

CITY OF SCOTTVILLE
COMMISSION MEETING AGENDA

City Hall 105 N Main St

1525th Regular Meeting Monday July 25th, 2022, at 6:30 PM

1. Call to Order at 6:30 PM
2. Pledge of Allegiance
3. Roll Call

4. Additions to the Agenda

5. Approval of Agenda

6. Approval of the Consent Agenda

All matters listed under item 6, Consent Agenda are considered routine by the Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

A. Approval of 1524th Meeting Minutes

B. Approval of Bills in the amount of \$180,129.38

7. Correspondence

8. Department Reports

a. City Manager

b. Police Chief

c. City Attorney

d. Mayor

e. Treasurer/Clerk

f. Assessor

g. Committee Reports/Board Report

-Building, Grounds & Infrastructure

-Finance

-Ordinance/ Public Safety

-Personnel, Rules & Ethics

-Planning Commission

-Parks & Rec Board

h. Mason County Commissioner Representative

i. MCRFA Representative

9. Unfinished Business

a. Final Reading Food Truck Ordinance 22-02

b. Final Brownfield Authority Board Appointments

10. New Business

a. Lift Station ABB Approval

b. Community Development Position

c. Food Truck Fee Resolution 22-17

11. Public Comment

Those addressing Council are asked to provide their name and address and will be limited to three minutes of speaking time. Council will hear all comments for future consideration but will not have a response at this time. Letters submitted to Council will not be publicly read. Thank you for your cooperation.

12. Council Members Comments

14. Adjournment

OFFICIAL PROCEEDINGS OF THE CITY COMMISSION OF THE CITY OF SCOTTVILLE, MICHIGAN.

The 1524th Regular Commission meeting of the Scottville City Commission held at City Hall 105 N. Main St on July 11th, 2022. Called to order at 6:30pm by Mayor Marcy M. Spencer.

Present at Roll Call

Alway

Copenhaver

Graham

Seiter

Thue

Yeomans

Mayor Marcy M. Spencer

Absent: Clerk Lester

Also in attendance: Manager Newkirk, Chief Murphy & Treasurer Shafer

Additions/Deletions to Agenda

ADD; UB; ITEM B Resolution to Amend the Charter Revisions

ADD; NB; ITEM C Tent Rental for Fall Celebration

Approval of Agenda

Motion, by Alway with support from Seiter to approve the agenda with noted additions.

Motion carried.

Approval of Consent Agenda

Motion, by Seiter with support from Thue to approve the consent agenda.

Alway brought forth one correction; UB Item A should read Pere Marquette Township.

Motion carried with noted minute corrections.

Correspondence

None.

Department Reports

a. City Manager

Weekly report provided prior to meeting. He will comment on items later within the agenda.

b. Police Department

Report provided. Murphy offered he attended several meetings on behalf of the SPD. Independence Day issues were less than previous years. Code mow citations have been sent. SPD continues to enforce ordinance and blight regulations. He is working on SRO funding programs in anticipation of the upcoming school year.

c. Mayor

None.

d. Attorney

Absent. None

e. Treasurer

Shafer reported the end of Fiscal year, and quarterly reporting have been completed. She is working with MDOT in reference to DPW trunkline performance. A printing error has been made at the County level on the printing of summer taxes, she is working with equalization on a solution.

f. Clerk

Absent. None.

g. Assessor

Absent. None.

h. Committee Reports

1. Buildings/Grounds/Infrastructure

Seiter reported the group discussed the truck route, water/electric at Riverside Park, the storm drain clean out and street replacement plan and a replacement mower at the campground.

2. Parks & Recreation

Newkirk offered the group continues to work on the five-year recreation plan. This is required for several DNR grants to be used towards park restoration.

i. Mason County Commissioner Representative

Absent. None.

j. MCRFA Representative

Lehrbass offered he is working on quotes to replace the fence behind the SFD.

PUBLIC HEARING

A. Motion, by Alway with support from Graham to close the City of Scottville 1523rd Regular meeting and open the Public Hearing to discuss the Food Truck Ordinance 22-02.

Motion carried.

B. Food Truck Ordinance 22-02

Newkirk offered the ordinance was presented at the 1522nd Regular Meeting. No further changes have been made. This public hearing allows for questions/comments from council as well as the public concerning this matter.

C. Commissioner Comments/Questions

-Alway offered how exciting this change will be and how beneficial it will be to other downtown businesses.

-Graham commented how pleased he is to finalize this ordinance.

-Newkirk added the city will be placing a few picnic tables and possible fencing in the city parking lot along State St to allow a more pleasant experience, and hopefully draw even more customers.

D. Public Comment

- Rob and Tammy of R&T Colossal Kitchen expressed excitement and gratitude that the city is willing to write this ordinance. She also noted how happy the customers will be with the picnic tables.

-Sue Petipren is so happy R& T Colossal Kitchen is here to stay!

E. Motion, by Yeomans with support from Seiter to close Public Hearing and reconvene the 1523rd Regular Meeting.

Motion carried.

Unfinished Business

a. Brownfield Authority Board Appointments

Newkirk provided an updated list of the proposed Brownfield Board.

Motion, by Graham with support from Yeomans to accept the members of the Brownfield Authority Board as presented.

b. Charter Amendments

Motion, by with support from to accept the revisions to resolution 22-16 presented by Newkirk on Alvarado's behalf.

New Business

a. BS&A Software Upgrade

Quote provided from BS&A to upgrade the current software used at City Hall to "cloud modules". Cash Receipting, Accounts Payable, General Ledger and Utility Billing (Cemetery Management unavailable at this time) are all used in daily functions by Lester and Shafer. Current programs outdated with limited function. This would include project management, implementation planning and onsite training start to finish. Utilizing ARPA funding to help alleviate the cost of this upgrade is still being investigated.

Motion, by Yeomans with support from Seiter to approve the provided quote for software and services for BS&A Cloud Upgrade at City Hall.

Motion carried.

b. Ferguson Waterworks Proposal

Quote provided from Ferguson Waterworks to upgrade the handheld and hosted cloud software on Department of Public Works water equipment. These are instruments used to read water meters monthly.

Motion, by Alway with support from Thue to approve the quote provided from Ferguson to upgrade meter reading instruments and software through Ferguson Waterworks.

Motion carried.

c. Tent Rental for Fall Celebration

Newkirk provided a quote through Redi Rental out of Muskegon for the delivery/setup/use/takedown of a party tent to accommodate a live performance at the upcoming Fall Celebration.

Motion, by Alway with support from Graham to approve the quote provided.

Motion carried.

Public Comment

Sue Petipren

Rob Ringler

Kelly Pettit

Council Member Comments

Yeomans communicated his excitement with changes and new events within the city.

Adjourn

Motion, by Alway with support from Graham to adjourn.

Motion Carried 7:46 PM

Mayor, Marcy M. Spencer

Clerk, Kelse Lester



Listing of Invoices Scheduled for Payment

FOR CHECKS TO BE DATED 7-25-22

VENDOR	INVOICE NBR	DESCRIPTION	FUND	Amount
VISA	6-21	FUEL, DDA, MCPHAIL	MOTOR POOL F	\$213.87
VISA	6-29-22	CDL LICENSE	GENERAL FUND	\$61.25
VISA	6-17-22	CITY HALL, DPW	GENERAL FUND	\$45.56
VISA	6-2-22	POSTAGE POLICE DEPT	GENERAL FUND	\$17.65
VISA	6-22-22	RIVERSIDE PARK, CITY HALL	GENERAL FUND	\$913.13
GORNO FORD INC	7256	POLICE RESPONDER	MOTOR POOL F	\$39,975.00
TNT ENTERPRIZE	7-14-22	CODE MOWS	GENERAL FUND	\$810.00
TNT ENTERPRIZE	7-2022	CODE MOWING	GENERAL FUND	\$900.00
SCOTTVILLE POSTMASTER	7-15-22	485 POST CARDS	SEWAGE DISPO	\$213.40
MOW TIME	1644	MOWING DDA	DDA OPERATIO	\$240.00
URBAN VINYL	209	MCPHAIL BANNERS	GENERAL FUND	\$70.00
STRONG INDUSTRIAL SUP	147721	DPW SUPPLIES	GENERAL FUND	\$45.78
MELISSA SLIMMEN	002	RIVERSIDE PARK CLEANING BATHROOM	GENERAL FUND	\$700.00
MASON COUNTY CLERKS A	7-13-22	CLERK MEMBERSHIP	GENERAL FUND	\$10.00
HARBOR HOT TUBS & POO	6-20-22	POOL RIVERSIDE	GENERAL FUND	\$526.00
HARBOR HOT TUBS & POO	7-5-22	POOL RIVERSIDE	GENERAL FUND	\$997.00
JIM NEWKIRK	7-11-22	TRAVEL CITY MANAGER	GENERAL FUND	\$32.85
FIERS TOWING & RECOVE	15636	TOWING PRE POLICE REQUEST	GENERAL FUND	\$25.00
REPUBLIC SERVICES	0239-003148338	GARBAGE SERVICE	GARBAGE AND	\$6,942.10
DISTRICT HEALTH DEPART	201503746	RIVERSIDE PARK WATER	GENERAL FUND	\$20.00
TGG SOLUTIONS	8-1-22	DISABILITY INS	GENERAL FUND	\$368.95
DTE ENERGY	7-22-22	GAS DPW	GENERAL FUND	\$53.76
DTE ENERGY	7-23-22	GAS CITY HALL	GENERAL FUND	\$56.47
JOHN TYRON	7-9-22	WOOD	GENERAL FUND	\$1,062.50
MASON COUNTY TREASUR	7-12-22	PILOT	GENERAL FUND	\$2,396.91
MASON LAKE ESD	7-12-22	PILOT	GENERAL FUND	\$1,160.68
WEST SHORE COMMUNITY	7-12-22	PILOT	GENERAL FUND	\$992.00
MASON COUNTY CENTRAL	7-22	PILOT	GENERAL FUND	\$817.32
ALL SEASONS	43781	PORTA POTTY	GENERAL FUND	\$120.00
FISHBECK	413207	BROWNFIELD SUPPORT	GENERAL FUND	\$433.75
DMC UNLIMITED	07102213	BATTERY FOR COMPUTER BACK UP AT CI	GENERAL FUND	\$178.00
KEITH SARRES	REFUND	CAMPING REFUND	GENERAL FUND	\$25.00
NELL VON BERGE	REFUND	CAMPING REFUND	GENERAL FUND	\$25.00
CITY OF SCOTTVILLE--WA	7-14-22	WATER	GENERAL FUND	\$70.22
CITY OF SCOTTVILLE--WA	7-15-22	CITY HALL	GENERAL FUND	\$75.92
CITY OF SCOTTVILLE--WA	7-13-22	DDA WATER	DDA OPERATIO	\$55.40
CITY OF SCOTTVILLE--WA	7-12-22	RIVERSIDE PARK	GENERAL FUND	\$40.48



Listing of Invoices Scheduled for Payment

FOR CHECKS TO BE DATED 7-25-22

VENDOR	INVOICE NBR	DESCRIPTION	FUND	Amount
CITY OF SCOTTVILLE--WA	7-11-22	325 US 10	GENERAL FUND	\$52.47
CITY OF SCOTTVILLE--WA	7-10-22	305 US 10	GENERAL FUND	\$25.60
CITY OF SCOTTVILLE--WA	7-9-22	225 US 10	GENERAL FUND	\$26.83
BOTTLES AND CANS	7-15-22	DDA REIMBURSEMENT	DDA OPERATIO	\$1,500.00
MELISSA SLIMMEN	7-17-22	CLEANING RIVERSIDE	GENERAL FUND	\$700.00
CONSUMERS ENERGY	201897376516	105 W GREEN	DDA OPERATIO	\$85.97
ZIEHM L.P. GAS	16565	PROPANE	GENERAL FUND	\$401.87
BLUE CROSS BLUE SHIELD	8-2022	PAYROLL DEUCTIBLE	GENERAL FUND	\$414.08
MASON COUNTY DPW	2ND QTER	2ND QTER 2022	SEWAGE DISPO	\$50,665.91
KENNEDY INDUSTRIES	632055	LIFT STATION	SEWAGE DISPO	\$1,074.50
CITY OF LUDINGTON	2ND QTER	2ND QTER WATER	WATER SUPPLY	\$39,608.31
MATT MURPHY	7-16-22	MILEAGE	GENERAL FUND	\$213.44
KAREN HIXSON	REFUND	CAMPING REFUND	GENERAL FUND	\$1,438.50
HOME CITY ICE COMPANY	5217223954	ICE RIVERSIDE PARK	GENERAL FUND	\$185.76
BS & A SOFTWARE	142760	ANNUAL RENEWAL CR, CEM., ASSESSING,	GENERAL FUND	\$1,682.00
FLEIS & VANDENBRINK EN	62857	ALLEY WATERMAN REPLACEMENT	WATER SUPPLY	\$7,280.00
TNT ENTERPRIZE	7-21-22	SUB STATION	WATER SUPPLY	\$30.00
TNT ENTERPRIZE	7-22-22	CEMETERY	GENERAL FUND	\$525.00
TNT ENTERPRIZE	7-20-22	MCPHAIL FIELD	GENERAL FUND	\$450.00
TNT ENTERPRIZE	7-18-22	CODE MOWING	GENERAL FUND	\$720.00
AT & T MOBILITY	7287309977146X071	PHONES POLICE, MANAGER	GENERAL FUND	\$253.35
BELL EQUIPMENT COMPAN	PO9183	STREET SWEEPER	MOTOR POOL F	\$520.00
WEST SHORE BANK	7-18-22	DDA LOAN	DDA OPERATIO	\$11,112.84
JACKPINE BUSINESS CENT	476988-0	RIVESIDE PARK TAGS	GENERAL FUND	\$99.00
MI MUNICIPAL RISK MGT.	7-19-22	INSURANCE POLICE VEHICLE	GENERAL FUND	\$373.00

TOTAL OF SCHEDULED CHECK RUN: \$180,129.38

Pre-meeting Commission Notes: July 25,2022

Manager's Report:

The first Marijuana License was granted to Sozo Companies. They currently have stores in Muskegon, Cheboygan, Warren, Flint, Saginaw, and Pleasant Ridge (by Royal Oak). I am planning on opening one more application period as there were some other companies that found out late about the first opportunity and would like the opportunity to invest in Scottville. The Scoring Rubric has been revised and an announcement of the second application period will be very soon (days).

Alley watermain project is moving ahead with permits being applied for and final design and engineering details are being put together. No timeline for construction yet as there are many details to coordinate for this project plus other private investment projects also planned to take place in the same area.

We were able to get a cord to charge the handheld water meter reader but not the base that transfers the data to the computer. It's a workable solution and we will be able to read our meters and download the data until the new program and device is ready to go this fall/early winter.

Added two picnic tables and fenced in seating area at the food truck location. We just used cinder blocks and landscape timbers along with some decorative flagging. It has been heavily used thus far and the vendor has said people love being able to stay and eat outside especially during the lunch time.

RFP has gone out for tree removal and bids are due back by July 29th. Contact City Hall for details. We also have a contractor that will be doing some sidewalk replacement including the two sections in front of Gold N Deals that were pushed up by the water main break last summer. We have received quotes back for some small asphalt replacement and repair projects as well. Asphalt seems to be in high demand at the moment. Some of the quotes are for accompanying projects along with the Alley Watermain Project. We were unsuccessful in the MEDC grant that would have replaced roads/water lines in the N. Reinberg neighborhood. We will be in a better position next year and will apply again. Evergreen will be worked on yet this summer regardless of the grant denial.

Unfinished Business

Final Reading of Food Truck – I recommend approval

Brownfield Authority Appointments – Added Ray Biggs and Scott Merrick

New Business

Lift Station Drive motors – the 5th street lift station motors are shot. We are currently borrowing one from Mason County that is driving both pumps. We need to replace both and have a spare. There is no more repairing these. We need to replace and get this sewage lift station up and running consistently.

Community Development Director – Under the direction of the City Manager, the Community Development Director initiates, creates and is accountable for the successful implementation and continuous improvements of plans, programs, and ordinances. The Director facilitates and meets objectives established by City Commission and City committees including Downtown Development Authority, Ordinance Committee, Personnel, Rules, and Ethics Committee, Planning Commission and Parks and Recreation. The Director performs required duties outlined in Scottville municipal code; promotes planning policies that include density, walkability, and traditional neighborhood development; works with local business community to retain, expand and recruit as well as market grant, loan, and assistance programs; administers parks and recreation facilities, projects and programs; advises special event committees; serves as the city's code official.

Food Truck Fee Resolution – Establishes Fee Amounts outlined in the Ordinance up for adoption tonight. The fees are broken down into two seasons and three time periods. These fees are consistent with other entities with similar circumstances.

Clerks Report 7/22/22

City of Scottville hosted an election inspector certification class 7/18/22. Inspectors must be certified every two years. I have included the list of inspectors that will be working in our precincts at the Primary. I attended the Public Test with County Clerk and staff 7/20/22. All City of Scottville election equipment passed performance inspection and is ready at City Hall for the big day. I will be working 8-4 Saturday 7/30 for any last-minute AV requests or voter registration. Planning Commission meeting (8/2/22 @ 530) location has changed to Riverside Park Pavilion. Public notice of this has been made. I continue to work with Kathy in preparation for the annual audit, along with other daily duties I've been a busy clerk 😊

ORDINANCE COMMITTEE
SUBMITTED TO THE CITY COMMISSION FOR FIRST READING
CLEAN COPY 06-27-2022

CITY OF SCOTTVILLE
MASON COUNTY, MICHIGAN

ORDINANCE No. 2022-__

AN ORDINANCE TO AMEND CHAPTER 111: STREET VENDORS, PEDDLERS, AND SOLICITORS, OF TITLE XI: BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SCOTTVILLE.

THE CITY OF SCOTTVILLE ORDAINS:

CHAPTER 111: STREET VENDORS, PEDDLERS, AND SOLICITORS, OF TITLE XI: BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SCOTTVILLE is amended as follows:

TITLE XI: BUSINESS REGULATIONS, CHAPTER 111: STREET VENDORS AND MOTORIZED MOBILE VENDORS.

§ 111.01 PURPOSE

This chapter is established to provide a framework under which street vendors, peddlers and solicitors may operate within the city. In the interest of encouraging mobile food vendors who contribute to the vibrancy and desirability of the City of Scottville, specific regulations regarding that activity are added.

§ 111.02 DEFINITIONS

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS OF STREET VENDING. Selling or offering for sale at retail any goods, wares, merchandise, fruits, vegetables, foodstuffs, or services or solicitation of donations from door to door, or from or upon the streets and public places, on foot or with a pushcart or non-motorized vehicle, either by sample or taking orders, for delivery then or in the future. It shall include those who travel about the city, during the conduct of business mentioned above, on foot or with a pushcart or non-motorized vehicle and those who sell from temporary stands in or on the public streets.

MOBILE FOOD VENDING. Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a "food service establishment" under Public Act 92 of 2000, and which may include the ancillary sales of branded items consistent with the food or 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. A self-contained, motorized vehicle, identified generically as a "mobile food vending unit," which is used for the preparation and distribution or sale of food.

OPERATE. All activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

VENDOR. Any individual, company, for profit or not for profit, engaged in the business of street vending or mobile food vending; if more than one individual is operating a single stand, cart or other means of conveyance, then Vendor shall mean all individuals operating such single stand, cart or other means of conveyance.

FARMERS' MARKET. daily, weekly or seasonal stalls allowed in public curb or public areas to allow local farmers or growers to sell on retail directly to consumers, fruits, vegetables, flowers, and any other farm/home-made products.

§ 111.03 PERMIT REQUIRED

No vendor shall engage in the business of street vending or mobile food vending without a permit issued by City of Scottville Clerk/Treasurer's office authorizing such vending. The City Manager shall prescribe the form of such permits and the application for such permits.

Farmers Market vending requires a permit authorized by the City Manager. The City Manager is authorized to issue a general permit to the Downtown Development Authority to regulate the participation in the market, its seasonality and proper City Police notifications. A permit issued to a street vendor or mobile food vendor, would also allow them to participate in the same location the Farmers Market is set up.

All permits shall be prominently displayed on the street vendor's cart or basket, and mobile food vending unit. A permit for mobile vending shall not be issued by the Clerk/Treasurer's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this chapter.

§ 111.04 DURATION; NONTRANSFERABILITY.

Permits may be issued by the Clerk/Treasurer's office for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

§ 111.05 APPLICATION.

Every person desiring to engage in the business of street vending or mobile food vending shall make a written application to the Clerk/Treasurer's office for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the Clerk/Treasurer's and the applicant shall provide all documentation required by the city. The application shall be accompanied by a fee established by resolution of the City Commission. The application for a permit shall include the following items, together with any additional information the Clerk/Treasurer's may require:

- (A) The full name, permanent address, business address, local address, the age, and occupation of the applicant at the time of filing the application;
- (B) The name of the person, firm, or corporation represented, if any, together with the address of the central or district office;
- (C) A list or general description of the article or articles to be sold, or offered for sale;
- (D) The length of time for which the permit is desired;
- (E) The proposed method of delivery to buyers, whether by weight, measure, package, or otherwise;
- (F) The proposed method of hawking, peddling or vending, whether on foot by handcart, pushcart, or motorized vehicle;
- (G) If a motorized vehicle is being used, the applicant shall produce a valid driver's license;
- (H) If a motorized vehicle is to be used, the applicant shall furnish a description, including license number and registration data, together with name and address of the owner and a certificate of insurance from a company licensed to do business in the State of Michigan showing that the applicant is carrying the following minimum amounts of insurance: public liability insurance of \$1,000,000 for injuries, including those resulting in death from any one occurrence and on account of any one accident, and property damage insurance of \$1,000,000 for damages on account of any one accident or occurrence. The policy shall list the city as an additional insured and shall provide 30 days prior written notice of revocation, cancellation or amendment to the city;
- (I) The applicant shall furnish with his or her application a two by two inches photograph, taken within 60 days, showing head and shoulders;
- (J) An affidavit of the applicant to the truth of the information given in the application, signed by the applicant;
- (K) Each applicant who commercially handles food and is subject to the Michigan Food Law of 2000, requires showing proof of the proper license issued by the Michigan Department of Agriculture (MDARD). Expiration and/or termination of the MDARD license automatically terminates the city's permit;
- (L) Applicants subject to the Michigan's Cottage Food Law, PA 113 of 2010, who may be exempt from licensing, must adhere at all times to the requirements for production mandated by the law.
- (M) If any applicant proposes to sell articles by weight or measures, he or she shall present with his or her application a certificate of inspection from the state, stating that the weights and measures to be used by the applicant have been approved and inspected.
- (N) All vendors shall agree to hold harmless and protect the city, its officers, employees and agents from any liability, claims, costs, expense or attorney fees arising out of the permitted operation that is not covered by the vendor's required insurance.

§ 111.06 FEES.

An application for a permit under this chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. Permits shall only be for the calendar year in which the permit is issued. Fees are nonrefundable once a permit has been issued by the Clerk/Treasurer's Office. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages, however, such business must still comply with the remaining requirements to obtain a permit. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

Nonprofit corporations and nonprofit associations may be exempted from the provisions of this chapter upon application to the City Manager. Said application shall set forth the date or dates of their solicitation; the products, if any, to be sold or given to donors in exchange for their contribution, the names of persons in charge of the solicitation; the purpose of the drive, the percentage of the funds to be used for charitable purposes and the percentage of collections to be paid out to solicitors, if any, for services rendered. The City Manager shall maintain a record of dates granted to organizations for the solicitations. On or before 15 days from the date of filing the application, the City Manager shall grant approval or denial of the application. The determination shall be based upon the application and any further information as shall be obtained by the City Manager and determination that solicitation shall in fact be for a charitable purpose, that substantially all of the collected funds shall be used for that purpose and not for payment of salaries or commissions to solicitors; and upon determination that the dates proposed do not conflict with the date or dates approved for any other organization. Upon granting the exemption, the City Manager shall issue unto the organization identification badges to be worn by solicitors or vendors, which badge shall bear the name of the city and the name of the organization and shall be worn conspicuously during the time that he or she shall be engaged in the solicitation or vending. The identification badge shall be returned to the City Manager upon completion of the solicitation.

A single-event application is also available from the Clerk/Treasurer's office for vendors wishing to operate a street vending business or a mobile food vending unit during a City-sponsored or City-endorsed special event or to operate at a public or private event held on public property or in a public park. The application for a permit shall be accompanied by a fee as defined in this chapter.

§ 111.07 PERMIT. APPLICATION REVIEW

(A) Upon receipt of the application, the Clerk/Treasurer's office shall initiate the appropriate action to process the application. The Clerk/Treasurer's office shall make an appropriate investigation of the applicant, including but not limited to, an inspection of the motorized vehicle, stand or cart and location to insure compliance with this chapter. The Clerk/Treasurer's office shall issue a permit to the applicant within 15 days after the receipt of the application, unless the Clerk/Treasurer's office finds one or more of the following to be true:

- (1) The applicant is under 18 years of age;
- (2) The applicant is overdue in payment of city taxes, fees, fines or penalties assessed or imposed upon the applicant;
- (3) The applicant has failed to answer or falsely answered a question or request for information on the application;
- (4) The applicant has failed to provide proof of a license, insurance or a permit, or any other information, as required by this chapter or by State law for the operation of the proposed business;
- (5) The required permit fee has not been paid;
- (6) The applicant has failed to comply with, or the proposed business will violate any applicable law, ordinance or regulation of the city; or
- (7) The applicant's business or method of doing business will interfere with traffic flow on public streets or sidewalks.

(B) If the Clerk/Treasurer's office finds any of the items listed above to be true, the Clerk/Treasurer's officer shall deny the application and send to the applicant by first class mail to the address indicated on the application a written statement setting forth the reason or reasons for the denial and notifying the applicant of his or her right to appeal.

§ 111.08 RIGHT TO APPEAL.

- (A) Request for Review. A denied applicant must request a review of the application by the City Manager within 15 days from the date the Application Denial Letter was sent. The City Manager will review the documentation filed by the applicant and the findings of the Clerk/Treasurer's office. Within 15 days of receiving the request for review, the City Manager must issue a decision to either grant the application or deny the application further stating the reason for the denial after his/her review.
- (B) Appeal to the Commission. An applicant, whose application has been denied by the City Manager upon completion of his/her review, may request a hearing on the denied application before the City Commission at its next regular meeting; provided, however, the request must be made with sufficient time to allow for the item to be included in the Commission's Agenda. At the hearing, the Commission will address only the deficiency found in applicant's filing. The applicant may introduce evidence to substantiate his arguments and whether the deficiency has been corrected or why he/she believes there is no deficiency. The City Manager shall be allowed to state the reasons for his or her disapproval. The Commission shall, at the hearing, or any adjourned date, approve or disapprove the application based upon the facts presented, and based upon applicant's business responsibility, character of applicant, and his or her compliance with the requirements of this chapter.

§ 111.09 BUSINESS OPERATIONS REQUIREMENTS

Any vendor engaging in street vending or motorized mobile food vending shall comply with the following requirements.

A. Food stands, motorized mobile food vending units shall only operate in districts zoned CBD, HC, I-1, and I-2, or other districts approved by the Scottville City Commission upon recommendation of the Planning Commission.

B. Vendors shall not operate on City-owned property or on public streets without prior authorization and approval of the City Clerk/Treasurer's office. No food service shall be allowed on the driving lane side of the mobile food vending unit. If operating on a private street, the customer service area for mobile food vending units shall be on the curb lawn or sidewalk when parked.

C. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.

D. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.

E. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over 60 watts shall contain opaque hood shields to direct the illumination downward.

F. Vendors shall not use loud music, amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City of Scottville

G. There shall be no signage used by vendors except for what is allowed on the vehicle, food truck or mobile food vending unit itself.

H. No vendor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he or she be permitted to operate in any congested area where his or her operations might impede or inconvenience the public. For purposes of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. Nevertheless, vendors with a valid mobile food vending permit may park in a city-controlled parking space for durations as authorized by the permit; and such mobile food vending unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no mobile food vending unit shall park in a city-controlled parking space if parking is prohibited altogether.

I. Vendors are prohibited from locating, placing, or putting personal property outside of the food truck, including but not limited to dining furniture, fixtures, and equipment.

J. No vendor shall utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If unit is not self-contained and requires electric service, a permit issued by the City of Scottville Building Department is required.

K. Vendors shall comply with all applicable City regulations and ordinances, including those regulating noise, signage, and loitering.

L. Vendors shall not represent the granting of a permit under this chapter as an endorsement of the City.

M. Any equipment associated with food vending that is not in compliance with this chapter and left on public property may be impounded by the city at the owner's expense.

§ 111.10 DUTY OF POLICE TO ENFORCE

It shall be the duty of any police officer of the city to require any person seen street vending, and who is not known by the officer to be duly permitted, or to a motorized mobile food unit that is not displaying the proper permit, to produce his or her street vending permit or motorized mobile food unit, and to enforce the provisions of this chapter against any person found to be violating the same.

§ 111.11 RECORDS.

The Chief of Police shall report to the City Manager all convictions for violation of this chapter and the City Manager shall maintain a record of each permit issued and record the reports of violation therein.

§ 111.12 OTHER PERMITS.

A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule.

§ 111.13 REVOCATION.

(A) The City Manager shall revoke the permit of any vendor engaged in the business of street vending or motorized mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on his or her application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

(B) Immediately upon such revocation, the City Manager shall provide written notice to the vendor by first class mail to the address indicated on the application. Immediately upon such revocation, the permit shall become null and void.

§ 111.14 CIVIL INFRACTION.

A vendor who violates this chapter is responsible for a municipal civil infraction and subject to a fine of not less than \$50 for each infraction, plus costs and other sanctions,

for each infraction, and each day that a violation continues is a separate offense and is a public nuisance that may be abated by injunctive relief or civil or quasi-judicial enforcement.

§ 111.15 EFFECTIVE DATE

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect fifteen days from and after the date of its final passage and adoption.

§ 111.16 PUBLICATION

The City Clerk is hereby ordered and directed to cause this ordinance to be published pursuant to Section 7.13 of the City Charter.

§ 111.17 SEVERABILITY

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portion or application of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperative, and to this end this ordinance is declared to be severable.

DATE INTRODUCED: _____

DATE ADOPTED: _____

EFFECTIVE DATE: _____

It was moved by Commissioner _____ to adopt Ordinance No. 2022-_____, Seconded by Commissioner _____.

Vote:
Yes:

No:

Absent:

Attested by order of the City of Scottville:

Kelse Lester, City Clerk

Scottville and Ludington BRA Board

<i>Jurisdiction</i>	<i>Member</i>	<i>Email Address</i>	<i>Term</i>
Scottville	Scott Merrick	smerrick@mycopia.com	2-Yr
Scottville	James Newkirk	citymanager@cityofscottville.org	3-Yr
Scottville	Al Deering	hardware@t-one.net	2-Yr
Ludington	Ray Biggs	rbiggs@westshorebank.com	3-Yr
Ludington	Mitchell Foster	mfoster@ci.ludington.mi.us	3-Yr
Ludington	John Terzano	jterzano@ci.ludington.mi.us	2-Yr
LMTA	Paul Keson	pkeson@lmta.us	1-Yr
LASD	Kyle Corlett	kcorlett@lasd.net	1-Yr
MCC	Jeff Mount	jmount@mccschools.org	1-Yr



KENNEDY
INDUSTRIES

INNOVATE
SOLVE
MONITOR
REPAIR

QUOTATION		
DATE	NUMBER	PAGE
7/12/2022	0047505	1 of 1

*35 week
Lead Time
Left station
New App's*

B SCO255
I CITY OF SCOTTVILLE
L 105 N. MAIN
T SCOTTVILLE, MI 49454
O

Accepted By: _____
Company: _____
Date: _____
PO#: _____

ATTENTION:
JUSTIN COOLMAN 231-887-1483

WE ARE PLEASED TO PROPOSE THE FOLLOWING FOR YOUR CONSIDERATION:

CUSTOMER REF/PO#	JOB TITLE	SLP	SHIPPING TYPE	
QUOTE	MAIN STATION, ABB ACQ580 DRIVE, VARIOUS	TJC/AMA	FIELD SERVICE	
QTY	DESCRIPTION	UNIT PRICE	EXTENDED	

3.00	ABB,VFD ACQ580,20HP,27 AMPS,3PH,480V,WALL MOUNT, NEMA 1	\$2,399.00	\$7,197.00	
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1.00	SCOTTVILLE, LS #5 THE FOLLOWING QUOTE IS FOR FIELD SERVICE REQUIRED ON YOUR ABOVE REFERENCED PUMP STATION:	\$2,495.00	\$2,495.00	
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FIELD SERVICE LABOR REQUIRED:

KENNEDY INDUSTRIES WILL PROVIDE (1) FIELD SERVICE TECHNICIAN(S) ONSITE TO INSTALL (2) NEW ABB VFD'S, GIVE (1) TO CUSTOMER AS SPARE, PROGRAM, START UP, TEST RUN AND VERIFY PROPER OPERATION.

TOTAL FIELD SERVICE COST: \$2,495.00

PRICE AND LEAD TIME ARE BASED OFF CURRENT MARKET PRICING AND AVAILABILITY AND ARE SUBJECT TO CHANGE. PLEASE NOTE QUOTE IS VALID FOR 30 DAYS.

DELIVERY: TO FOLLOW.

THANK YOU FOR THE OPPORTUNITY TO QUOTE OUR EQUIPMENT.

SINCERELY,

ASHLEY ADAMS

<p>This quote is subject to and incorporates by reference Kennedy Industries, Inc.'s ("Kennedy") Terms & Conditions (Rev'd 4/2019) and Customer Warranty available at www.kennedyind.com which will be provided by email upon written request. Kennedy reserves the right to change the Terms & Conditions and Customer Warranty for future orders. By accepting this quote and/or issuing a purchase order relative to this quote, buyer expressly agrees to the provisions set forth in the Terms & Conditions and Customer Warranty posted on Kennedy's website.</p> <p>QUOTE VALID FOR 30 DAYS. CREDIT CARD PAYMENTS ARE SUBJECT TO AN ADDITIONAL 3% CHARGE NO TAXES OF ANY KIND ARE INCLUDED IN THIS PROPOSAL. PAYMENT TERMS: NET 30</p>	<p>TOTAL: \$9,692.00</p>
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P.O. Box 930079 Wixom, MI 48393 - 4925 Holtz Drive Wixom, MI 48393 - Phone: 248-684-1200 - Fax: 248-684-6011

www.Kennedyind.com

Resolution 22-17
ESTABLISHING FEES FOR
STREET VENDORS, PEDDLERS, AND SOLICITORS
(FOOD TRUCKS)

WHEREAS, AN ORDINANCE TO AMEND CHAPTER 111: STREET VENDORS, PEDDLERS, AND SOLICITORS, OF TITLE XI: BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SCOTTVILLE HAS BEEN PASSED BY THE SCOTTVILLE CITY COMMISSION.

WHEREAS, ASSOCIATED FEES FOR THESE BUSINESSES ALSO NEED TO BE UPDATED AND ADAPTED FOR CURRENT BUSINESSES AND FUTURE MOBILE BUSINESSES IN THE FUTURE.

NOW, THEREFORE BE IT RESOLVED THAT THE FOLLOWING FEE STRUCTURE BE ADDED TO THE CITY OF SCOTTVILLE SCHEDULE OF FEES AND TAKE IMMEDIATE EFFECT UPON APPROVAL.

SEASONAL FEES:

MAY 1 ST – SEPTEMBER 30 TH	\$500 WEEK/\$250 3-DAY WEEKEND (FRI-SUN)/\$100 DAY
OCT 1 ST – APRIL 30 TH	\$250 WEEK/\$125 3-DAY WEEKEND (FRI-SUN)/\$50 DAY

The above resolution was moved for adoption by Commissioner _____ and seconded by Commissioner _____.

YES: NO: ABSENT:

I certify that the forgoing is true and complete copy of a resolution adopted by the City Commission of the City of Scottville at its 1525th Regular Meeting held Monday July 25, 2022.

Kelse Lester, Clerk

Marcy M. Spencer, Mayor