

**BIRMINGHAM CITY COMMISSION  
SPECIAL MEETING AGENDA  
WORKSHOP  
MONDAY, MARCH 14, 2022  
6:30 P.M.**

**WORKSHOP SESSION**

**This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion regarding food trucks and social districts.**

**I. CALL TO ORDER**

Therese Longe, Mayor

**II. ROLL CALL**

Alexandria Bingham, City Clerk

**III. PRESENTATION & DISCUSSION**

**A. Introduction – Tom Markus, City Manager**

**B. Staff Update**

**C. City Commission Questions, Discussion and Comment**

1. Should the City allow an additional category of vendor to allow mobile food trucks similar to frozen confection vendors?
2. Should the City allow food trucks at fixed locations?
3. Should the City allow other vendors at fixed locations (sales of art, clothing, jewelry etc.)?
4. Should the City establish a Social District?
5. If so, where? On a seasonal basis only?

**IV. PUBLIC COMMENT**

**V. ADJOURN**

**This meeting is open to the public and the public is welcome to attend.**

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760

You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

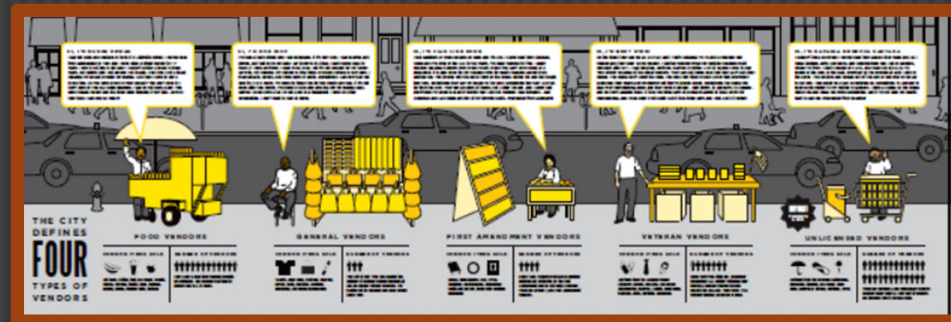
*NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance. Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*



# FOOD TRUCKS

City Commission Workshop

March 14, 2022



# EXISTING REGULATIONS

- Chapter 26, Businesses, Article IV, Vendor, Peddlers, and Solicitors
- Permitted:
  - Special event vendors (stationary)
  - School vendors (stationary location on City property during school or other athletic events at City parks)
  - Frozen confection vendors (max. 3/year)
  - Peddlers (offering goods or services for sale, travelling by foot or vehicle)
  - Solicitors (requesting money, credit, property etc. for enumerated causes)
- Limited hours dependent on Daylight Savings time
- No vendors, peddlers or solicitors within 50' of any school, church, synagogue, courthouse, police station or other public location unless specifically authorized
- No vendors, peddlers and/or solicitors may occupy a stationary location on public property for more than **10 minutes**
- Stationary vendors, peddlers or solicitors are permitted only during approved special events or athletic events
- Existing regulations do not allow for an informal artisan market in an alley for instance, or a hot dog vendor or food truck at specific street corners every day.





# PREVIOUS STUDIES

- In 2011, the City Commission considered permitting the operation of food trucks outside of approved special events
- Considered allowing different types of food trucks and other vendors to occupy fixed locations such as:
  - In one or more City parks
  - In Downtown alleys and passages
  - Other public spaces where activation was needed
- No changes were adopted



# STATE LAWS/LICENSING

- Michigan Food Law of 2000
- Michigan Modified 2009 Food Code



- **Mobile Food Unit:** A food establishment operating from a vehicle, including a watercraft, that returns to a mobile food establishment commissary for servicing and maintenance at least once every 24 hours.
- **Mobile Food Establishment Commissary:** An operation that is capable of servicing a mobile food establishment.
- **Temporary Food Establishment:** A food establishment that operates at a fixed location for a temporary period not to exceed 14 consecutive days.
- **Special Transitory Food Unit:** A temporary food establishment that is licensed to operate throughout the state without the 14-day limits or a mobile food establishment that is not required to return to a commissary.

# WHY CONSIDER FOOD TRUCKS?

- Cost-friendly alternative to Brick-and-Mortar
- Mobility allows for expanded customer base
- Public revenues from sales and payroll taxes
- Attract foot traffic and encourage social interaction
- Activate underutilized spaces
- Contribute to 'sense of place'
- Help people stay connected during challenging times



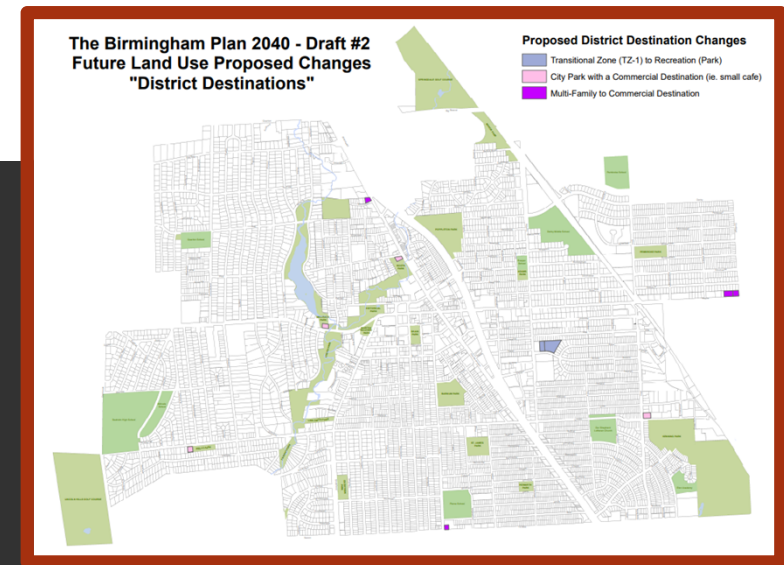
# CHALLENGES

- Balancing competing interests
- Potential for unfair advantage in the marketplace
- Operations in non-commercial zoned locations
- Occupy parking which is sometimes in short supply
- Choosing an agency to regulate and permit
- Setting restrictions on mobile food operations
- Waste management



# POLICY CONSIDERATIONS

1. Location
2. Operations
3. Health & Safety
4. Administration & Enforcement





# SOCIAL DISTRICTS



On July 1, 2020, Bill 5781 was signed into law establishing Social Districts through **December 31, 2024**



# EXISTING STATE REGULATIONS

- A Social District must include a commons area within that is shared by and is contiguous to the premises of at least two qualified alcohol licensees
- A Social District is created by a local government's governing body by resolution, and must include:
  - a management and maintenance plan
  - hours of operation
  - a map and signage plan that defines the boundaries of the Social District
  - boundaries of the commons area that identify at least two contiguous qualified licensees
- Resolutions with all attachments must be filed with the MLCC and obtain Social District Permit



# EXISTING STATE REGULATIONS

- Once approved for a Social District Permit, a qualified licensee may sell alcohol in their privately licensed establishment only, in approved containers
- Approved containers must not contain glass, be 16 oz. or less in size, and contain both the licensee's trade name or logo and a logo unique to the specific commons area
- Patrons may consume alcohol within the private establishment or within the commons area outside of the private establishment
- Local police and the MLCC are responsible for enforcement within Social Districts





# PREVIOUS STUDIES

- June 8, 2020, City was poised to consider establishing a Social District in Shain Park
- Draft resolution prepared including area generally bounded by Henrietta, Martin, Bates and Townsend
- Bill was still going through approval process, no action taken



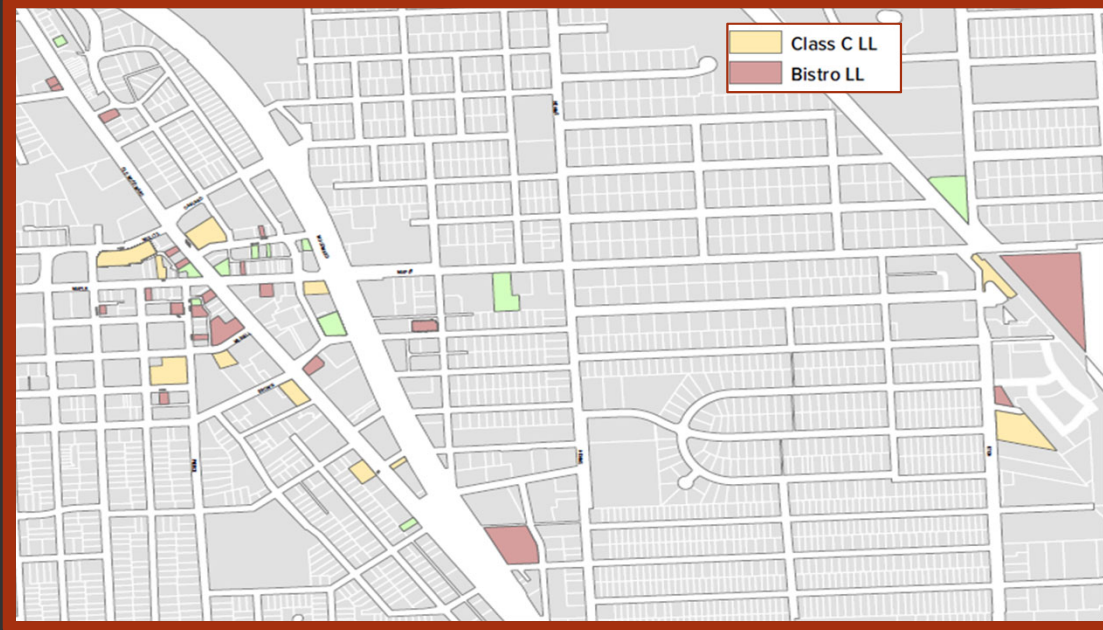
# OAKLAND COUNTY COMMUNITIES

- Clarkston
- Clawson
- City of Farmington
- Ferndale
- Holly
- Lake Orion
- Oak Park
- Oxford
- Pontiac
- Royal Oak
- Wixom





# OPPORTUNITIES



# QUESTIONS

- Should the City allow an additional category of vendor to allow mobile food trucks similar to frozen confection vendors?
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