

taxing authorities and to the owners of all real property within the Industrial Development District.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.

**Planning & Development Department**  
July 27, 2012

Honorable City Council:

Re: Request for Public Hearing regarding the approval of an Industrial Facilities Exemption Certificate on behalf of Avalon International, LLC., in accordance with Public Act 198 of 1974. (Related to Petition No. 2425).

Representatives of the Planning and Development and Finance Departments have reviewed the application of the following company, which requests City Council approval of an Industrial Facilities Tax Exemption Certificate.

Based on discussions with company representatives and examination of the submitted application, we are convinced this company meets the criteria for tax relief as set forth by Public Act 198 of 1974.

Type of Business: Baked Goods  
Manufacturing  
Address: 6555 E. Forest, Detroit, MI  
48207

Current District: Industrial Development  
District

Estimated Real Property Investment:  
\$1,300,000.00

Employment: The additional capital investment will leverage 35 new full-time employees.

We respectfully request that a Public Hearing be scheduled for the purpose of considering the approval of an Industrial Facilities Exemption Certificate.

Respectfully submitted,  
MARJA M. WINTERS  
Deputy Director

By Council Member Jenkins:

Whereas, Pursuant to Act No. 198 of the Public Acts of 1974, as amended ("1974"), this City Council has the authority to establish "Industrial Development Districts" within the boundaries of the City of Detroit,

Whereas, Avalon International, LLC., has petitioned this City Council for the approval of an Industrial Facilities Exemption Certificate in the area of 6555 E. Forest, in the City of Detroit;

Whereas, Act 198 requires that prior to the approval of an Industrial Facilities Exemption Certificate, City Council shall provide an opportunity for a hearing on the approval of the Industrial Facilities Exemption Certificate at which, any representative of a taxing authority levying *ad valorem* taxes, or any resident or taxpay-

er of the City of Detroit may appear and be heard on the matter;

Now Therefore Be It

Resolved, That on the 20th day of September, 2012, @ 10:40 A.M., in the City Council Committee Room, 13th floor, Coleman A. Young Municipal Center, a Public Hearing be held on the approval of an Industrial Facilities Exemption Certificate on the property referred to above and more fully described in the application attached hereto; and be it finally,

Resolved, That the City Clerk will provide notice of the Public Hearing to the general public by publication, and shall give written notice by certified mail to the taxing authorities and to the owners of all real property within the Industrial Development District.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.

**Planning & Development Department**  
August 13, 2012

Honorable City Council:

Re: Petition No. 2411 — Union Street  
Detroit LLC for Outdoor Café Permit  
at 4145-4151 Woodward.

The above named petitioner has requested permission for Outdoor Café Service. This service will convene every April 1st through November 30th, for a period of three (3) years, from the date of your Honorable Body's approval.

The Department of Public Works/City Engineering Division (DPW/CED) who has jurisdiction over temporary encroachment on city right-of-ways has approved this request contingent upon the petitioners compliance with applicable City ordinance related to outdoor café activities and the remittance of the annual use-permit fee to the Permit Section of the DPW/CED.

The Department of Health and Wellness Promotion (DHWP) has approved this petition, subject to petitioner's strict adherence to the 1999 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from DHWP Food Sanitation Section.

Approval from the Detroit Police Liquor License Bureau is contingent upon the final action given by the City Council towards the above-referenced petition. Prior approval from the Central District Precinct does not cover serving liquor in outdoor café area until the Detroit Police Liquor License Bureau has given approval.

The Planning and Development Department (P&DD) is not aware of any objections from any other City Agencies involved. It is the recommendation of the P&DD that the petitioner's request be

granted subject to the terms and conditions provided in the attached Resolution and that this service will convene every April 1st through November 30th for a period of three (3) years, from the date of your Honorable Body's approval.

Respectfully submitted,  
**ROBERT ANDERSON**  
 Director

By Council Member Jenkins:

Resolved, That the Department of Public Works — City Engineering Division (DPW/CED) is hereby authorized and directed to issue a Use-permit to Union Street Detroit LLC, Detroit "permittee", whose address is at 4145-4151 Woodward, Detroit, Michigan 48201 to install and maintain an outdoor café, which will convene every April 1st through November 30th, for a period of three (3) years from the date of your Honorable Body's approval, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with outdoor café activities, prior to the issuance of said use permit; and

Provided, That the café meets the regulations set by the "Outdoor Café Guidelines" as adapted by the City Council and guided by Chapter 58, Section 58-2-8.1 of the City Code; and

Provided, That the petitioner obtains all necessary licenses and permits every year from Departments having jurisdiction over Outdoor Café process; and

Provided, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Police Department; and

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Detroit City Health Department; and

Provided, That the "permittee" remit the required annual fee(s) to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

Provided, That the "permittee", prior to obtaining said permit, file an indemnity agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "permittee" of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

Provided, That filing of said indemnity agreement for this current year shall be construed as acceptance of this Resolution by the "permittee"; and

Provided, That the permit is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That no other rights in the public streets, alley or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW/CED by said "permittee" at its expense; and

Provided, That the permit shall not be assigned or transferred without a written approval of the City Council; and

Provided, That the petitioner follow the mandated minimum six (6) foot wide pedestrian clearance on the sidewalk, free of all obstacles such as existing planters, parking meters, utility poles, transformer boxes, etc., to allow for pedestrian movement; and

Provided, That the designated outdoor seating area shall be properly identified through the use of railings in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That if any tent or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Buildings, Safety Engineering and Environmental Department and the Department of Public Works/City Engineering Division; and

Provided, That this use permit shall be for a period not to exceed one year after receiving the approval of the City Council and may be renewable on an annual basis; and

Provided, That all railing equipment and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense.

Adopted as follows:

Yeas — Council Members Brown, Cockrel, Jr., Jenkins, Jones, Kenyatta, Spivey, Tate, Watson, and President Pugh — 9.

Nays — None.

### **Planning & Development Department**

August 15, 2012

Honorable City Council:

Re: Petition No. 2490 — Chez Zara for Outdoor Café Permit at 1555 Broadway.

The above named petitioner has requested permission for Outdoor Café