

**City of Detroit**  
OFFICE OF THE CITY CLERK

Janice M. Winfrey  
City Clerk

Vivian A. Hudson  
Deputy City Clerk

**RUSH**

**DEPARTMENTAL REFERENCE COMMUNICATION**

*Tuesday, April 05, 2011*

*To: The Department or Commission Listed Below*

*From: Janice M. Winfrey, Detroit City Clerk*

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The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

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PLANNING AND DEVELOPMENT DEPARTMENT    DPW - CITY ENGINEERING DIVISION

**894**    *Beri's Marketplace, for outdoor grilling and outdoor patio permit for 2727-39 Russell from April 1, 2011 through October 30, 2011.*

March 3 2011

Honorable City Council  
1340 Calamen H. Young Municipal Center  
Detroit, MI 48228

MAR 11 5 47 AM  
CITY CLERK

Dear Honorable City Council

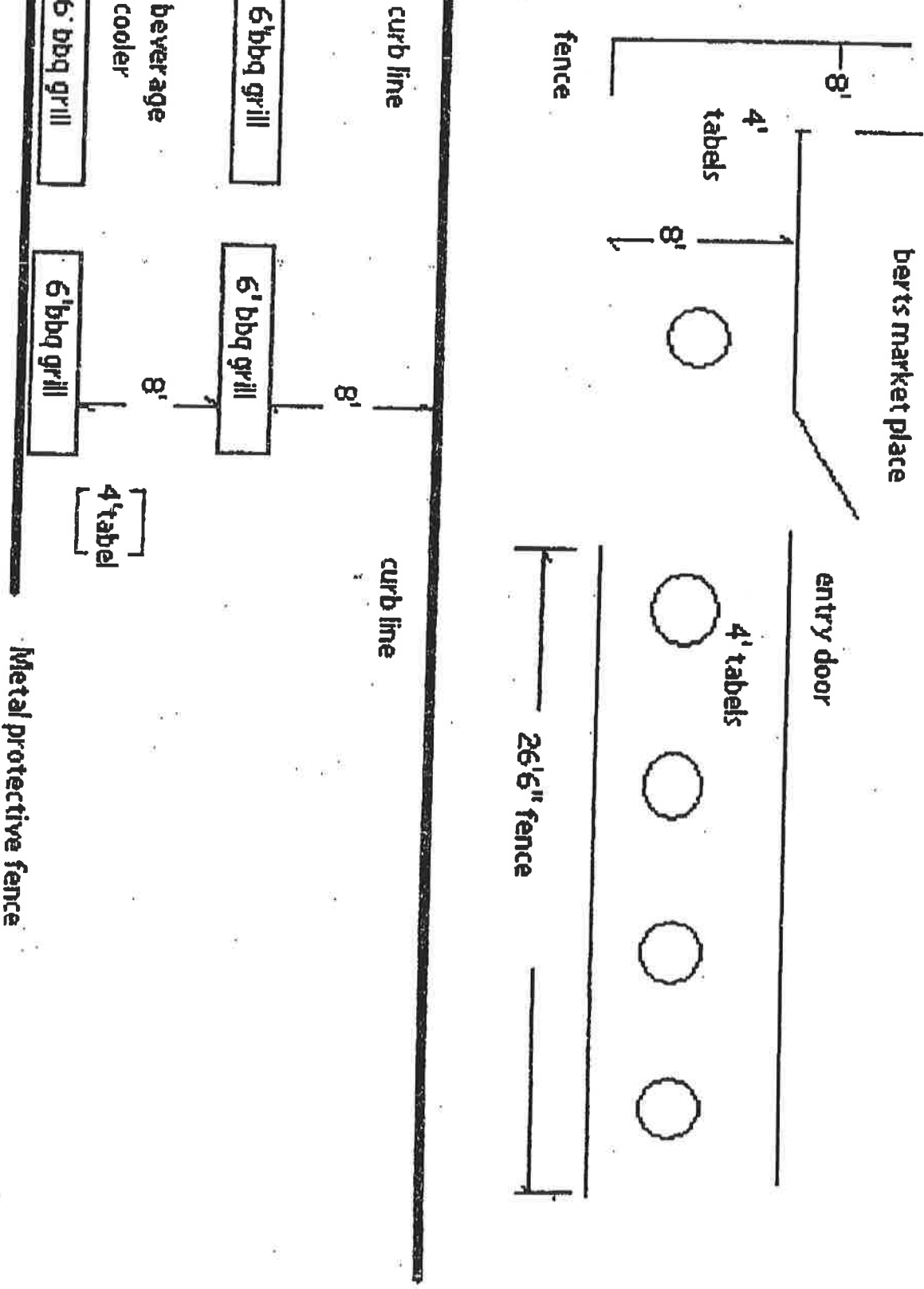
I, Bert Clearing, of Bert's Marketplace, located at 2727-59 Russell, am petitioning your Honorable Body for approval of outdoor grilling and an outdoor patio at 2727-59 Russell from April 1 2011 through October 30 2011. Bert's Marketplace is an established business in the Eastern Market District that is highly patronized, and we'd like to continue provide the service to our patrons as well as the Eastern Market District

MAR 11 2 52 PM  
CITY CLERK

Your consideration in this matter is greatly appreciated. You may contact me by mail at Bert Clearing, 2727 Russell, Detroit, MI 48207, or by phone at (313) 567-2030 or (313) 441-4648

Sincerely  
Bert W. Clearing

alley



**BERTS MARKET PLACE OUTDOOR BBQ**

**Bert's marketplace**

Call Bert's Marketplace Eastern Market  
www.BertsMarketPlace.com





(13)

(7)

(25)

May 25, 2011

Detroit City Council  
1340 Coleman A. Young Municipal Center  
Detroit, Michigan 48226

**RE: Petition No. 894 – Bert’s Marketplace for Outdoor Café Permit at 2727-39 Russell**

Honorable City Council:

The above named petitioner has requested permission for Outdoor Café Service. This service will convene from April 1<sup>st</sup> through November 30, 2011.

The Department of Public Works/City Engineering Division (DPW/CED) who has jurisdiction over temporary encroachment on City right-of-ways has denied this petition as requested since the use of the on-street parking area for grilling poses safety concerns. However, the use of the sidewalk area for an outdoor café in front of 2727-39 Russell is approved, contingent upon the petitioner’s 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 petitioners 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.

Respectfully submitted,

*Robert A. Anderson*

Robert A. Anderson  
Director

ENTERED JUN 09 2011

*Grant  
Subject to Dept cond  
per SJ*

JUN 10 11 02

RAA/JS/cdc

Attachments

cc: D. Gardner, Mayor’s Office  
M. Winters, P&DD  
M. Patel, DPW/CED  
V. Upshaw, P&DD

*6-14-11 - approved  
w/waiver # 5*

CITY CLERK  
DETROIT

By Council Member:

*Kerapatta*

RESOLVED, That the Department of Public Works – City Engineering Division (DPW/CED) is hereby authorized and directed to issue a Use-permit to **Bert's Marketplace**, Detroit "permittee", whose address is at **2727-39 Russell, Detroit, Michigan 48207**, to install and maintain an outdoor café, which will convene April 1, 2011 through November 30, 2011, 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 50-2-8.1 of the City Code; and

PROVIDED, That the petitioner obtains all necessary licenses and permits; 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 the 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



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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 outdoor seating and fence arrangement shall be arranged so that a minimum of ten (10) feet clear sidewalk is available at all times for pedestrian traffic to accommodate the heavy pedestrian volumes in the area; 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 Building and Safety Engineering 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

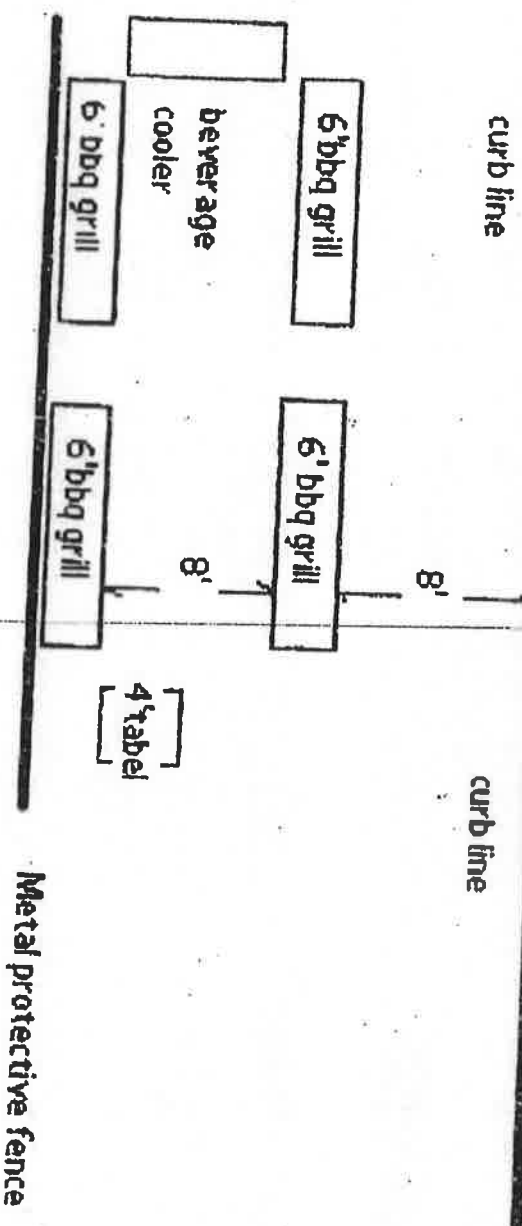
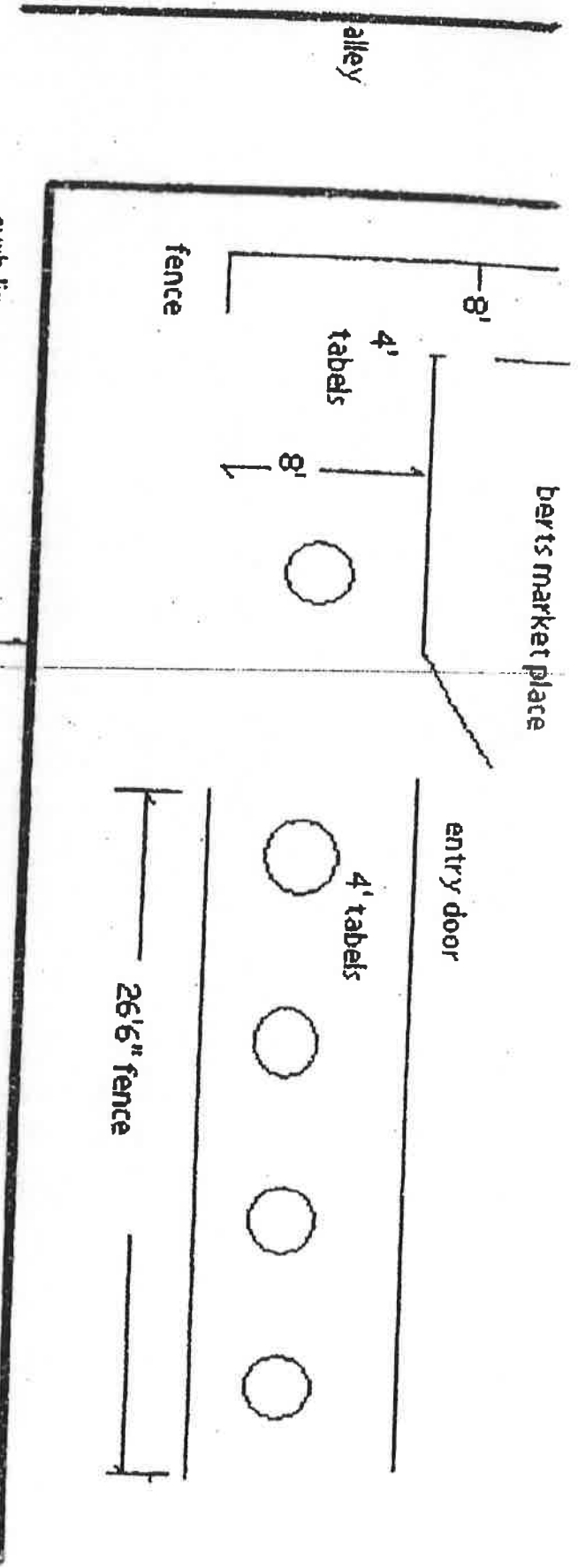
PROVIDED, That the petitioner will cease grilling activities in the on street parking area; and

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-

Nays-



**Bert's marketplace**  
 BERTS MARKET PLACE OUTDOOR BBQ  
 1001 S. 1st St. Dallas, Texas 75201  
 (214) 741-1111

**City of Detroit**  
OFFICE OF THE CITY CLERK

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PLANNING AND DEVELOPMENT DEPARTMENT    DPW - CITY ENGINEERING DIVISION

**894**    *Bert's Marketplace, for outdoor grilling and outdoor patio permit for 2727-39 Russell from April 1, 2011 through October 30, 2011.*



March 3 2011

Honorable City Council  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48228

MAR 11 11 AM '11  
CITY CLERK

Dear Honorable City Council

I, Bert Deering, of Bert's Marketplace, located at 2727-89 Russell, am petitioning your Honorable Body for approval of outdoor grilling and an outdoor patio at 2727-89 Russell from April 1, 2011 through October 30, 2011. Bert's Marketplace is an established business in the Eastern Market District that is highly patronized, and we'd like to continue provide the service to our patrons as well as the Eastern Market District.

MAR 11 11 AM '11  
CITY CLERK

Your consideration in this matter is greatly appreciated. You may contact me by mail at Bert Deering, 2727 Russell, Detroit, MI, 48207, or by phone at (313) 567-2030 or (313) 444-4848

Sincerely  
Bert W. Deering

## Transaction Report

Broadcast

Transaction(s) completed

No.	TX Date/Time	Destination	Duration	P. #	Result	Mode
156	APR-05 09:37	DEPARTMENT OF PUBLIC WORKS	0'00'26"	004	OK	N ECM
	09:43	313 224 1629	0'00'24"	004	OK	N ECM

## FAX TRANSMITTAL

### Office of the City Clerk

Coleman A Young Municipal Center  
Two Woodward Avenue, Suite 200  
Detroit, Michigan 48226  
Telephone: (313) 224-2070 Fax: (313) 224-2075

*Tuesday, April 05, 2011*

*No. of Pages 4*

**FROM:** *Ms. Kim Newby, Junior Assistant City Council Committee Clerk*

**SUBJECT:** *Petition #894, Bert's Marketplace, for outdoor grilling and outdoor patio permit for 2727-39 Russell from April 1, 2011 through October 30, 2011.*

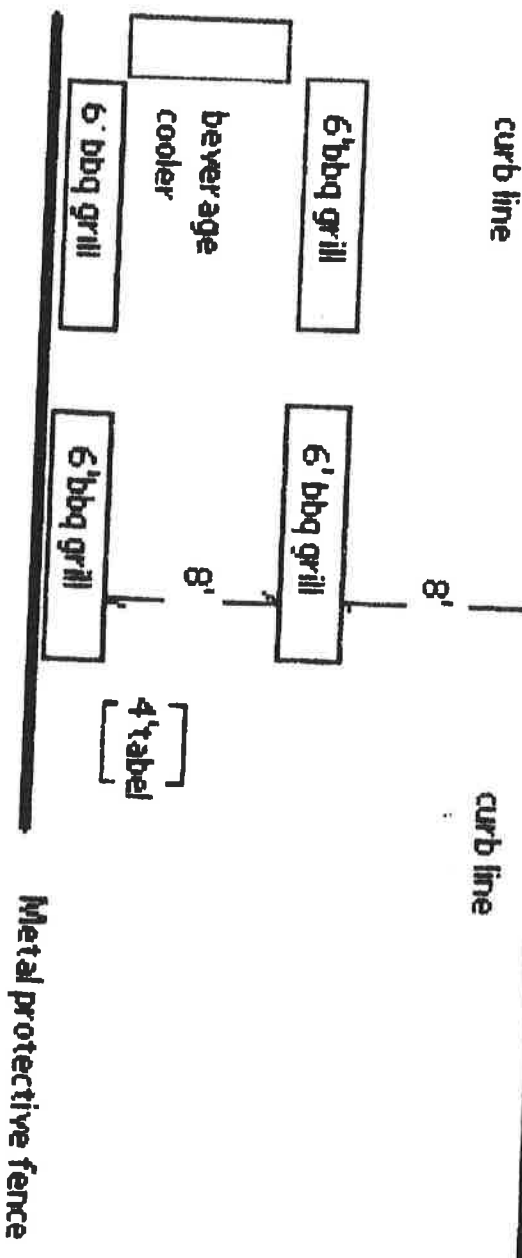
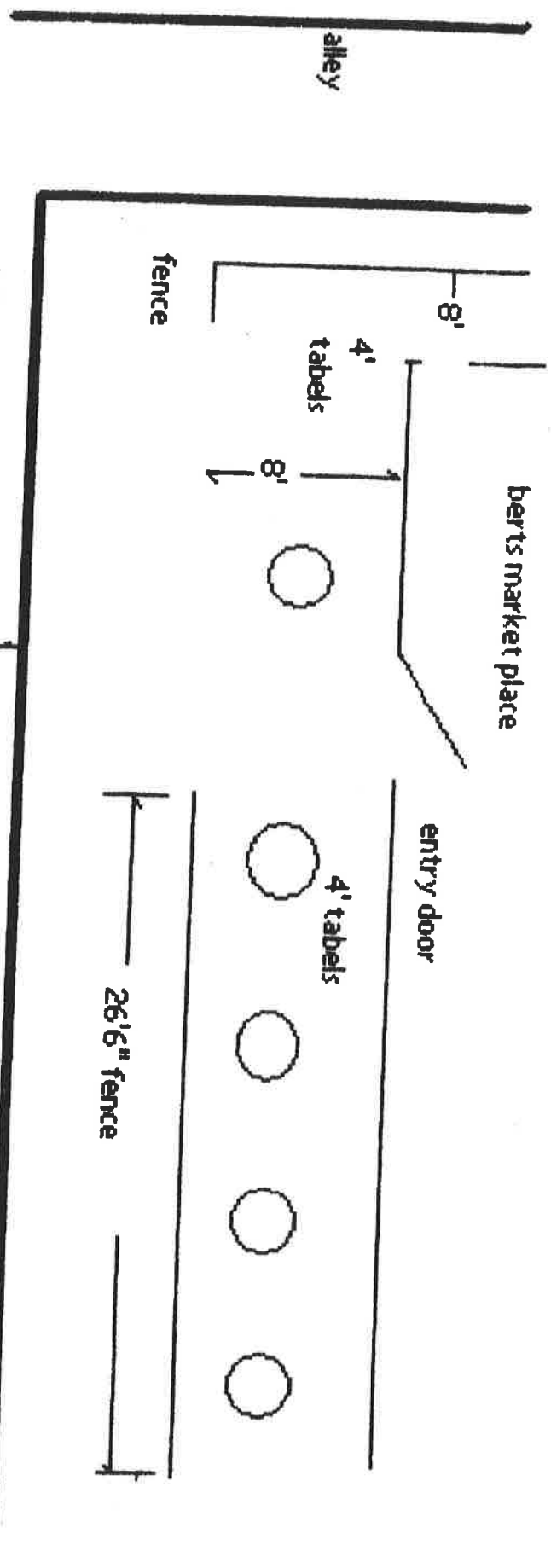
#### FAX TO THE FOLLOWING DEPARTMENT(S):

Mr. Warren P. Palmer, Director

Planning and Development Department (313) 224-1629

Mr. Manilal Patel, Director

DPW - City Engineering Division (313) 224-1464



BERTS MARKET PLACE OUTDOOR BBQ

bert's marketplace