



FARMERS MARKET ADVISORY BOARD

Special Meeting

Tuesday, April 18, 2023

9:00 AM

Committee Room, Governmental Center

400 Boardman Avenue

Traverse City, Michigan 49684



1. Call To Order
2. Roll Call
3. New Business
 - A. Appeal from Mr. Jim's
4. Public Comment
5. Adjournment

Memorandum

To: Farmers Market Advisory Board

From: Art Bukowski

Date: April 17, 2023

Subject: Appeal

After our March meeting, Mr. Jim's products (which was denied entry to the market this year) submitted an appeal. The text of that appeal is at the bottom of this memo. Mr. Jim's was denied based on other applicants better meeting rules criteria. Mr. Jim's was in the market last year, but last year we had less than the maximum number of health and beauty applicants, so no tough decisions had to be made.

There has since been yet another applicant in this category. Unless I am not thinking of yet another option, your options are to:

- 1) Expand the number of allowed health and beauty vendors. This seems tricky considering we have yet another applicant, and I worry about it setting a precedent
- 2) Reject the appeal and uphold the denial of Mr. Jim's.
- 3) Accept Mr. Jim's on a standby basis only.

Good Morning Art.

Mr Jim's products received notice yesterday that they were not accepted into the farm market this season.

I called Kyle and he explained to me that the board decided laundry products were not a good fit for the TC farm market. Although our laundry products are all 100% made in TC, we agree they are not exactly in line with the spirit of the farm market but there is another side to Mr Jim's products which is totally unrelated to laundry. Bee Free Labs is partnered with Mr Jim's Products and makes specialty homeopathic lotions. All of the lotions and creams are made with 40% herbal infusions and all of the herbs are 100% grown in Grawn. We even dry, package, and sell the herbs we grow if we have a bumper crop. Our two specialty creams that we would love to bring to the market are All-U-Need and Vanity. These creams are unique

and are an excellent match to the spirit of the farmers market .

Last year we brought these lotions to the market along with Mr Jim's laundry products . We would be happy to bring only the above mentioned lotions to the market if we would be allowed to come . If space is an issue we would be willing to only come on the dates that the market is not at a capacity. (early season , late season , Wednesday's ?)

We are enclosing pictures of our specialty lotions and requesting an appeal meeting to allow us to be a part of the market this 2023 season . We would be happy to answer any and all questions the board may have about these products .

Thank you very much for reconsidering our application with the above mentioned changes.

Sincerely

Ruth Smith

SARA HARDY DOWNTOWN FARMERS MARKET

MARKET RULES 2023

I. MISSION

The Sara Hardy Downtown Farmers Market (the Market) is operated by the Traverse City Downtown Development Authority (DDA) and is managed by SEEDs (The Market Manager). The purpose of the Market is to create a sales venue for local area farmers, provide opportunities for consumers to purchase quality farm-grown goods, provide a community gathering place, and promote and stimulate economic development in the Downtown area.

II. TIME & PLACE

The Market takes place on Wednesdays and Saturdays in season on dates established every year by the Downtown Development Authority. The Market begins by 7:30 a.m. on Saturdays, 8:00 a.m. on Wednesdays, and ends at 12 noon. Wednesday markets run June - October and Saturday Markets run May - October. The DDA shall set dates based on a recommendation by the Farmers Market Advisory Board.

The Market takes place in parking lot "B" at the southwest corner of Cass and Grandview Parkway in downtown Traverse City, though it may be temporarily moved to accommodate other events in that space.

The online market takes place Wednesday evenings, 3:00 pm - 6:00 pm. Drop-off for this will be coordinated by The Market Manager based on the number of orders.

III. WHO CAN SELL

Only Vendors registered and approved in accordance with these Rules may sell at the Market. Applications are available by contacting the DDA office and must be submitted by March 6th, 2023. Applications will be required annually. Late applications will be accepted, but admission is not guaranteed.

All Vendors must be within the Historical 7 County Area (Grand Traverse, Antrim, Kalkaska, Wexford, Leelanau, Benzie, and Manistee Counties) with the exception of Limited Exemption Vendors

- If space is limited preference will be determined by the following five factors:

- Product Balance (or mix of product at market)
- Local sourcing
- Timing of Acceptance
- History with the Market
- Booth assignment process

The Market Manager and DDA Staff shall determine acceptance into the Market at their sole discretion. Any appeals of this decision may be brought to the Farmers Market Advisory Board. This Board will make any ultimate decision on these matters and its decision shall be final. The appeals process is defined later in the rules.

Those not accepted because of space limitations will be placed on a waiting list and will be made aware of any openings throughout the season.

IV. WHAT CAN BE SOLD

All of the products sold at the Market must be grown or produced by the Vendor offering them for sale. No reselling will be allowed. Reselling is defined as the offering or sale of any product not grown or produced by the Vendor. All products and Vendors must be compliant with any applicable USDA, MDARD and Department of Health regulations. Vendors are defined by the following 3 categories:

CATEGORY 1: RAW AGRICULTURAL PRODUCTS

Vendors must abide by all applicable federal, state and local health regulations. In addition, they must adhere to federal guidelines on all labels.

All items that the Vendor will bring to the Market must be listed on the attachment to the application. If there are any additions to this list, an amendment must be made prior to the item being brought to Market. The Vendor must provide proof of planting stock purchase or equivalent documentation to have the amendment approved. Approval is at the discretion of the DDA Staff and the Market Manager.

- I. Fruits, Vegetables, Cultivated Mushrooms, & Grain: Must be grown 100% by that Vendor.

- II. Animal Agriculture: Includes meats, eggs, honey, and milk. 100% of the animals must be owned and cared for by that Vendor.
- III. Nursery Items: Nursery items include annuals, perennials, and cut flowers. These items may not be purchased by the Vendor ready for retail. No wholesaling is allowed. All nursery items must abide by the additional guidelines listed below:
 - A. The nursery/greenhouse must have production facilities specifically for growing nursery/stock plants.
 - B. The nursery/greenhouse must produce plants from seed, cuttings, plugs, and/or bare root stock in small containers, which are then grown to the finished size for sale at market.
 - C. The nursery/greenhouse will have an annual production plan complete with order confirmations for seed, cuttings, liners/plugs, bare root, small containerized stock, and supplies such as soil, pots, fertilizers, etc., along with invoices on file.
 - D. Vendors selling winter-hardy nursery stock items, including trees, shrubs, perennials, mums, fruit trees, berry plants, rose bushes, vines, herbs and bulbs must produce both a Nursery Stock Growers License or a Small Scale Growers License as well as a Nursery Stock Dealer Market License. [These licenses can be found on MDARD's website.](#)

CATEGORY 2: VALUE ADDED AGRICULTURAL ITEMS

Priority in this category will be given to Vendors based on the following ranked criteria (NOTE: The DDA acknowledges the constraints of our local growing area when it comes to value-added products. This will be taken into account during the evaluation process.):

- I. Vendors that grow all of their ingredients
- II. Vendors that use their own grown ingredients along with locally farmed ingredients.
- III. Vendors that source all ingredients from locally farmed ingredients.

All Vendors in this category will be evaluated by the Farmers Market Advisory Board and/or DDA and SEEDS staff before acceptance to ensure the best Product Balance. Vendors must abide by all applicable federal, state and local health regulations. In addition, they must adhere to federal guidelines on all labels.

All items that the Vendor will bring to the Market must be listed on the attachment to the application. If there are any additions to this list, an amendment must be made prior to the item being brought to Market. Approval is at the discretion of the DDA Staff and the Market Manager.

Value Added Agricultural Items Include:

- I. Baked Items: (Limit of 8 Vendors) Eligible bread products must be baked from dough made by the Vendor.
- II. Soap/Health & Beauty Care Products: (Limit of 4 Vendors)
- III. Value Added Fruits & Vegetables: This includes oils, vinegars, preserves, jams, dried fruits, juices, salsas, etc.
- IV. Cheese: Priority is given to those who own their own animals, then to those who source exclusively from local farmers.
- V. Small Wine Vendors (Maximum of 3 Vendors on Wednesdays, 2 Vendors on Saturdays)
 - I. Eligible wineries must:
 - A. Complete the Michigan Liquor Control Commission (MLCC) Application for Farmers' Market Permit
 1. Tastings and sales shall be limited to an exclusive area that is well defined and clearly marked and under the control of the permit holder. This permit must be approved by the Market Manager before the vendor attends the market.
 2. Tastings to each customer shall not exceed 3 services of 2 ounces or less of wine in any period of 24 hours
 3. The Market Manager will sign the Permit upon acceptance for submission to the MLCC iv.
 4. Make fewer than 5,000 gallons of wine per year at all locations
 - B. Wineries shall provide a certificate of liquor liability insurance in the amount of \$1 million per occurrence naming the City of Traverse City and the Traverse City Downtown Development Authority as additional insured. The certificate shall evidence dates of coverage that are inclusive of the dates alcohol is being sold or served.
 - C. Wineries shall submit copies of server training certification for each server who will be present sampling wines at the market. In the event that there are any

substitutions, the Market Manager must be notified and be provided with certifications for new servers.

- D. Wineries will check photo identification of ALL customers sampling or purchasing wine and will not serve wine to anyone under the age of 21 years old, in accordance with federal law.
- E. Wine vendors are responsible for providing their own receptacles for tastes and must clean up their space after.

VI. Coffee Vendor: (Limit of 1 Vendor)

I. Eligible Coffee Vendors Guidelines:

- A. Coffee Vendors are responsible for providing their own receptacles and must maintain their space in a neat and clean condition and clean up after the close of market.
- B. Coffee Vendors are only allowed to sell coffee beans that they have roasted themselves and coffee or coffee drinks made from such beans.
- C. The DDA will not provide any supplies to the Coffee Vendor such as a tent, extension cord, or water.
- D. It is suggested that Coffee Vendors compost their grounds and use compostable containers and serve ware.

II. Evaluation of Coffee Vendors:

- A. Two Criteria for Selection
 - 1. Applicant is preferred to be a downtown business
 - 2. Applicant's breadth of offerings
- B. If more than one vendor applies, Advisory Board will make the final decision
 - 1. An agreement may be made amongst the multiple applicants to divide up the available dates provided that such agreement is in writing and is provided to the Market Manager in advance.
 - 2. A statement of intent may be required from each applicant for the Advisory Board to help with selection

VII. CBD Vendor: (Limit of 4 Vendors)

I. Eligible CBD Vendor Guidelines

- A. Applications from vendors selling cannabis products will only be considered if products are limited to hulled hemp seed, hemp seed protein powder, hemp seed oil, topical CBD, and smokable hemp flower.
 - 1. Vendors must have the proper licenses with MDARD to grow and produce their products.

2. CBD products must be clearly labeled and marketed for topical use only.
- B. Vendors selling marijuana products, CBD edibles, CBD pet treats, and viable hemp seeds, starts, and plants will not be considered
 1. The legality chart can be found here: <https://mifma.org/wp-content/uploads/2023/01/Cannabis-Product-Legality-Chart-9.27.22-HAL.pdf>
 - C. The Sara Hardy Farmers Market reserves the right to require any vendor to remove unlawful, unlicensed, or improperly labeled products from sale at the farmers market. The Sara Hardy Farmers Market has the sole discretion to approve or deny any vendor's application.
 - D. FAQ can be found here: <https://mifma.org/wp-content/uploads/2023/01/Cannabis-FAQs-for-Markets-HAL-11.10.22.pdf>
 - E. All CBD applications must be accompanied by the proper licenses to be considered for the Sara Hardy Farmers market. Licenses can be sent to art@downtowntc.com.

CATEGORY 3: WILDCRAFTED/FORAGED ITEMS

Because it is difficult to ascertain where items are foraged, it is required that the Vendor reside within the Historical 7 County Area.

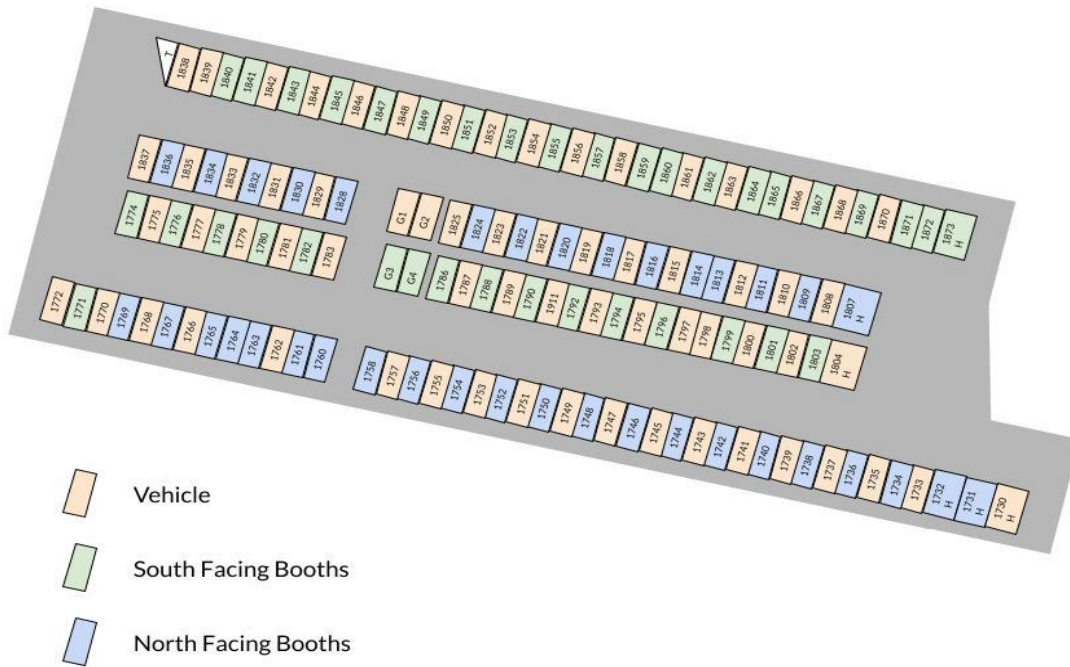
Vendors must abide by all applicable federal, state and local health regulations. In addition, they must adhere to federal guidelines on all labels.

All wildcrafted/foraged items, whether fresh or dried, must be 100% gathered by the Vendor. Examples include wild mushrooms, fish, & wild leeks.

All items that the Vendor will bring to the Market must be listed on the attachment to the application. If there are any additions to this list, an amendment must be made prior to the item being brought to Market. Approval is at the discretion of the DDA Staff and the Market Manager.

V. BOOTH ASSIGNMENTS & RATES

Sara Hardy Farmers Market SATURDAY Booth Map



Assigned spaces will be allocated based on the duration of attendance, timing of application submission, and product balance. Assigned spaces are not guaranteed based on market history. If the Vendor is unsure of their Market attendance at the time the application is submitted, they should contact the DDA office at least one week in advance to confirm attendance and duration of Market attendance. This will help ensure a space on the Vendor’s desired Market dates.

If no such contact is made, spaces are not guaranteed and will be given out on a first-come, first-serve basis. If a Vendor is aware that they will not be able to attend a Market date that they had previously reserved, they must notify the DDA Office at least 1 week prior to nonparticipation by emailing art@downtowntc.com or calling 231.922.2050. Failure to notify the DDA of an absence may result in the Vendor being billed for that date. Repeat no-call no-shows may result in removal from the current market year and may affect acceptance in future markets.

If all three steps are not completed, then a space is not guaranteed at Market. Booths that aren’t reserved will be assigned by the Market Manager on the day of the Market on a first-come, first-serve basis.

Vendors' booth setup may not impede foot traffic and the walkway. The Market Manager shall monitor setup to ensure it is appropriate and/or if it needs to be altered.

Vendors are offered the following four options for Booths:

	BOOTH SPACE(S)	SPACE(S) FOR VEHICLE(S)
BRONZE	One 16X9' Parking Space	None provided, unless the vendor chooses to fit a small vehicle and display within the lines of their assigned space (Refer to Parking Map in Section VIII)
SILVER	Two 16X9' Parking Spaces, Either Side by Side or Opposite Sides of the Median in the Center Row	One of the assigned parking spaces may be used for a vehicle, or the vendor may choose to use both spaces to display their product and park outside of Lot B and Lot T
GOLD	Three 16X9' Parking Spaces Side by Side	One or two of the assigned parking spaces may be used for a vehicle, or the vendor may choose to use all spaces to display their product and park outside of Lot B and Lot T
PLATINUM	Four 16X9' Parking Spaces Either Side by Side or Opposite Sides of the Median in the Center Row	One or two of the assigned parking spaces may be used for a vehicle, or the vendor may choose to use all spaces to display their product and park outside of Lot B and Lot T

The rates for the Market are listed in the tables below:

	DAILY RATE	
Booth Size	WEDNESDAYS	SATURDAYS
BRONZE	\$15	\$25
SILVER	\$20	\$30
GOLD	\$35	\$45
PLATINUM	\$55	\$75

	PREPAYMENT OPTION: Wednesdays & Saturdays		
Booth Size	May - June (due May 7)	July - August (due July 2)	Sept. - Oct. (due September 3)
BRONZE	\$190	\$320	\$320 (\$305)
SILVER	\$270	\$380 (350)	\$380
GOLD	\$420	\$605 (525)	\$605
PLATINUM	\$630	\$1,040	\$1,140 (\$985)

	PREPAYMENT OPTION: Wednesdays Only		
Booth Size	May - June (due June 1)	July - August (due July 6)	Sept. - Oct. (due September 7)
BRONZE	\$60	\$120	\$120 (\$105)
SILVER	\$80	\$160 (140)	\$160 (\$140)
GOLD	\$140	\$280 (245)	\$280 (\$245)

PLATINUM	\$220	\$440	\$440 (\$385)
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PREPAYMENT OPTION: SATURDAYS ONLY			
Booth Size	May - June (due May 7)	July - August (due July 2)	Sept. - Oct. (due September 3)
BRONZE	\$175	\$200	\$200
SILVER	\$210	\$240 (210)	\$240
GOLD	\$315	\$360 (315)	\$360
PLATINUM	\$525	\$600	\$600

• FOR ANY DATES IN WHICH THE MARKET IS DISPLACED (CHERRY FESTIVAL), BOOTH FEES WILL REVERT TO THE 2013 SEASON STRUCTURE OF \$20 ON WEDNESDAYS & \$25 ON SATURDAYS. THE PREPAYMENT SCHEDULES REFLECT THIS & DO NOT INCLUDE PAYMENT FOR THESE DATES.

VI. MARKET DAY ACTIVITIES

Vendors must be parked and within their booth by the time requested by the Market Manager. Vendors not parked by then forfeit their space for that market day. Marketspace opens for vendors upon the Market Manager's arrival at 6:00 am on Wednesdays and 5:30 am on Saturdays. Vendors may arrive earlier if they choose to do so, though Market staff will begin opening procedures at the above-stated times. Though vendors may set up early but must cease sales at 12:00 p.m. Vendors may not remove their vehicle from their stall until 12:15 pm and must completely vacate their space by 1:00 pm on Wednesdays and 1:30 pm on Saturdays. Violators of these time frames may be suspended or removed from the market per section VII of the market rules. The Vendor space must be left clean and free of debris. Any vehicles that do not fit in the vendors' assigned space must be parked in accordance with Section VIII of these Rules.

Payment will be picked up the day of the market by The Market Manager. If you select to prepay, your payment will be due the date indicated in the table in Section V.

All products must be priced clearly and prominently displayed. If a product is priced by weight or that price must be listed. The Market Manager reserves the right to address any concerns on visible pricing as the vendor may choose how this is done for their products. This does not constitute that the Market Manager will regulate the pricing of products.

VII. COMPLIANCE WITH THE RULES

Compliance with these Rules is essential to a successful Farmers Market. Honesty from all Vendors is expected and required. Any Vendor found in violation of these Rules by the Market Manager or by DDA Staff will be subject to further review, which may result in a citation, suspension, or expulsion from the Market.

The Farmers Market Advisory Board, or its designee, from time to time may make Vendor Visits. Based on such a Vendor Visit, the Board may request the Market Manager to issue a citation. The Vendor Visit Protocol is outlined in ATTACHMENT D.

Grievance/Complaint forms can be found at the SEEDs Office at the Farmers Market.

CITATIONS & APPEALS

If a Vendor is not satisfied with the outcome of their review or receives a citation, the Farmers Market Advisory Board will discuss details of the issued citation or review at the next monthly Farmers Market Advisory Board Meeting. During this meeting, Vendors are encouraged to participate in the Farmers Market Advisory Board reviews. The Farmers Market Advisory Board may make a decision involving disciplinary action in relation to the vendor's continued presence within the Sara Hardy Farmers Market . Vendors may reserve the ability to formally appeal that decision. Appeals must be submitted in writing within one week of the Farmers Market Advisory Board's decision to The Traverse City DDA, 303 E. State St., Ste. C, Traverse City, Michigan 49685 and indicate that they are a "letter of appeal" or similar language.

Upon receiving a letter of appeal, the Farmers Market Advisory Board will convene at the next Farmers Market Advisory Board meeting to consider the appeal. Any decisions made by the Farmers Market Advisory Board on the appeal are final. If a vendor is participating in the appeal process during a market season, their participation at market will be allowed until the board makes a final decision on the appeal.

VIII. PARKING

Accessible parking is crucial to serve customers of the Farmers Market. Parking is based upon booth selection. Booths are assigned by Parking Space number in Lot B. Parking Spaces are typically 16X9'. Booths and vehicles must remain within the lines of a vendor's assigned Parking Spaces. While a vendor may choose to use all of their space for their display and not park a vehicle in Lot B or Lot T, no more than one vehicle may be parked in a Bronze or Silver Booth, and no more than two vehicles may be parked in a Gold or Platinum Booth. Trailers are considered to be a vehicle.

Parking outside of one's assigned spaces in Lot B or Lot T is prohibited to maximize customer parking. Bronze booths and additional vehicles may park in any space in Downtown Traverse City subject to meter rates and any other restrictions posted in the lot. It is encouraged that vendors are mindful of limited customer parking and allow space for them to park. Vendor vehicles found in violation of this section will be subject to ticketing. 10 hour meters are outlined in the map below in purple. Permit lots, that are free on Saturdays, are outlined in brown. A nearby parking garage is outlined in blue. The Market's location is in yellow.



FOR AN INTERACTIVE MAP, [CLICK HERE](#).

IX. ENTERTAINMENT VENDORS

Individuals or groups that wish to be Entertainment Vendors will be permitted to participate for one hour during each Market day. A maximum of four Entertainment Vendors may participate on any given Market day. One Entertainment Vendor may perform at any time.

Entertainment Vendors will be assigned a time slot and stall on a first come, first serve basis. Times and locations are provided by the Market Manager. The Market Manager reserves the right to deny any entertainer or entertainment group based on noise and space restrictions.

Entertainment Vendors must abide by the City of Traverse City's Street Performers Ordinance, Chapter 864. They will be allowed to display signage and receive tips. The performance will affect their chances for participation next year.

X. MISCELLANEOUS

- I. Fowl Feed: No duck feed or other food for fowl is allowed.
- II. Semi Trucks: No semi trucks are allowed.
- III. Peaceful Environment: in the spirit of a community event, any Vendor making a hostile or uncivil environment for other Vendors, customers, or market staff will be addressed and in some cases removed from the market. In addition, all Vendors must abide by the City of Traverse City's Noise Ordinance, Chapter 652.
- IV. Food Establishment License: Vendors who sell processed foods must contact the Department of Agriculture regarding the need to obtain a Food Establishment License. The local MDA can be reached at (231) 922-5210.
- V. Trash receptacles are for customers, Vendors must remove all of their own trash.
- VI. Vendors are not permitted to bring pets to the Market.

The undersigned, declares and says he/she wishes to be permitted to participate in the Farmers Market as stated hereon and that the statements made above are true and correct to the best of his/her knowledge and belief, he/she will comply with all provisions of the ordinances of the City of Traverse City (hereafter "City") and policies of the Downtown Development Authority ("DDA") relative to the Farmers Market, and agrees to hold the City and DDA free and harmless from all liability which may be imposed upon them, to reimburse the City and DDA for all expenses of litigation in connection with the defense of claims as such liability and claims may arise because of negligence in its participation in the Farmers Market. The undersigned acknowledges that permission to participate in the Farmers Market may be revoked if it is determined any information regarding the applicant's participation was not accurately conveyed on this application document or if the City's or DDA's ordinances or policies are violated; and by signing, waives any claims of liability, financial or otherwise, against the City and DDA should permission be revoked. The applicant acknowledges that the City and DDA may be required from time to time to release records in their possession. The applicant hereby gives permission to the City and DDA to release any records or materials received by the city from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.2