

AGENDA REPORT

TO: Mayor Pat Humphrey and the Clare City Commission
FROM: Jeremy Howard, City Manager
DATE: March 14, 2024
RE: Parks Special Use Application – City Park – MI Rock Stop Gifts & More, LLC

For the Agenda of March 18, 2024.

Background. The City has received a Parks Special Use Application (*copy att'd*) from Mr. Damon Dubois to host a “for-profit” craft show and fair at City Park on August 24, 2024, from 8:00 a.m. to 6:00 p.m. All commercial, for-profit activities at the City’s parks require the City Commission’s sanction and approval (*Ordinance Code Extract Sect.30-71(7) att'd*) in advance of the event. Mr. Dubois has requested the Commission approve his request.

Issues & Questions Specified. Should the City Commission approve the Parks Special Use Application of Mr. Dubois?

Alternatives.

1. Approve the request.
2. Deny the request.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. Mr. Dubois is being charged the City’s Parks Special Use Application fee and non-resident gazebo rental fee. A peripheral benefit to the City is the draw of the crowd and potential economic benefit to the City’s local merchants.

Recommendation. I recommend the City Commission approve the request by adoption of Resolution 2024-016 including the requirement that Mr. Dubois obtains adequate insurance coverage for the event designating the City as an Additional Insured and the stipulation that “flea market” items not be allowed as the City prohibits flea markets.

Attachments.

1. Parks Special Use Application.
2. Sec. 30-71 (7) of City Ord. Codes.
3. Resolution 2024-016.



CITY OF CLARE

AGREEMENT FOR USE OF PARKS AND/OR FACILITIES FOR CEREMONY AND SPECIAL PARK USE

GENERAL INFORMATION

1. Clare City Parks are open from 6 a.m. – 11:00 p.m., May 1 – Nov. 1. Parks may be winterized earlier if frost occurs.
2. Permits are recommended for any ceremony or event.
3. Permit only assures use of the specified area of the park and not exclusive use of the park.
4. Picnic tables are assigned to picnic areas by group size based on approximately 6-8 people per table. Additional picnic tables will not be provided for groups who exceed the recommended picnic area capacity.
5. Relocation of picnic tables from one area to another is prohibited.
6. The Parks and Facilities Rental Permit for Ceremony Purposes should be carried at all times during the event.
7. We recommend you post a "reserved" sign on the pavilion and/or park area the morning of your event.
8. No confetti decoration is allowed in the parks. Confetti is a danger to local wildlife and is very difficult to dispose of.
9. **NO ALCOHOLIC BEVERAGES ALLOWED IN ANY CITY PARK.**
10. Set up of commercial and private tents requiring staking into the ground are strictly prohibited due to presence of underground utilities.
11. There shall be no commercial for-profit activity within the City parks unless expressly sanctioned by the City. Whether such activities shall be approved within a city park land shall be within the sole discretion of the Clare City Commission.
12. Parks may not be reserved before January 1 of each year.

SHAMROCK PARK

- Little league baseball diamond
- (1) Large picnic pavilion w/electricity
- (1) Small picnic pavilion w/electricity
- Indoor Restrooms
- Playground equipment
- Grill (by the small pavilion)
- Shamrock Lake (62 acres)
- Ice-skating rink (seasonal)
- Pavilion 1 (Large-120 x 60) **120 People**
 - o 15 picnic tables (1 Handicapped)
 - o Electricity
- Pavilion 2 (Small- 24 x 48) **48 People**
 - o 6 picnic tables (1 Handicapped)
 - o Electricity

PETTIT PARK

- Potable water
- Indoor Restrooms & Showers
- Playground equipment
- Grills
- Camp Sites, electric and primitive
- Pavilion (30 x 56) **64 People**
 - o 8 picnic tables (All Universal Access)
 - o Electricity

CLARE CITY PARK

- Potable water
- No restrooms
- Large Gazebo **48 People**
 - o 6 picnic tables (1 Handicapped)
 - o Electricity

FEES: Fees are subject to change annually (by June 30), upon approval of the Clare City Commission. In order to reserve, payment must be received up front.

SPECIAL PARK USE: \$50 Fee

ADDITIONAL FEES

Resident /Non-Profit
 Shamrock Large Pavilion (Full Rental): \$50 Fee
 Shamrock Large Pavilion (Half Rental): \$25 Fee
 Shamrock Small Pavilion: \$25 Fee
 Pettit Pavilion: \$50 Fee
 City Park Gazebo: \$25 Fee

Non-Resident
 Shamrock Large Pavilion (Full Rental): \$75 Fee
 Shamrock Large Pavilion (Half Rental): \$50 Fee
 Shamrock Small Pavilion: \$50 Fee
 Pettit Pavilion: \$75 Fee
 City Park Gazebo: \$50 Fee

This permit grants the following named team or group the use of the following facility at the stated times. (In the event a regular City of Clare event is scheduled at the same time, the city event will take precedence). No refunds or rain checks will be issued. In the event this group or team decides not to use the above facility on the above date, they are urged to call 386-7541 to inform the Parks and Recreation Department.

Residents, please allow up to 4 weeks for deposits to be returned.

Contact Person Damon DuBois Phone (989) 714-1721 E-Mail mirockstop@gmail.com
 Address 1230 Vinewood St. Apt. 6 City Resident? YES / NO City Clare State MI Zip 48617
 Requested Park/Facility: Clare City Park # in Party _____ Reason for Request Gem and Mineral show
 Use Date(s) 08/24/24 Time From 8am to 6pm

RELEASE AND HOLD HARMLESS AGREEMENT

It is agreed by the organization using the facilities that it will be responsible for any damage to property. It is further agreed that the signing party will hold the City of Clare harmless for any damage or injury that the signing organization might incur during its use and occupation of the above-named facilities. It is further agreed by the organization that all debris deposited during the usage of the above-named facility shall be picked up and properly disposed of. **Any damage would be an additional charge to the rental fee.**

Damon DuBois 03/13/2024
 Signature of Organization Representative/Individual Date

I have read and agree to the park rules and regulations Damon DuBois 03/13/2024
 Signature Date

Office Use Only: City Resident/Non-Profit? Yes [] No [] Amt. Paid _____ Cash _____ Ck# _____ Date _____ Staff _____
DEPOSITS SHOULD BE PLACED IN – GL#208-000.000-626.001

Parks and Recreation Use Only:
 Signature of City Buildings and Grounds Maintenance Director _____ Date _____
 City Resident/Non-Profit Yes [] No [] Refund Yes [] No [] Inspected by _____ Notes _____

Sec. 30-71. - General unlawful acts upon park lands.

Upon city park lands, it shall be unlawful to:

- (1) *Curfew.* Enter or be present within any park between the hours of 11:00 p.m. and 6:00 a.m. Only properly registered campers may be present within Pettit Park during the curfew hours.
- (2) *Vandalism and theft.* Remove, damage, destroy or deface any tree, shrub or wildflower, or remove, damage, destroy or deface any park facility without written permission.
- (3) *Disorderly conduct.* Engage in violent, abusive, loud, vulgar, lewd, obscene or any other disorderly conduct that constitutes a breach of the peace, or disturb or annoy others in their activities.
- (4) *Alcoholic liquors and controlled substances.* Possess or consume any alcoholic liquors or other controlled substances within any park.
- (5) *Fires.* Burn a ground fire for any reason, except in designated fire pits, grills, fireplaces or units authorized by the city parks and recreation department and the city fire chief. Personal grills are authorized. No fire is to be left unattended at any time.
- (6) *Waste and refuse.* Deposit waste or refuse any place except in the authorized containers provided by the parks and recreation department, and deposit waste or refuse in any park container that was generated outside the park boundaries.
- (7) *Peddle or solicit.* Peddle or solicit, or post bills or advertisements upon any park lands or facilities without written permission. There shall be no commercial for profit activity within the city parks unless expressly sanctioned by the city. Whether such activities shall be approved within city park land shall be within the sole discretion of the city commission.
- (8) *Overnight storage.* Leave any personal property overnight, such as vehicles, camping units, personal grills, tables and other items without written permission.
- (9) *Smoke-free areas.* Smoke any substance in or within 25 feet of the boundaries of any area designated as smoke-free.
- (10) *Unsafe playground equipment.* Use any park facilities, apparatus, playground equipment or other municipal property in a manner that it is not designed or, or in a manner that may result in injury to self or others, or misuse any park facilities, apparatus, playground equipment or other municipal property, i.e. adults using equipment designed for children, climbing upon fences.

(Code 1985, § 3.2; Ord. No. 2007-01, 2-20-2007; Ord. No. 2008-01, 3-3-2008)

RESOLUTION 2024-016

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A PARKS SPECIAL USE APPLICATION.

WHEREAS, the City of Clare has received a commercial, for-profit Parks Special Use Application from Mr. Damon Dubois, owner of MI Rock Stop Gifts & More, LLC, to organize and host a vendor show at Clare City Park on August 24, 2024, from 6:00 a.m. to 8:00 p.m.; and

WHEREAS, Section 30-71 (7) of the Ordinance Codes of the City of Clare stipulates that advance approval of the Clare City Commission is required for any commercial activities conducted within the parks and recreation properties of the City; and

WHEREAS, Mr. Dubois has made said request well in advance of the proposed date; and

WHEREAS, the City Staff has reviewed the request and recommends approval of the application with the specific stipulations that proof of insurance listing the City of Clare as an Additional Insured be provided to the City and be in effect on the date of the event; with the understanding that the City of Clare prohibits flea market activities within its geographical boundaries and flea market items shall not be allowed for sale; and that all other requirements of the City be met in respect to payment of services performed by the City to support the event; and

WHEREAS, the City Commission has reviewed the application and the recommendations of its Staff and deems that said recommendations are reasonable, prudent, and in the best interests of the City of Clare.

NOW THEREFORE BE IT RESOLVED that the City Commission of the City of Clare hereby approves the Parks Special Use Application of Mr. Damon Dubois, owner of MI Rock Stop Gifts & More, LLC, to organize and host a “for-profit” craft show and fair at City Park on August 24, 2024 from 6:00 a.m. to 8:00 p.m. with the stipulations that proof of insurance listing the City of Clare as an Additional Insured be provided to the City and be in effect on the date of the event; with the understanding that the City of Clare prohibits flea market activities within its geographical boundaries and flea market items shall not be allowed at the vendor and craft show; and that all other requirements of the City be met in respect to payment of services performed by the City to support the event.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 18th day of March, 2024.

Diane M. Lyon, City Clerk