195
Office (734) 258-3040 • Fax (734) 284-4715

NOTICE-CONFIDENTIAL INFORMATION

The information in this communication is privileged and strictly confidential. It is intended solely for use by the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any dissemination, distribution, copying or other use of the information contained in this communication is strictly prohibited. If you have received this communication in error, please first notify the sender immediately and then delete this communication from your records completely.

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURMLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

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MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator

Re: Resolution to Vacate Alley between Lots 272 and 273 of Dix-Toledo Highway Subdivision

Date: August 28, 2017

As previously discussed at tonight's public hearing, by the request of the Planning Commission, the Administration respectfully requests the City Council adopt a resolution approving the vacation of the alley between Lots 272 and 273 of Dix-Toledo Highway Subdivision in accordance with the City of Southgate Codified Ordinances.

If you have any questions, please contact Robert Casanova or me.

Cc: Mayor Joseph G. Kuspa
Robert Casanova

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate
NORMA J. WURLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

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MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator

Re: Market Center Park Liquor License

Date: August 30, 2017

Eric Carmichael, attorney for Roger Roels, has written to City Council President Graziani asking the City Council to consider amending the resolution it passed on July 5, 2017 with regard to the above referenced matter. Attached please find Mr. Carmichael's letter to Mr. Graziani, a notice from the Michigan Liquor Control Commission (LCC) to Michael Thomas, another attorney of Mr. Roels, the form that was sent to the LCC after the City Council's July 5, 2017 meeting and the resolution passed by the City Council.

The LCC pointed out a typographical error in the address for Market Center Park, which they want corrected in the City Council's amended resolution. The address for the park is 13631 Eureka Rd. not 13691. This error was in Mr. Carmichael's letter of June 13, 2017 and wasn't caught by the Administration for which we apologize. They also want the following words included in the amended resolution: The Council also consents to have the new outdoor service area located on municipal property.

The Administration has reviewed this matter and concurs with the request made by Mr. Carmichael on behalf of Mr. Roels. Mr. Roels will be in attendance at your September 6, 2017 meeting to answer any questions you may have.

If you have any questions for Dustin Lent or me, please contact us.

Cc: Mayor Joseph G. Kuspa
Dustin Lent
David Angileri

SHAHEEN, JACOBS & ROSS, P.C.

COUNSELORS AT LAW
585 EAST LARNED, SUITE 200
DETROIT MICHIGAN 48226-4316
(313) 963-1301
TELECOPIER: (313) 963-7123

August 24, 2017

Southgate City Council
Attn: Mr. John Graziani
14400 Dix-Toledo Rd.
Southgate, Michigan 48195

Re: Riverside Banquet Center, Inc.'s request for banquet permit at
13631 Eureka Road, Southgate, MI 48195; MLCC Request ID #904811

Dear Mr. Graziani:

Our office represents Riverside Banquet Center, Inc. ("Riverside"), which has applied to the Michigan Liquor Control Commission ("MLCC") for a banquet permit at 13631 Eureka Rd., Southgate, MI. As you are aware, the MLCC requires that the local council/board provide its approval before the application is considered by the MLCC. Further, at a meeting held on July 5, 2017, the City Council approved Riverside's request for a banquet permit and the enclosed Local Government Approval was provided to the MLCC. Per the enclosed Notice of Deficiency dated August 15, 2017, the MLCC is requiring that the City Council's approval be revised to correct the subject address to 13631 Eureka Road, Southgate, MI 48195 (instead of 13691 Eureka Road) and to include the following language "the council also consents to have the new outdoor service area located on municipal property".

If you have any questions or need any additional information, do not hesitate to contact our office to discuss.

Very truly yours,

SHAHEEN, JACOBS & ROSS, P.C.



Eric J. Carmichael

EJC/mkr
Enclosures
cc: Mr. Roger Roels



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

Notice of Deficiency – Withholding Investigation
(Authorized by R436.1103 (2) & MCL436.1529)

August 15, 2017

Michael Thomas, Attorney
c/o Riverside Banquet Center, Inc
mthomas@sjrlaw.com

Request ID #904811

Re: New Banquet Facility Permit; New Sunday Sales Permits (AM) & (PM); New Outdoor Service Area; New Dance-Entertainment Permit; Cancel Banquet Facility Permit located at 17099 Champaign, Allen Park (SOF, Inc Requests New Banquet Facility at location)

Investigation of your application is being withheld until you send the items listed below:

- Local Government Approval – Form LCC-106 for new Banquet Facility – **need new address 13631 Eureka Rd., Southgate, MI 48915 listed**
- Approval from City of Wyandotte for Riverside Banquet Center, Inc to have the new Outdoor Service Area located on municipal property

Administrative rule R 436.1103(2) requires that "an applicant for a license shall provide the commission or representative of the Commission, all information necessary for investigation and processing of the application "

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

To obtain forms visit www.michigan.gov/lcc and click on "forms" then "licensing"; this will take you to the "General Licensing Forms" page. Here you will be able to download licensing forms to assist you with your application

Return a copy of this notice with the documents/fees requested so it can be joined to your request.

All information can be mailed to the address listed at the bottom of this page, faxed to Licensing Division at (517) 763-0059 or (517) 763-0063. **However if fees are accompanying this request, then you must fax the fees and documents to (517) 373-4202 (Secured Fax Line for Revenue Services)** Please contact the Licensing Division at 866-813-0011 if you have questions

bls

City of Southgate
County of Wayne, State of Michigan

RESOLUTION

No. 106-17

At a Regular Meeting of the Southgate City Council called to order by Council President John Graziani on July 5, 2017 at 7:00 pm the following resolution was offered:

Moved by Rollet, supported by Rauch,

RESOLVED that the Southgate City Council hereby approves the transfer of a Class C Liquor License and Banquet Permit from Crystal Park, 17099 Champagne, Allen Park to Market Center Park, 13691 Eureka Road, Southgate, MI.

Objection to Motion.

Vote on motion.

Colovos	No
Farrah	Yes
Zamecki	Yes
Rauch	Yes
Graziani	Yes
Rollet	Yes

Motion carries 5-1

Present: Colovos, Farrah, Graziani, Rauch, Rollet, Zamecki

Absent: George

I, Janice M. Ferencz, City Clerk of Southgate, do hereby certify that the foregoing is a true, correct and complete copy of a resolution adopted by the Southgate City Council at a regular meeting held on July 5, 2017.

Janice M. Ferencz
City Clerk

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Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: 904811
(For MLCC use only)

Local Government Approval
(Authorized by MCL 436 1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on premises license application, certain types of license classification transfers, and/or a new banquet facility permit

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a regular meeting of the Southgate City council/board
(regular or special) (township, city, village)

called to order by John Grabbiani on July 5, 2017 at 7:00 pm
(date) (time)

the following resolution was offered:

Moved by Christopher Rollet and supported by Phillip Rauch

that the application from Riverside Banquet Center, Inc.
(name of applicant)

for the following license(s): Class C Liquor License
(list specific licenses requested)

to be located at: 13691 Eureka Road, Southgate, MI 48195

and the following permit, if applied for:

☒ Banquet Facility Permit Address of Banquet Facility: 13691 Eureka Road, Southgate, MI 48195

It is the consensus of this body that it recommends this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: 5

Nays: 1

Absent: 1

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Southgate City
council/board at a regular meeting held on July 5, 2017
(regular or special) (date) (township, city, village)

Janice M. Ferencik
Print Name of Clerk

Janice M. Ferencik
Signature of Clerk

July 5, 2017
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P O Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan Lansing, MI 48933

Fax to: 517-763-0059

SHAHEEN, JACOBS & ROSS, P.C.

COUNSELORS AT LAW
585 EAST LARNED, SUITE 200
DETROIT, MICHIGAN 48226-4316
(313) 963-1301
TELECOPIER: (313) 963-7123

June 13, 2017

Via email: Bfournier@shifmanlawmi.com

Brandon Fournier, Esq.
Howard L. Shifman, P.C.
370 E. Maple Road, Ste. 200
Birmingham, Michigan 48009

Re: Market Center Park
13691 Eureka Rd., Southgate, MI 48195 ("Eureka Property")

Dear Brandon:

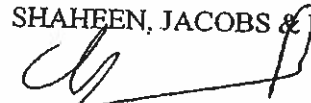
As you are aware, our office represents Riverside Banquet Center, Inc., a Michigan corporation ("Riverside"), with respect to its application to the Michigan Liquor Control Commission ("MLCC") for a new banquet facility permit located at the Eureka Property. Per your request, below is a summary of the application and its current status.

Riverside currently holds a Class C license and a banquet permit for the facility located at 17099 Champaign, Allen Park, Michigan ("Champaign Property"). Per applications submitted to the MLCC on April 6, 2017, Riverside has requested that the MLCC allow it to transfer its banquet permit for the Champaign Property to a different entity and also obtain a new banquet permit at the Eureka Property. The applications are being processed and per a letter from the MLCC dated June 3, 2017, they have requested that Riverside provide approval from the City of Southgate for the banquet permit at the Eureka Property along with a diagram of the property. It is my understanding that the Southgate City Council will be voting on the banquet permit for the Eureka Property on June 21, 2017. The requested information will be provided to the MLCC as soon as it is available.

We will keep you updated as to the status of the application to the MLCC. If you have any questions with respect to the above, or need any additional information, please do not hesitate to call.

Very truly yours,

SHAHEEN, JACOBS & ROSS, P.C.



Eric J. Carmichael

EJC/mkr

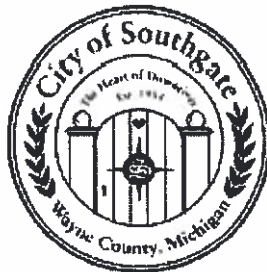
cc: Mr. Roger Roels (via email)

Tklr: 7517

JOSEPH G. KUSPA
Mayor

JANICE M. FERENCZ
City Clerk

JAMES E. DALLOS
Treasurer



City of Southgate

NORMA J. WURLINGER
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI
Council President

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PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

Memorandum

To: Honorable City Council Members

From: John J. Zech, City Administrator

Re: Section 862.06 – Use of Streets

Date: August 30, 2017

Currently Section 862.06 of the City's Codes and Ordinances prohibits soliciting in the public streets or rights-of-way. The new State law (PA 112 of 2017) amends the Michigan Vehicle Code to permit soliciting in the public streets or rights-of-way with conditions. I have attached a copy of Section 676b of the Michigan Vehicle Code for your review.

The Administration has prepared for your consideration an amendment to Section 862.06 (Use of Streets). I have also attached a copy of Section 862.06 as it currently reads.

Given the effective date of PA 112 of 2017, which is July 27, 2017 and that communities must be in compliance with the State Statute by September 27, 2017, the Administration respectfully requests that you consider approving a first reading at your September 6, 2017 meeting.

If you have any questions, please contact me.

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.676b Interference with normal flow of vehicular or pedestrian traffic prohibited; public utility facilities; solicitation of contributions on behalf of charitable or civic organization; violation as civil infraction; local regulations; "charitable or civic organization" defined.

Sec. 676b. (1) Subject to subsection (2), a person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section does not apply to persons maintaining, rearranging, or constructing public utility facilities in or adjacent to a street or highway.

(2) Subsection (1) and any provision of the Michigan Administrative Code that prohibits a person from standing in a roadway other than a limited access highway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle do not apply to a person who is soliciting contributions on behalf of a charitable or civic organization during daylight hours, if all of the following are satisfied:

(a) The charitable or civic organization complies with applicable local government regulations. A local government may enact or enforce regulations restricting, but not prohibiting, the activity described in this subsection.

(b) The charitable or civic organization maintains at least \$500,000.00 in liability insurance.

(c) The person is 18 years of age or older.

(d) The person is wearing high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association.

(e) The portion of the roadway upon which the solicitation occurs is not a work zone and is within an intersection where traffic control devices are present.

(3) A local government or road authority that has jurisdiction over a roadway upon which solicitation occurs as described in subsection (2) is not liable for any claim for damages arising out of the use of the roadway as described in subsection (2).

(4) A person who violates this section is responsible for a civil infraction.

(5) A local government that, on the effective date of the amendatory act that added this subsection, has enacted or is enforcing regulations that are prohibited under subsection (2)(a) shall bring those regulations into compliance with subsection (2)(a) no later than 60 days after the effective date of the amendatory act that added this subsection.

(6) As used in this section, "charitable or civic organization" means a nonprofit organization that is qualified under section 501(c)(3) or 501(c)(4) of the internal revenue code, 26 USC 501, or a veterans' organization that has tax-exempt status under the internal revenue code.

History: Add. 1968, Act 151, Eff. Nov. 15, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2017, Act 112, Imd. Eff. July 27, 2017.

862.05 NO SOLICITATION REGISTRATION.

The City Clerk shall create and maintain a list of addresses, the occupants of which have requested not to be disturbed by solicitors. Property owners wishing to register their preference may do so with the Office of the City Clerk, which listing will be distributed to solicitors registered with the City pursuant to this chapter. Such list shall be provided at no charge to each registrant who, whether or not they have accepted custody of such list, shall thereafter be presumed to know of the occupants' rejection.
(Ord. 734. Passed 11-7-01.)

862.06 USE OF STREETS.

No person licensed under these provisions shall have any exclusive right to any location in the public streets or right-of-way, nor shall he or she be permitted to operate in any congested area where his or her operations impede or inconvenience the public. For purposes of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Ord. 734. Passed 11-7-01.)

862.07 DURATION.

Any permit granted hereunder shall be valid for a period of not more than 30 days, but may be renewed for an additional period upon submission of a renewal request and receipt of updated information.

(Ord. 734. Passed 11-7-01.)

862.08 NO DISTURBANCE OR STALKING

(a) No person shall solicit or approach to solicit an occupant of private property which displays signage at its entrance captioned "no peddlers" or "no solicitors."

(b) Any individual who engages in a willful course of conduct involving repeated or continued solicitation of another individual that would cause a reasonable person to feel frightened, intimidated, threatened or harassed, which would include repeated or continuing contact that is initiated or continued without the individual's consent, or in disregard of that individual's expressed desire that the contact be avoided or discontinued, shall be guilty of a misdemeanor. Evidence that the solicitor or solicitors continued to engage in a course of conduct involving repeated contact with the victim after having been requested by the victim to discontinue the conduct, shall give rise to a rebuttal presumption that the continuation of the course of conduct caused the victim to feel frightened, intimidated, threatened or harassed. Engaging in solicitation of an individual who has posted signage at the entrance of his or her property reading "no peddlers" or "no solicitors" shall give rise to a rebuttal presumption that the solicitor intended to violate this subsection.

(Ord. 734. Passed 11-7-01.)

SECTION 862 SOLICITORS

Section 862.06 USE OF STREETS

This section is deleted in its entirety and replaced by the following:

A "charitable or civic organization" may apply for a permit to solicit contributions in the public street provided certain restrictions are met. All solicitors shall be at least 18 years of age.

For the purpose of this section, a "charitable or civic organization" is defined as a nonprofit organization that is qualified under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 USC 501, or veterans' organization that has tax exempt status under the Code.

Applications for a permit are available at the City Clerk's Office during regular business hours.

The qualified organization shall return a complete application to the City Clerk's Office at least two weeks prior to the desired solicitation date(s). The City reserves the right to prohibit multiple organizations from soliciting on the same date. Any conflicts will be resolved on a first-come-first-served basis based on the date that the application was submitted with all additional requirements.

In addition to the completed application, all organizations must provide:

1. Copy of charitable or non-profit status (as described above);
2. Copy of a minimum of \$1,000,000.00 liability insurance policy naming the City of Southgate as an "additional insured party";
3. List of the names of all solicitors;
4. Certification that all solicitors are at least 18 years of age; and
5. An application fee of \$25.00.

Additional restrictions and requirements:

1. All persons soliciting contributions shall wear high-visibility safety apparel that meets current American standards promulgated by the International Safety Equipment Association;
2. An organization can only obtain one (1) permit per calendar year and is limited to up to one consecutive two (2) day period;
3. Time of solicitation is limited to between the hours of 9:00 am and 4:00pm; and
4. The only intersection that can be used for soliciting contributions shall be Dix-Toledo and Eureka roads.

The City Clerk's Office shall notify the Mayor's Office, Police, Fire and Public Services Departments of applicants that have met the criteria set forth in Section 862.06.