



**CITY OF GARDEN CITY  
REGULAR COUNCIL MEETING MINUTES  
August 9, 2021**

The Mayor and Council of the City of Garden City met in Regular Session Monday, August 9, 2021, at 7:00 p.m. in the Council Chambers of the Civic Center, 6000 Middlebelt Road, Garden City, Michigan.

**REGULAR MEETING**

Present were Mayor Walker. Councilmembers Kerwin, Squires, DiMichele, Earle, Jacobs, and Lynch.

Also present were City Manager Dougherty, City Clerk Miller, Police Chief Gibbons and DPW Director Ohman

❖ **Item #21-08-123 - Moved by Lynch; supported by Squires :**

RESOLVED: To approve the meeting agenda as revised with the addition of item 11A4 (approval of closed session minutes from 7/26/21) .

The agenda consisted of the following:

1. Mobile Food Vendors
2. 2021-2022 Fee Schedule
3. Project Agreement with DNR – City Park
4. CivicRec Online Registration Agreement
5. Renewal of WOW Dark Fiber Contract

AYES: Unanimous

ABSENT: None

**Motion Passes 7-0**

**Recognition, Presentations, Community Announcements, Comments from State & County Officials, and Petitions & Communications**

- Stacy Karafotis, Garden City DDA gave information on upcoming Indie Art & Craft Jam (Sunday August 15<sup>th</sup>).
- Alan Cruz, Hennessy Engineering and Ken Buccilli gave a presentation on sewer issue on Hennepin Street and update on road construction.

❖ **Item #21-08-124 - Moved by Lynch; supported by Squires :**

RESOLVED: To approve the consent agenda as presented.

1. Approve Council Meeting Minutes of 7/26/21
2. Receive, Note, & File: Invoices Paid July 2021
3. MERS Service Credit Purchase – J. Springer (1 month)
4. Approve Council Closed Session Minutes of 7/26/21

AYES: Unanimous  
ABSENT: None

**Motion Passes 7-0**

❖ **Item #21-08-125 - Moved by DiMichele ; supported by Kerwin:**

RESOLVED: To remove the ordinance amendment to Chapter 111 Food & Drink regulations from the table.

AYES: Unanimous  
ABSENT: None

**Motion Passes 7-0**

❖ **Item #21-08-126 - Moved by DiMichele ; supported by Lynch:**

RESOLVED: Motion to approve the ordinance amendment to Chapter 111 Food & Drink regulations to add Chapter 111.079 Mobile Food Vendors as attached.

STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF GARDEN CITY

ORDINANCE NO: 21-009

ORDINANCE

AN ORDINANCE OF THE CITY OF GARDEN CITY PROVIDING FOR AMENDMENTS TO BUSINESS REGULATIONS - CHAPTER 111 FOOD AND DRINK REGULATIONS; PROVIDING FOR REPEAL OR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

THE CITY OF GARDEN CITY ORDAINS: THE FOLLOWING SECTIONS OF THE CITY OF GARDEN CITY CODE OF ORDINANCES BE AMENDED AS FOLLOWS TO READ:

**CHAPTER 111.079: MOBILE FOOD VENDING**

**§ 111.080 INTENT**

In the interest of permitting mobile food vendors in the City and also to provide a framework under which such businesses operate, this chapter is established.

**§ 111.081 DEFINITIONS**

The following words and terms shall be defined for the purposes of this chapter. As used in this chapter, the following terms shall have the meaning indicated:

**MOBILE FOOD VENDING** means vending, serving, of offering for sale food or beverages from a mobile food vending unit, along with ancillary sales of branded items consistent with the food or mobile food vendor, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending.

**MOBILE FOOD VENDING UNIT** means a vehicle or trailer with a self-contained kitchen, equipped to create, prepare or package food for the purpose of vending, service or offering for sale that is licensed to operate on a highway.

**MOBILE FOOD VENDOR** means any individual, company, restaurant or organization operating a mobile food vending unit.

**OPERATES** means engaging in activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

**CITY APPROVED COMMUNITY EVENT** means an event that is approved or sponsored by the City through a Council Resolution, Special Event Permit, Rental Agreement or affiliation. The event would be community based hosted by a non-profit organization and proposed to attract more than a small gathering of related people.

#### **§ 111.082 PERMIT REQUIRED**

- (A) No mobile food vendor shall operate a mobile food vending unit without a permit issued by the City authorizing such operation. The City Clerk shall prescribe the form of available permits and the application for such permits. The City Council shall, by resolution, establish appropriate fees for the available permit.
- (B) All permits shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food or other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this chapter.
- (C) No permit shall be required for a mobile food vending unit which is operated in conjunction with any City approved community event but separate approval may be required from the hosting organization. The requirements of Chapter 111.086 shall still apply (except 111.086 N).
- (D) Applications for permits must be approved 15 calendar days prior to the date in which the mobile food truck shall operate.

#### **§ 111.083 DURATION OF PERMIT; NONTRANSFERABILITY**

Permits issued by the City Clerk shall be valid only for the event applied for and for the mobile food vending unit identified on the permit. Any permit issued under Chapter is not transferable.

#### **§ 111.084 APPLICATION FOR PERMIT**

Any mobile food vendor desiring to engage in mobile food vending in the City shall submit a completed application to the City Clerk for a permit under this chapter. The application must include all required information and all required documentation, such as insurance, as required by the City.

The applicant shall truthfully state, in full, all information requested on the application for a permit issued by the City Clerk's Office. Additionally, the application shall provide all documentation, such as proof of insurance, as required by the chapter or by resolution of the City Council. The application for a permit shall be accompanied by a fee as adopted by City Council.

#### **§ 111.085 FEES**

The application fee, in an amount established by resolution of the City Council, shall be required upon submission of the application. Regardless of when the application is submitted during the calendar year, the fee shall be required in full and the fee shall not be prorated. The application fee shall be non-refundable.

#### **§ 111.086 REQUIREMENTS**

- (A) Mobile food vending units may operate on private property on parcels zoned O-1, C-1, C-2, C-3, M-1, PD, CBD, VP, PR, HS if in compliance with the applicable provisions of the Zoning Ordinance.
- (B) Mobile food vendors shall not operate on city-owned property or on public streets or right-of-ways unless approval is obtained for street closure and except as such times and in such locations permitted by the City Council. When mobile food vendors are permitted to operate on public streets, no food service shall be allowed on the driving lane side of the mobile food vending unit.
- (C) No food shall be sold, prepared or displayed outside of the mobile food vending unit while on the location noted on the permit.
- (D) Mobile food vendors shall provide appropriate waste and recycling receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the mobile food vendor or customers on a daily basis. Spills of food or food by-products shall be cleaned up by the vendor, and no dumping of gray water on the ground or streets.
- (E) Mobile food vendors shall not use any flashing, blinking or strobe lights, or similar effects to draw attention to the mobile food vending unit: all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.
- (F) Mobile food vendors shall not use loud music, amplification devices, video/LED screens or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- (G) There shall be no signage used by mobile food vendors except for what is on the mobile vending unit itself and one 2 x 3 foot weighted A-frame sign not placed in the right-of-way.

- (H) When operating the mobile food vendor shall not place personal property outside of the unit including but not limited to dining furniture, fixtures and equipment.
- (I) No mobile food vendor or unit shall utilize any electricity or power without the prior written authorization of the power customer; no power cable shall or similar device shall be extended across any street, sidewalk or parking lot except in a safe manner as approved by the Building Official.
- (J) No mobile food vendor or unit shall utilize any power from utility poles or directly from the power company.
- (K) Mobile food vendors shall comply with all applicable City, County and State laws, regulations and ordinances, including those regulating noise, signage and loitering.
- (L) Mobile food vendors shall have written authorization of the property owner that must accompany the application.
- (M) Only one mobile food vendor shall operate per zoning lot at any one time unless permitted by City.
- (N) Mobile food vendors shall comply with the established business buffer requiring that the location shall not be within 200 linear feet from all other food establishment businesses. The buffer shall be measured from the nearest point on the lot line of the lot in which the mobile food vendor is located to the nearest point on the lot line of the established business's lot.
- (O) The location of the mobile food vendor on the lot shall not create any unsafe access to the business or vendor.
- (P) Mobile food vendors must comply with the site frequency of not more than 6 total days at any one location in every 12 month period either consecutively or throughout the year at any location in the City. This pertains to all lots or parcels with shared usage such as strip malls. Site frequency is exempt for grand opening events at new businesses.
- (Q) Mobile food vendors shall operate between the hours of 6:00 a.m. and 10:00 p.m. The vehicle must leave the lot and no overnight parking of the vehicle is permitted.
- (R) Mobile food vendors shall include in the application a copy of the local health department permit for safe food handling and any other permit provided by the health department and the State of Michigan. Mobile food vendors must provide to the City a EIN tax number from the State.
- (S) Mobile food vendors shall include a sketch of the proposed location of the unit on the property.
- (T) Mobile food vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.
- (U) Prior to approval, the property owner or lessee must be in compliance with the City Code of Ordinances including outstanding ordinance enforcement actions such as pavement condition, overgrown grass and weeds, open storage, etc., any open permits, unpaid taxes or water bills.

#### **§ 111.087 REVOCATION OF PERMIT**

The City Clerk shall revoke the permit of any mobile food vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates federal, state, county or local law, ordinance or regulation; makes a false statement on the permit application; or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare. Any revocation shall have immediate effect and remain in effect unless and until reversed by the City Clerk.

#### **§ 111.081 PENALTY**

Any person who violates this chapter shall be responsible for a municipal civil infraction subject to a fine not to exceed \$500.00. Each day that a violation continues shall be a separate violation.

#### **SECTION II. SEVERABILITY**

If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

#### **SECTION III. REPEAL.**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

#### **SECTION IV. SAVINGS CLAUSE.**

All rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

**SECTION V. PUBLICATION.**

The Clerk for the City of Garden City shall cause this Ordinance to be published in the manner required by law.

**SECTION VI. EFFECTIVE DATE.**

This Ordinance, as amended, shall take full force and effect upon publication as required by law.

AYES: DiMichele, Lynch, Squires, Kerwin, Walker  
NAYS: Jacobs, Earle  
ABSENT: None

**Motion Passes 5-2**

❖ **Item #21-08-127 - Moved by Kerwin ; supported by Lynch :**

RESOLVED: Motion to approve the amendment to the fee schedule as attached in the Building Department Plan Review Section.

AYES: Unanimous  
ABSENT: None

**Motion Passes 7-0**

❖ **Item #21-08-128 - Moved by Jacobs ; supported by Squires :**

RESOLVED: Motion to approve the Michigan Department of Natural Resources Land and Water Conservation Fund Development Project Agreement.

AYES: Unanimous  
ABSENT: None

**Motion Passes 7-0**

❖ **Item #21-08-129 - Moved by Kerwin ; supported by DiMichele :**

RESOLVED: Motion to approve an agreement between CivicRec and Garden City for online registration software program.

AYES: Unanimous  
ABSENT: None

**Motion Passes 7-0**

❖ **Item #21-08-130 - Moved by Squires ; supported by Lynch :**

RESOLVED: Motion to approve a 36 month renewal of the dark fiber lease between Garden City and **WOW Internet, Cable and Phone** at the rate of \$1,675.80 for a total of **\$60,328.80** .

AYES: Unanimous  
ABSENT: None

**Motion Passes 7-0**

**Mayor Walker announced it was time for public comment.**

- Melinda Foder, Hennepin, would like a copy of the pictures from the sewer presentation and asked for a clarification on the right-of-way sewer jurisdiction.
- Stacy Karafotis, Dawson, asked about administrative procedures for business changes of use.

There being no further business before Council, the meeting was then adjourned at 8:07 p.m.

Matthew K. Miller  
City Clerk