



City of the Village of Clarkston
375 Depot Rd
Clarkston, Michigan 48346
City Council Special Meeting
07 23 2020

You may join the meeting from your computer, tablet or smartphone using the following link: <https://global.gotomeeting.com/join/809035149> Or you may call-in using the following toll-free phone number and access code: (866) 899-4679 , Access Code: 809-035-149

1. Call To Order

2. Pledge Of Allegiance

3. Roll Call

Mayor Haven, Avery, Bonser, Casey, Kneisc, Luginski, Wylie

4. Approval Of Agenda - Motion

5. Public Comments:

Individuals have the opportunity to address the City Council on any subject, limiting their comments to three minutes. Alternatively, public comments may be emailed to City Manager Jonathan Smith @ smithj@villageofclarkston.org or City Clerk Jennifer Speagle @ speaglej@villageofclarkston.org and they will be read out loud during this time. If preferred, comments may be stated or submitted anonymously.

6. Discussion: PC Recommendation For Closure Of E Church St

Recommendation from the Planning Commission to City Council regarding Expanding Seasonal Dining into East Church Street - August through October 2020

Documents:

[PC RECOMMENDATION OF E CHURCH CLOSURE 07 23 2020.PDF](#)

7. Resolution: Temporary Closure Of E Church St

Resolution for the Temporary COVID-19 Outdoor Dining Standards on East Church St.

Documents:

[RESOLUTION - OUTDOOR SEATING 07 27 2020.PDF](#)

8. Adjourn

Only those matters that are on the agenda are to be considered for action.

Recommendation from the Planning Commission (PC) to City Council re: Expanding Seasonal Dining into East Church Street - August Through October 2020

1. Background:

In May 2020, cities, across the country, began to look for ways to help COVID-weary retail stores and restaurants stay afloat as states cautiously began to re-open. Restaurants were financially challenged by 50% capacity rules and found that patrons were searching for outdoor venues as they confronted their own COVID fears.

New York City closed several miles of streets to allow retail and restaurants to “spread out” in the roadways. Closer to home, on June 12th, the Ann Arbor’s City Council voted to close 4 blocks of Main Street to allow outdoor dining and outside retail.

In June, Sue Wylie and Jonathan Smith began to ask Clarkston downtown businesses the question, “What can the City do to help you during this pandemic recovery?” On July 13th, the Union Joints organization answered that question with a proposal to City Council. Union Joints asked Council to consider closing Church Street, east of Main Street, for 3 months to allow outdoor dining on Church Street with “socially distanced” tables served from two food and beverage trucks.

At that meeting, City Council referred the issue to the Planning Commission for evaluation and recommendation. As a result, the Planning Commission held a special session on July 20th. The decisions and recommendations of the PC are explained below.

2. The PC - Union Joints Review – July 20, 2020

In preparation for the proposal review, the PC completed the following:

- A. Requested feedback from the Fire Department, the Sheriff’s Department residents and businesses to gauge support and requirements.
- B. Requested that Carlisle/Wortman investigate and explain the steps necessary to allow private use of this public street.

- C. Had the City Attorney explain how a Resolution, approved by Council, could enable this 3-month experiment.
- D. Asked Union Joints to speak with residents and businesses on East Church to ensure agreement.

Then the PC had Union Joints present their proposal to the Planning Commission and clarify several questions satisfactorily.

3. PC Recommendation to Council

The PC recommends that City Council adopt the Resolution, prepared by Tom Ryan, to close East Church from Main Street to Honcho's alley and allow Union Joints to expand outdoor dining onto Church Street through October 2020.

The PC would encourage the following conditions:

- A. Operating hours would match current Honcho hours, daily 3PM to 10 PM
- B. The table and food truck layout would match the rendering as presented to Council.
- C. Two handicapped parking spaces would be striped as parallel spots on Main Street at the current entrance to Church.
- D. Concrete barriers would be placed across Church at Main to prevent inadvertent turns onto East Church from Main.
- E. Necessary liability insurance and liquor control paperwork will be completed by Union Joints.
- F. String lighting will be allowed in the new area.
- G. Restrooms will be provided inside Honchos (no port-o-johns)
- H. Hand sanitizer stations will be placed in the new area.
- I. Electrical power to the food and beverage trucks will come from Honchos (no generators).

This is a short 3-month effort to help the employees of Union Joints weather this difficult economic period. We encourage the Council to remove any hurdles quickly and pass the motion. Thank you.

Submitted for the Planning Commission to City Council by Rich Little, Chair, City of the Village of Clarkston Planning Commission on July 20, 2020.

Version 1.0



RESOLUTION FOR TEMPORARY CLOSING OF E. CHURCH STREET

THE CITY OF THE VILLGAE OF CLARKSTON

At a special meeting of the of the City of the Village of Clarkston, City Council, Oakland County, Michigan, held at the City Offices in the City of the Village of Clarkston, on Thursday, July 23, 2020, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following Resolution was offered by _____ with support from _____ to allow the temporary closing of East Church Street in the City of the Village of Clarkston.

WHEREAS the novel coronavirus (COVID-19) is a respiratory disease that is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person;

WHEREAS it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance;

WHEREAS the spread of COVID-19 has resulted in the State of Michigan declaring a State of Emergency under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, and the Emergency Powers of the Governor Act, 1945 PA 302, as amended, as evidenced in Executive Order 2020-4 and Executive Order 2020-100; and as further amended by Governor Whitmer;

WHEREAS the City of the Village of Clarkston is committed to encouraging economic activity and assisting local businesses impacted by the COVID-19 pandemic to ease back into operation while containing the spread of COVID-19; pursuant to Executive Order 2020-97; and Executive Order 2020-110;

WHEREAS the City of the Village of Clarkston wishes to ensure that establishments permitted to open to the public have the ability to accommodate social distancing guidelines currently in

force within the State of Michigan; and Executive Order 2020-110 allowed restaurants and bars to reopen on June 8, 2020;

WHEREAS to stimulate the recovery of the restaurant business in the City and to support local restaurants, the City Council has determined that the enforcement of certain provisions of the City's ordinances regulating the serving of food and drink outdoors on public, private property and public sidewalks should be temporarily suspended, as set forth further herein.

NOW THEREFORE BE IT RESOLVED that all food and drink establishments lawfully in existence as of the date of this Resolution will be permitted to operate temporary outdoor dining areas in accordance with the following standards:

1. Establishments may add new or expanded outdoor dining areas to compensate for lost interior seating as a result of COVID-19 related restrictions, accommodate social distancing and/or to allow for phased reopening;
2. The addition of new or expanded outdoor dining areas shall not result in an increase to the total number of seats or maximum occupancy of the food and drink establishment as previously approved by the City;
3. The food and drink establishment shall be properly licensed by state and local agencies to perform any activities, sales, services and any businesses serving alcohol outdoors will be required to obtain an amended liquor license covering the outdoor area, and follow applicable local, state and federal laws regarding food and alcohol service.
4. Any sales and/or consumption of food and/or alcoholic beverages shall be in compliance with the provisions of any federal, state, and/or local laws and regulations governing same;
5. The food and drink establishment shall comply with all applicable laws relating to litter, noise, and other livability matters. In addition to the foregoing, no amplified music shall be permitted in outdoor dining areas. The City may impose additional conditions or limitations relating to noise on the establishment when such additional conditions or limitations are necessary or appropriate based on the location of the outdoor dining area and the proximity of such area to residential areas. Any costs associated with these temporary regulations shall be the responsibility of the applicant/establishment;
6. Existing off-street parking areas may be used for outdoor dining, but there must be a physical barrier or separation to protect customers from vehicle traffic, such as bollards or planter boxes;
7. Food and drink establishments located in multi-tenant buildings or on sites with multiple uses may establish outdoor dining areas, only with written permission of the property owner; however, such outdoor dining areas shall generally be located adjacent to or directly in front of the establishment, with limited extension beyond the frontage of the establishment being site specific and dependent on owner permission;
8. An outdoor dining area may be located on a public sidewalk immediately adjacent to the establishment; however, a minimum of 6 feet of unobstructed, pedestrian access along the sidewalk shall be maintained. The City shall not be held liable or responsible for any type

of damage, theft, or personal injury which may occur as a result of operating on a public sidewalk;

9. Outdoor dining areas shall not encroach into or interfere with required handicapped parking spaces;
10. Outdoor dining areas shall not interfere with safe pedestrian and vehicular access or access required to be maintained under the Americans with Disabilities Act;
11. Outdoor dining areas shall not encroach within or interfere with fire and other emergency access;
12. If a tent or canopy is to be used it must be fire rated and the fire rating for the tent must be approved prior to erection of same;
13. The City may impose other conditions or limitations on a food and drink establishment to protect against adverse impacts from noise, traffic, parking, fire, and persons with disabilities;
14. All establishments seeking new or expanded outdoor dining areas in accordance with this Resolution must submit an application for administrative approval by the City. Applications for administrative approval shall include the following information:
 - a. A plan view drawing of the proposed outdoor dining area showing all fixtures and furnishings with all distances clearly marked for pedestrian paths and between seating;
 - b. Written permission from the property owner, if the food and drink establishment is not the property owner; and,
 - c. Proof of insurance to include coverage of the new or expanded outdoor dining area.

Food and drink establishment owners/operators are responsible for ensuring that the standards set forth in this Resolution and any conditions required as part of the administrative approval are followed. The City may deny or revoke any approval granted pursuant to this Resolution when, in the judgment of the City, the outdoor dining area is non-compliant.

15. Plans must comply with the 2015 International Fire Code.

BE IT FURTHER RESOLVED that East Church Street from Main Street to Honcho's alley shall be closed to allow Union Joints to expand outdoor dining onto Church Street through October 31, 2020 as follows:

1. Operating hours would match the current Honcho hours, daily from 3:00 PM to 10:00 PM.
2. Table and food truck layout would match the rendering as presented to City Council.
3. Two (2) handicapped parking spaces would be striped as parallel spots on Main Street at the current entrance to Church.

4. Concrete barriers would be placed across Church Street at Main Street to prevent inadvertent turns onto East Church Street from Main Street.
5. Necessary liability insurance and liquor control paperwork will be completed by Union Joints.
6. String lighting will be allowed in the new area.
7. Restrooms will be provided inside Honchos (no port-o-johns).
8. Hand sanitizer stations will be placed in the new area.
9. Electrical power to the food and beverage trucks will come from Honchos (no generators).

BE IT FURTHER RESOLVED that all new or expanded outdoor dining areas on private property or a public sidewalk are required to alter the design and layout of tables, chairs, fixtures and enclosure systems to meet social distancing guidelines in effect and contain the spread of COVID19 as follows:

1. Reconfigure the layout of the entire outdoor dining area, to the maximum extent practical, to provide a minimum 6 foot wide clear pedestrian walking path adjacent to the dining area;
2. Reconfigure tables and chairs to allow seating for patrons only in accordance with social distancing guidelines in effect;
3. Remove all previously approved chairs and other seating that does not meet social distancing guidelines;
4. Install temporary signage to encourage compliance with social distancing guidelines;
5. Provide a temporary hand sanitizing station adjacent to the outdoor dining area; and,
6. Provide a temporary service station outdoors that includes a trash receptacle and disinfecting wipes or other supplies for the cleaning of tables and chairs between patrons and of high touch points in the outdoor dining area.

BE IT FURTHER RESOLVED that the City of the Village of Clarkston will waive all application fees for new or expanded outdoor dining areas permitted in accordance with this Resolution.

BE IT FURTHER RESOLVED that, except as herein specifically provided, all ordinances of the City of the Village of Clarkston in effect at the time of the issuance of this Resolution, and as they may be subsequently amended, shall remain in force. Failure to comply with all the ordinances of the City may result in enforcement action.

NOW THEREFORE, BE IT FURTHER RESOLVED that any temporary outdoor dining approval is subject to suspension, modification, or amendment at any time with or without notice based on a determination that additional conditions or limitations shall be required to protect against adverse impacts associated with new or expanded outdoor dining areas. The City Council may suspend, modify, or amend the provisions governing outdoor dining areas at any time by

Resolution, in which case all food and drink establishments shall comply with any such modifications or amendments, whether or not they previously received an approval hereunder. All approvals governed by this Resolution shall automatically expire on October 31, 2020 at 11:59:59 p.m., unless such approval is otherwise suspended, modified, amended, or extended in accordance with this Resolution or a subsequent Resolution adopted by the City Council or any subsequent Executive Orders in conflict with or rescinded by the Governor of the State of Michigan.

Issued: July 23, 2020

AYES: _____

NAYS: _____

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I, Jennifer Speagle, City Clerk of the City of the Village of Clarkston, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the City of the Village of Clarkston City Council at its special meeting held on July 23, 2020.

Jennifer Speagle, City Clerk