RESOLUTION

TEMPORARY COVID-19 OUTDOOR DINING/SEATING AND OUTDOOR SALES AND SERVICES

At a regular meeting of the City Council of the City of Berkley, Oakland County, Michigan (the "City"), held on June 15, 2020.

PRESENT: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack

ABSENT: None

The following resolution was offered by Mayor Pro Tem Dean and seconded by Councilmember Price.

WHEREAS, in order to facilitate and promote restoration of economic activity and to assist local businesses adversely impacted by the Covid-19 pandemic and its associated business reduction and closures to reopen and resume operation while containing the spread of Covid-19 and observing applicable social distancing guidelines and requirements, the City of Berkley intends to temporarily relax and suspend strict enforcement of certain City ordinances and regulations concerning outdoor dining and seating and other outdoor sales and services.

THEREFORE, the Berkley City Council resolves that effective on June 15, 2020, and continuing through October 1, 2020 (unless sooner modified or terminated by further City Council resolution), all food and drink establishments and commercial retail sales or services businesses lawfully in existence in the City will be temporarily permitted to have and to operate outdoor dining/seating areas and outdoor sales and services areas in accordance with requirements, criteria, limits, standards, and conditions to be established by the City Administration, and further subject to the following:

1. Food and drink establishments and commercial retail sales or services businesses may temporarily add or expand an outdoor dining/seating area or commercial retail sales or services area into their associated private off-street parking areas by up to 50% of their current lawful useable floor area or by 30% of the existing parking area, whichever is less, and only as space and configuration permits;

2. Temporarily added or expanded outdoor dining/seating or sales and services area must not encroach into or obstruct fire lanes, fire hydrants and connections; handicap parking spaces; public rights-of-way and alleys (except as closed by the City); pedestrian and bicycle paths and sidewalks, or barrier-free access and ramps;

3. Appropriate noise, odor, lighting, and other nuisance control measures must be implemented to prevent the outdoor dining/seating area or outdoor sales or service area from becoming a nuisance to nearby residents and businesses;

4. Any establishment or business seeking to temporarily add or expand outdoor dining/seating areas or outdoor sales or services area pursuant to this Council Resolution must electronically submit a Temporary Outdoor Dining, Sales and Service Area application to the City's Community Development Department, and
include a plan for the proposed outdoor dining/seating area or outdoor sales or services area depicting the location of the outdoor dining/seating or sales and services area and all tables, chairs, fixtures and furnishings with dimensions and distances clearly marked for pedestrian paths and between tables and seating.

5. Temporary new or expanded outdoor dining/seating areas and outdoor sales or services areas shall be designed and laid out to meet applicable social distancing guidelines and shall include: (i) Temporary signs to encourage compliance with social distancing guidelines; (ii) Hand sanitizing station(s) adjacent to the outdoor dining area; and (iii) Trash receptacle(s) and disinfecting wipes or other supplies for the cleaning of tables and chairs and high-touch points in the outdoor dining/seating and sales or services areas.

IT IS FURTHER RESOLVED that the City may authorize temporary use of municipal parking lots and certain public rights-of-way for use for outdoor dining/seating and outdoor sales or services, subject to:

1. A business interested in utilizing a municipal parking lot for outdoor area for an adjacent business may submit an application and plot plan. Up to 25% of the municipal parking area may be made available for use for such outdoor area.

2. For businesses that do not have private parking area available or a municipal parking lot adjacent to them, the City may close and allow use of adjacent public rights-of-way for outdoor dining/seating or outdoor sales or service areas.

IT IS FURTHER RESOLVED that certain residential sides streets may be temporarily closed in order to provide large shared spaces for multiple businesses to use for outdoor dining/seating and outdoor sales or services, including:

1. North Robina at 12 Mile;
2. North Phillips at 12 Mile;
3. South Griffith at 12 Mile;
4. South Thomas at 12 Mile; and
5. East Dorothea at Coolidge.

IT IS FURTHER RESOLVED that review and permit fees for temporarily added or expanded outdoor dining/seating and outdoor sales or services shall be waived.

IT IS FURTHER RESOLVED that except to the extent temporarily relaxed or suspended herein and as necessary to give full effect to this resolution and to the special event permit approvals to be granted hereunder, all City ordinances shall remain in full force and effect. Failure to comply with applicable ordinances, this Resolution, and any requirements or conditions attached to any special event permit may result in enforcement action and termination of permission to have temporary outdoor dining/seating.
IT IS FURTHER RESOLVED that City Council reserves the authority to modify, shorten, or lengthen the duration, terms and conditions of this Resolution as the Council deems reasonable and appropriate under the circumstances.

RESOLUTION DECLARED ADOPTED. YEAS: Dean, Gavin, Hennen, Price, Baker, Blanchard, and Terbrack

ABSTENTIONs: None NAYS: None

STATE OF MICHIGAN )
COUNTY OF OAKLAND )

I, Victoria Mitchell, City Clerk, of the City of Berkley, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a June 15, 2020 meeting of the City Council of the City of Berkley, Oakland County, Michigan, on the 17th day of June 2020, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 17th day of June 2020.