

Village of Bellaire

STREETS AND MOTOR POOL COMMITTEE

Dave Ciganick, Chairman

Bryan Hardy

Eldon McPherson

COMMITTEE MEETING MINUTES

October 13, 2015

8:00 a.m.

1. **Call to Order:** Chairman Ciganick called the meeting to order at 8:00 a.m.

2. **Attendance**

Present: Chairman Ciganick, Trustee Hardy and Trustee McPherson

Absent: None

Staff Present: Lori Luckett, Clerk

3. **Approval of Agenda:** The agenda was approved.

Motion by Trustee McPherson, seconded by Trustee Hardy, to approve the agenda as presented. Motion carried by unanimous voice vote.

4. **Approval of Minutes:** The minutes were approved as presented.

Motion by Trustee McPherson, seconded by Trustee Hardy, to approve the minutes of the September 22, 2015 meeting as written. Motion carried by unanimous voice vote.

5. **Public Comment on Agenda Items:** None presented.

6. **Old Business:**

- a) **Peddler's Ordinance:** The committee continued its discussion of the need for a peddler's ordinance. The concern at the last meeting was the state statute covering M-88. Clerk Luckett read the statutory prohibition for the committee; "Except as otherwise provided in this section, a person, firm, or corporation who sells or offers for sale, or displays or attempts to display for sale, goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of a highway outside of the corporate limits of a city or village, or within the right-of-way of a state trunk line highway, is responsible for a civil infraction." She indicated that, as requested by the committee, she had contacted legal counsel. Legal counsel confirmed the prohibition of selling on M-88 without a permit and suggested that the village council might wish to consider a peddler's ordinance covering other streets within the Village, such as East Broad Street. The committee discussed whether a peddler's ordinance was necessary for other streets within the Village. Committee members expressed concerns over peddlers taking up parking spaces given the lack of parking within the Village. Chairman Ciganick indicated that he was of the belief that the committee did not want vendors parking on M-88 or on Broad Street. After further discussion, Chairman Ciganick stated that he did not want to see food trucks on any of the streets. While Chairman Ciganick said he would love to see it, he thought food trucks should be on a private space. Trustee Hardy asked who, besides Joe Short, was in favor of food trucks? He was reminded that Patrick Boyd had spoken in favor of food trucks. Members expressed their desire to exempt festivals and organized events on Broad Street approved by the village council. After discussion of a possible recommendation to the village council, the committee expressed concerns about the effects of an ordinance on the girl scouts, boy scouts and school fundraisers. The Village of Elk Rapids ordinance was reviewed and exceptions therein were noted. The committee members expressed a preference to allow vendors/food trucks as a land use only on private property under the zoning

ordinance and not on village streets under the village code. Chairman Ciganick thought that there were places within the Village to be pursued but that the Village should not give up parking spaces. Trustee Hardy stated that he does not want to totally limit transient merchants, such as ice cream sales or sales by non-profit groups. There was discussion about the distinction between solicitors and peddlers as defined in the Village of Elk Rapids ordinance; a solicitor goes door to door; a peddler sells within the "village owned property, roads, alleys and sidewalks the roads". Chairman Ciganick made a motion to recommend to the village council that an ordinance be drafted that would prohibit peddlers from occupying parking spaces within the Village.

Motion by Chairman Ciganick, seconded by Trustee McPherson, to recommend to the village council that it draft an ordinance to deny peddlers from occupying parking spaces within the Village. Motion carried by unanimous voice vote.

7. **New Business:** None presented.
8. **Discussion Items:** None presented.
9. **Communications/Informational:** None presented.
10. **Member/Public Comment:** None presented.
11. **Adjournment:** Meeting adjourned at 8:37 a.m.

Compiled by Lori Lockett, Clerk
Minutes Subject to Approval

Approved: _____

Date: _____