

Why Are We Here?

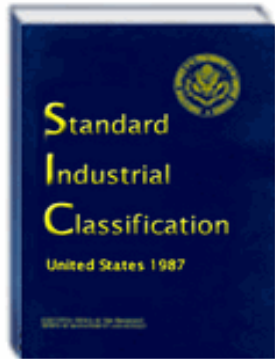
With respect, we disagree with staff as to where Ice House America belongs. Free standing retail ice sales.



With Disagreement – One Place to Go

the 1987 Standard Industrial Classification Manual (SIC):

NAICS Association



Standard Industrial Classification Manual (Softcover)

This Softcover SIC Code Manual defines industries in accordance with the composition and structure of the economy and covers the entire field of economic activities.

Request your review of the interpretation – and the way staff presented it.

First Interpretation

- ▶ 1st City interpretation prior to the August 4th referred to by staff:
- ▶ STAFF: Belongs in Manufacturing Zones
- ▶ APPLICANT: Belongs in retail/commercial zones – retail sales.

SIC Interpretation:

STAFF: Industry #2097 =
“Manufactured Ice”

APPLICANT SUBMITTED: Industry #
5999 “Misc. Retail Stores, Not
Elsewhere Classified” =
Ice Dealer’s Retail

Crabmeat, fresh: packed in nonsealed containers
Fish and seafood cakes, frozen
Fish fillets
Fish sticks
Fish: fresh and frozen, prepared

Shellfish, fresh: shucked, picked, or packed
Shrimp, fresh and frozen
Soups, fish and seafood: frozen
Stews, fish and seafood: frozen

2095 Roasted Coffee

Establishments primarily engaged in roasting coffee, and in manufacturing coffee concentrates and extracts in powdered, liquid, or frozen form, including freeze-dried. Coffee roasting by wholesale grocers is classified in Wholesale Trade, Industry 5149.

Coffee extracts
Coffee roasting, except by wholesale grocers

Coffee, ground: mixed with grain or chicory
Coffee, instant and freeze-dried

2096 Potato Chips, Corn Chips, and Similar Snacks

Establishments primarily engaged in manufacturing potato chips, corn chips, and similar snacks. Establishments primarily engaged in manufacturing pretzels and crackers are classified in Industry 2052; those manufacturing candy covered popcorn are classified in Industry 2064; those manufacturing salted, roasted, cooked or canned nuts and seeds are classified in Industry 2068; and those manufacturing packaged unpopped popcorn are classified in Industry 2099.

Cheese curls and puffs
Corn chips and related corn snacks
Popcorn, popped: except candy covered

Pork rinds
Potato chips and related corn snacks
Potato sticks

staff 2097 Manufactured Ice

Establishments primarily engaged in manufacturing ice for sale. Establishments primarily engaged in manufacturing dry ice are classified in Industry 2813.

Block ice
Ice cubes
Ice plants, operated by public utilities

Ice, manufactured or artificial: except dry ice

5999 Miscellaneous Retail Stores, Not Elsewhere Classified

Establishments primarily engaged in the retail sale of specialized lines of merchandise, not elsewhere classified, such as artists' supplies; orthopedic and artificial limbs; rubber stamps; pets; religious goods; and monuments and tombstones. This industry also includes establishments primarily engaged in selling a general line of their own or consigned merchandise at retail on an auction basis. Establishments primarily engaged in auctioning tangible personal property of others on a contract or fee basis are classified in Services, Industry 7389.

Architectural supplies—retail
Art dealers—retail
Artificial flowers—retail
Artists' supply and material stores—
retail
Auction rooms (general merchandise)—
retail
Autograph and philatelist supply
stores—retail
Awning shops—retail
Baby carriages—retail
Banner shops—retail
Binoculars—retail
Cake decorating supplies—retail
Candle shops—retail
Coin shops—retail, except mail-order
Cosmetics stores—retail
Electric razor shops—retail
Fireworks—retail
Flag shops—retail
Gem stones, rough—retail
Gravestones, finished—retail
Hearing aids—retail
Hot tubs—retail
Ice dealers—retail

Monuments, finished to custom order—
retail
Orthopedic and artificial limb stores—
retail
Pet food stores—retail
Pet shops—retail
Picture frames, ready-made—retail
Police supply stores—retail
Religious goods stores (other than
books)—retail
Rock and stone specimens—retail
Rubber stamp stores—retail
Sales barns—retail
Stamps, philatelist—retail: except mail-
order
Stones, crystalline: rough—retail
Swimming pools, home: not installed—
retail
Telephone stores—retail
Telescopes—retail
Tent shops—retail
Tombstones—retail
Trophy shops—retail
Typewriter stores—retail
Whirlpool baths—retail

Clear Intent

▶ Not examples – it is the specific users

Architectural supplies—retail

Art dealers—retail

Artificial flowers—retail

Artists' supply and material stores—
retail

Auction rooms (general merchandise)—
retail

Autograph and philatelist supply
stores—retail

Awning shops—retail

Baby carriages—retail

Banner shops—retail

Binoculars—retail

Cake decorating supplies—retail

Candle shops—retail

Coin shops—retail, except mail-order

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order

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Swimming pools, home: not installed—
retail

Telephone stores—retail

Telescopes—retail

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Typewriter stores—retail

Whirlpool baths—retail

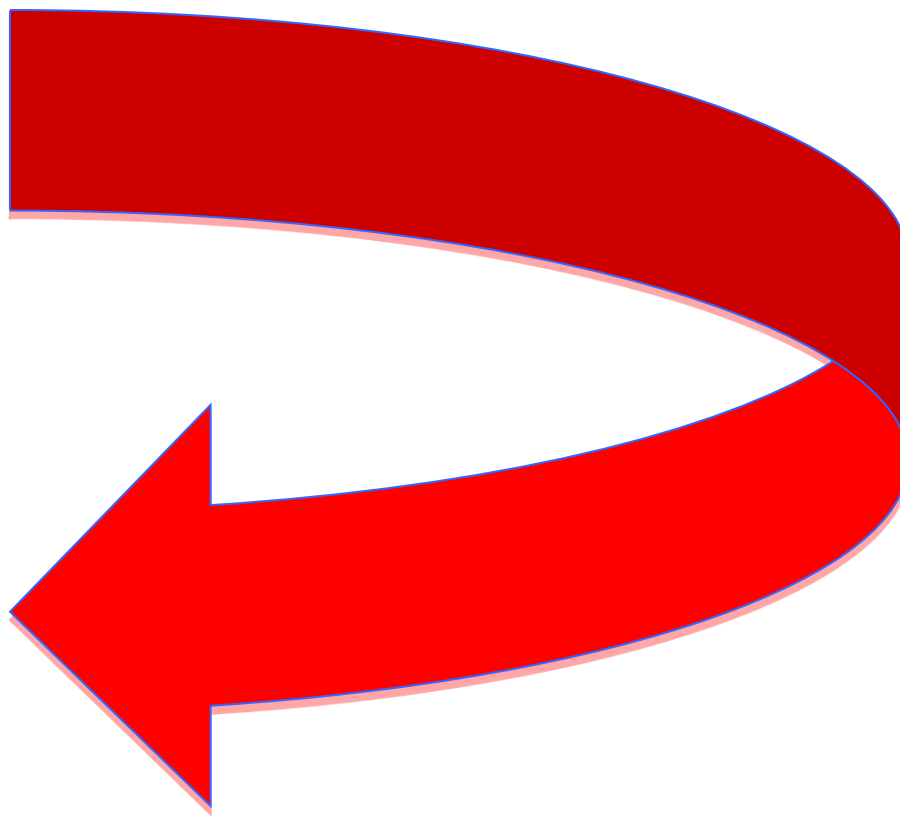
Clear Intent



- ▶ “Manufactured” refers to:
- ▶ “Block Ice”, “Ice Plants”
- ▶ – Where ice is produced
- ▶ in bulk

Misc. Retail refers to:

- ▶ “Ice Dealer – Retail”
- ▶ “Establishments primarily engaged in the retail sale of specialized lines of merchandise”
- ▶ – Where ice is made for retail purchase



▶ NEW STAFF STANCE:

- ▶ “30–357(d) Given that the use as proposed is considered a new use, one that was developed after 1987, and not envisioned by the 1987 SIC manual, the City’s land development code section 30–357(d) allows staff to make a determination of zoning compliance for new industries”.

2 Problems: Not new and not the full code presented.

Problem #1 – Not New

Ice Machine Yields Surprise
BROOKVILLE, Ind., July 5
(UPI)—A customer walked up to an ice-vending machine and dropped in his money. The door opened and out came an arm. It was attached to Alvin Corley, who had been filling the machine with ice. The door had slammed shut and no one heard him call. The customer released Mr. Corley.

The New York Times

Published: July 6, 1960

Copyright © The New York Times

“Diamonds Are Forever” released in 1971





Making Ice While the Sun Shines

Published: July 9, 1989

(Page 2 of 2)

He began by buying ice from the Saxony company, one of the oldest ice-making concerns around. "We'd cut it up for use in vending machines," he said. "In those days they were far apart, very large and expensive; each costing about \$15,000."

The new company's first significant business advance came in 1968, Mr. Hendler said, when he bought the Saxony Ice Company of Mamaroneck.

"I sold the Stamford building and we moved our family from Stamford to Harrison. We converted Saxony into a packaged-ice factory. Then we started selling packaged cubes to vending-machine operators, marinas and some mom-and-pop stores and local delis. I quickly found out that wherever we made ice available, it sold out."

The problem turned out to be storage. "Vending machines were far too expensive for us to supply," he said. "They were also coin-operated and there were problems with vandalism."

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Another Staff Problem – Missing Text

Specialized vending



This section has multiple issues. Please help [improve it](#) or discuss these issues on the [talk page](#).

- It may not present a [worldwide view](#) of the subject. Tagged since September 2009.
- It needs to be expanded. Tagged since April 2008.



Exhibit #3



This section may be [confusing or unclear](#) to readers. Please help [clarify the section](#); suggestions may be found on the [talk page](#). *(February 2010)*



A typical American snack vending machine

Most modern vending machines have been extensively tested and designed to inhibit [theft](#), with security measures resulting in designs similar in strength to safes. As a result, they can be very heavy. Every year, a small number of people are killed when machines topple over on them, either while trying to steal from them, or venting frustration



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Industry History

Ice as a consumer good has been around since Frederic Tudor, "the Ice King" first sold blocks of ice cut from Thoreau's frozen Walden Pond in the first half of 19th century. From these early beginnings, the packaged ice industry has grown to become a \$2.5 billion a year goliath. Tudor's ice-harvesting methods dominated until the 1940's when reliable electrical freezers and refrigerators provided continuous ice production and permanently replaced the seasonally-dependent ponds of yesteryear. Since this innovation of locally operated Ice Plants after World War II, little had changed. Local mom-and-pop operations may have been gobbled up by the mega-distributors like Reddy Ice or Arctic Glacier, but the basic delivery mechanism of ice plant production distributed on a refrigerated truck delivered to a refrigerated on-site cooler had remained unchanged for 60+ years. That is - until 2003.

Increasing labor, insurance and fuel costs had forced packaged ice providers to continually raise rates to stem their eroding margins. This created an opportunity. In the town of Moultrie, Georgia, a new process was conceived. Employing the great American tradition of using technology to deliver a superior product for a cheaper

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product is unmatched. Compare a bag of Polarmatic's "dry" ice to the competition's "wet" ice and see the melt time difference. With a patented, simple, component-driven process that contains very few moving parts, maintenance requirements pale in comparison to other, more complicated (and less efficient) systems. Finally, with Polarmatic offering the industry's only customizable graphics package, the Owner can wrap their machine with the design that best fits their brand and location.

▶ Problem #2 – Not the Whole Code

- ▶ 30–507(d)
- ▶ *“Determination of zoning compliance for new industries. Any use or combination of uses which cannot be classified by using a strict interpretation of the Standard Industrial Classification (SIC) Code may be so classified by the city manager or designee by using the SIC code to determine the most similar SIC classification or combination of classifications”.*

Staff Summary, “...the use is best classified as IN2097 (i.e. Manufacturing) due to the nature and size of the use”.

Problem #3 – Staff Summary Con't

- ▶ Staff says, “It is staff’s opinion that this definition (Ice Dealer – Retail) anticipates a retail store (establishment) operation and not a large vending operation.
- ▶ – Size?
- ▶ – Ice Dealer – Retail says:
 - ▶ “Establishments primarily engaged in the retail sale of specialized lines of merchandise
 - ▶ “This Industry ALSO includes establishments primarily engaged in selling a general lines of their own or consigned merchandise at retail on an auction basis.



Matchett grew up in a Boys and Gir

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Local News

December 6, 2005

Ice House America sends units to help evacuees

Lori Glenn

MOULTRIE -- The Houston Astrodome now has ice production on-site thanks to the generosity of Moultrie's Ice House America.

Ice House, which manufactures automated vending machines that produce ice on demand, sent two vending units worth nearly \$100,000 each from its sole manufacturing facility in Moultrie Sunday to aid the Federal Emergency Management Agency relief effort. They should be up and running to produce thousands of pounds a day for the thousands of evacuees sheltered there.

"This issue is so dramatic. It's so -- it needs attention from everywhere," owner Bob Alligood of Jacksonville said Tuesday. "When you sit around and watch TV and see all this going on, it just tears your heart out."

One Ice House America representative Danny Dunn, just three weeks after having a heart attack, is in Houston setting up the units, he said.

In addition to the Texas units, a couple of ice vending machines might be making their way to Mississippi. Ice House America has made an offer to Sen. Trent Lott's office with the assistance of Sen. Saxby

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Discussion

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