

the COVID-19 crisis, and has continued such program which allows for additional space for businesses to maximize customer capacity; and

Whereas, The City of Detroit is in the process of developing a more permanent and streamlined process for the evaluation and approval of temporary encroachments; and

Whereas, The coordination of overlapping local, county, and state jurisdictions necessitates additional time and consideration in the development process; and

Whereas, The City of Detroit is eager to continue supporting the active operation of businesses in a safe manner that protects the patrons and employees of the restaurant industry by continuing the expedited permitting process; and

Whereas, The Department of Public Works and the Planning and Development Department have created a report, attached to this resolution, identifying the criteria that must be met in order for an outdoor café permit to be approved; and

Whereas, The Department of Public Works shall regularly inspect businesses operating under an Outdoor Café Permit to determine compliance with the permit requirements to enable their continued operation; and

Whereas, This Honorable Body acknowledges the City's objective to support local businesses and allow for such businesses to maximize their use of available outdoor space; and Now Therefore Be It Further

Resolved, That the Detroit City Council approves an expedited permit for this streamlined process and grants approval of all outdoor café permits submitted for outdoor dining café seating areas for all licensed food service establishments for the 2024 winter season that meet the criteria in the attached report; and Now Therefore Be It Further

Resolved, That upon fulfillment of the criteria to operate an outdoor dining café in a street, alley, or public easement, and the accurate completion and submission of the application for an outdoor café permit, the food service establishment shall receive a permit from the Department of Public Works to operate within the street, alley, or public easement so identified; and Now Therefore Be It Further

Resolved, That the Department of Public Works shall provide a report to the Detroit City Council commencing thirty (30) days from the adoption of this resolution, and every thirty (30) days thereafter, identifying any outdoor café permit issued for the preceding thirty (30) days; and Now Therefore Be It Finally

Resolved, That the expedited process authorized by this resolution, and the grant of approval by this Honorable Body, shall only apply to licensed food service establishments and shall expire on March 31, 2024.

Adopted as follows:

Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway, Young, II and President Sheffield — 9.

Nays — None.

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**Department of Public Works  
 City Engineering Division**

October 11, 2023

Honorable City Council:

Re: **Petition No. x2023-341** — Peterboro Investments, LLC, request for encroachment into the northerly part of Peterboro Street, adjacent to the parcel commonly known as 444 Peterboro Street, for the purpose of constructing landscape planters and nonstandard paving and installing awnings and a balcony to the proposed structure being developed at the site.

**Petition No. x2023-341** — Peterboro Investments, LLC, request for encroachment into the northerly part of Peterboro Street, 100 ft. wide, adjacent to the parcel commonly known as 444 Peterboro Street, for the purpose of constructing landscape planters and non-standard paving and installing awnings and a balcony to the proposed structure being developed at the site.

The petition was referred to the City Engineering Division — DPW for investigation and report. This is our report.

The request was approved by the Solid Waste Division — DPW, and City Engineering Division — DPW, Traffic Engineering Division.

Detroit Water and Sewerage Department (DWSD) reports being involved, but they have no objection provided the DWSD encroachment provisions are followed. The DWSD provisions have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution

Respectfully submitted,  
 RICHARD DOHERTY, P.E.

City Engineer  
 City Engineering Division — DPW  
 By Council Member Santiago-Romero:

Resolved, That the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to Peterboro Investments, LLC or their assigns to install and maintain various encroachments within the public alley, further described as: Land in the City of Detroit, Wayne County, Michigan;

1. Landscape planters, into the northerly part of Peterboro Street, 100 ft. wide, lying southerly of and adjacent to lots

23-24 of "Block 87 of the Plat of Part of Cass Farm" as recorded in Liber 1, Page 172 of Plats, Wayne County Records. Four (4) planter boxes measuring 7'6" depth x 7'6" wide x 19" height is proposed to be installed within Peterboro Street, described as:

1. Installed approx. 6'3" ft. south of the southerly property line of 444 Peterboro Street and approx. 16'10" ft. east from the south-west corner of said lot 23.
  2. Installed approx. 6'3" ft. south of the southerly property line of 444 Peterboro Street and approx. 35'5" ft. east from the south-west corner of said lot 23.
  3. Installed approx. 6'3" ft. south of the southerly property line of 444 Peterboro Street and approx. 48'11" ft. east from the south-west corner of said lot 23.
  4. Installed approx. 6'3" ft. south of the southerly property line of 444 Peterboro Street and approx. 10'9" ft. west from the south-east corner of said lot 24.
2. Non-standard pavement, into the northerly part of Peterboro Street, 100 ft. wide, lying southerly of and adjacent to lots 23-24 of "Block 87 of the Plat of Part of Cass Farm" as recorded in Liber 1, Page 172 of Plats, Wayne County Records. Said non-standard pavement will extend 16'9" south from the southerly property line of 444 Peterboro Street.
3. Awning, into the northerly part of Peterboro Street, 100 ft. wide, lying southerly of and adjacent to lots 23-24 of "Block 87 of the Plat of Part of Cass Farm" as recorded in Liber 1, Page 172 of Plats, Wayne County Records. Said awning measures at 7'8" depth x 55' wide x 3' height, to be installed at 10'6" above grade and beginning at a point that is 20'11" east of the southwest corner of said lot 22.
4. 4th floor Balcony, into the northerly part of Peterboro Street, 100 ft. wide, lying southerly of and adjacent to lot 24 of "Block 87 of the Plat of Part of Cass Farm" as recorded in Liber 1, Page 172 of Plats, Wayne County Records. Said balcony measures at 3'8" depth x 20'6" wide, to be installed at 10'6" above grade and beginning at a point that is 10'9" west of the southeast corner of said lot 24.
5. Bike racks, into the northerly part of Peterboro Street, 100 ft. wide, lying southerly of and adjacent to lots 23 of "Block 87 of the Plat of Part of Cass Farm" as recorded in Liber 1, Page 172 of Plats, Wayne County Records. Said bike racks are to be installed no further than 6'3" south of the southerly property line of 444 Peterboro Street and to be installed in a way so the bicycles are parking parallel with Peterboro Street so not to obstruct the flow of pedestrian traffic.

Provided, That if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

Provided, That access is maintained to all fire department connections, and be it further

Provided, That by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

Provided, That all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

Provided, That construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

Provided, That if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

Provided, That the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

Provided, Peterboro Investments, LLC or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division — DPW prior to any public right-of-way construction; and further

Provided, That the necessary permits shall be obtained from the City Engineering Division — DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

Provided, That all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Peterboro Investments, LLC or their assigns, and further

Provided, That all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Peterboro Investments, LLC or their assigns. Should damages to utilities occur Peterboro Investments, LLC or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

Provided, That no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW; and further

Provided, That Peterboro Investments, LLC or their assigns shall file with the Department of Public Works — City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or unfaithful performance of Peterboro Investments, LLC or their assigns of the terms thereof.

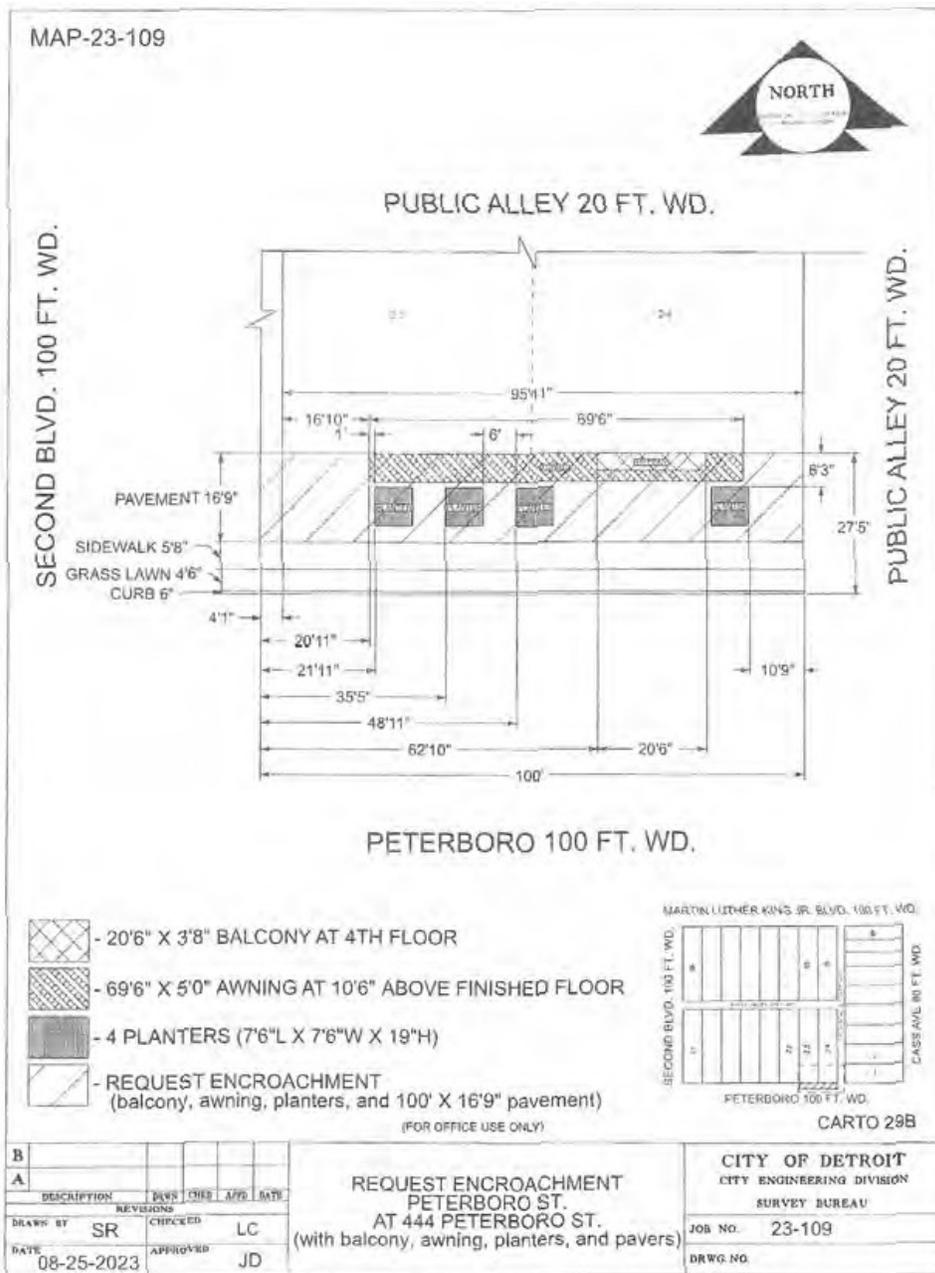
Further, Peterboro Investments, LLC or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

Provided, That construction of the encroachments shall constitute acceptance of the terms and conditions as set forth in this resolution; and be it further

Provided, This resolution is revocable at the will, whim or caprice of the City Council, and Peterboro Investments, LLC acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.



Adopted as follows:  
Yeas — Council Members Benson, Durhal, III, Johnson, Santiago-Romero, Tate, Waters, Whitfield-Calloway, Young, II and President Sheffield — 9.  
Nays — None.

**Law Department**

October 27, 2023

Re: Closed Session — Request for Legal Representation and Indemnification of Police Sergeant James Wiencek in the matter of *Whitney Burney et al. vs. City of Detroit et al.* Civil Action Case No. 21-016992-CZ.

The Law Department submitted a privileged and confidential memorandum,

dated February 8, 2023, recommending that this Honorable Council deny the Request for Legal Representation and Indemnification of Police Sergeant James Wiencek in the matter of *Whitney Burney et al. vs. City of Detroit et al.* Civil Action Case No. 21-016992-CZ. Pursuant to arbitration awards issued by the Voluntary Labor Arbitration Tribunal, which recognize the past practice of City Council holding hearings for police officers who have been denied representation, and after consultation with the Council President's office, the Law Department is respectfully requesting that a closed session on the matter be held on Tuesday, November 7, 2023, at 3:30 p.m.