

CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA • OCTOBER 25, 2016

City Commission Chamber

Regular City Commission Meeting

7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

CITY COMMISSION MEMBERS

Mayor
John Penny

District 1 - Commissioner
Arthur J. Byrnes

District 4 - Commissioner
Elizabeth Albert

District 2 - Commissioner
Penny Currie

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance to the Flag

2. PUBLIC COMMENTS**3. APPROVAL OF MINUTES**

- 1. Minutes - Special Meeting, October 6, 2016, October 11, 2016 - Workshop Session - Food Trucks Regulations October 11, 2016 - Regular CC & CRA Meeting
(Requested by Valerie Manning, City Clerk)

4. CONSENT AGENDA - ITEM (1)

The action proposed is stated for each item on the Consent Agenda. Unless a City Commissioner removes an item from the Consent Agenda, no discussion on individual items will occur and a single motion will approve all items. Is there anyone in the audience who wishes to speak on any item on the Consent Agenda?

- 1. Resolution Resolution 2016-R-63 A Resolution of the City of Holly Hill, Florida, Appointing a Member to the Board of Planning and Appeals and Setting Forth the Term and Expiration Date for Said Member; and Providing an Effective Date.
(Requested by Valerie Manning, City Clerk)

5. REGULAR AGENDA - NONE**6. PUBLIC HEARINGS**

Please silence any cell phone, pager or noise making device as not to interrupt the meeting. Staff will introduce each item for consideration, with comments and recommendations. The applicant or appellant and supporters will be heard first. Those in opposition to the request will be heard next. Comments should be restricted to pertinent information regarding the agenda item under discussion. Out of courtesy to others, we ask that speakers keep their comments brief and try to limit these comments to information not previously discussed. Speakers should state their name and address clearly for the record. The City Clerk's office is required to retain any documents, photographs, drawings, etc. that are shown to the City Commissioners in support of a position. The City Commission may ask questions of speakers or of staff members. The Mayor will then ask the City Commission to make a recommendation or motion. Once a motion has been made and seconded, discussion will be closed to the floor. Following City Commission discussion, a vote will be taken. During voting, Commissioners who do not cast objecting votes are considered to have voted in support of the motion.

- 1. Ordinance Ordinance 2981 An Ordinance of the City of Holly Hill, Florida, Regulating Food Trucks; Creating a New Section 114-904 of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.
(Requested by Valerie Manning, City Clerk)

7. COMMUNICATIONS

- A. City Manager and Staff Comments
- B. City Attorney Comments
- C. Mayor's Comments
- D. City Commission Comments

8. ADJOURNMENT

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Agenda Item**

MEETING DATE: October 25, 2016
FROM: Valerie Manning
SUBJECT: Minutes - Special Meeting, October 6, 2016, October 11, 2016 -
Workshop Session - Food Trucks Regulations October 11,
2016 - Regular CC & CRA Meeting
NUMBER: (ID # 1476)
APPLICANT:
PLANNER:

DISCUSSION:

Minutes from the Special meeting on October 6th, October 11th workshop session on food truck regulations and minutes from October 11th regular City Commission & CRA meeting.

FISCAL ANALYSIS:

N/A

STAFF RECOMMENDATION:

Approve all sets of minutes.

COMMISSION GOAL:

N/A

MOTION:

Approve as submitted by staff.

- Minutes - October 6, 2016 - Special Meeting - Hurricane Matthew (PDF)
- Minutes - October 11, 2016 - Workshop Session - Food Trucks Regulations (PDF)
- Minutes - October 11, 2016 - Regular CC and CRA meeting (PDF)

MINUTES
SPECIAL MEETING
DECLARING A LOCAL STATE OF EMERGENCY
HURRICANE MATTHEW
CITY OF HOLLY HILL, FLORIDA

October 6, 2016

1. CALL TO ORDER

A. Roll Call ~ 1:00 PM Commission Chambers, 1065 Ridgewood Ave., Holly Hill

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
Elizabeth Albert	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

2. DECLARING A LOCAL STATE OF EMERGENCY ~ HURRICANE MATTHEW

Joseph A. Forte, City Manager read by title only:

RESOLUTION 2016-R-62

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF HOLLY HILL, FLORIDA, DECLARING A
LOCAL STATE OF EMERGENCY; AND PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

Mayor Penny opened public participation. No one spoke.

*Commissioner Albert moved **APPROVAL** for **Resolution 2016-R-62**, seconded by Commissioner Currie.*

The motion **CARRIED** 4-0 unanimously: Albert – Yes, Currie – Yes, Byrnes – Yes, and Mayor – Yes

3. ADJOURNMENT

The special meeting adjourned at approximately 1:10 pm.



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • OCTOBER 11, 2016

City Commission Chamber

Work Session

6:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

1. Roll Call

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
Elizabeth Albert	District 4 - Commissioner	Present	
John Penny	Mayor	Present	

2. FOOD TRUCK ORDINANCE

1.

Food Truck Regulations

(Requested by Valerie Manning, City Clerk)

Mr. Forte stated they are going to go back to their conversation from a couple of weeks ago in regards to the food truck operations. Staff had previously presented an ordinance to the Commission at a meeting and there were and there were some comments from members of the public, specifically from two businesses that raised questions and as a result of that the Commission took no action. While the Mayor was away at the previous meeting, some people had come forward and asked that this be revisited. A petition was circulated, although not verified and sent to the City. The Commission recommended that they bring this back at a work session to see if there are issues that can be discussed that will make this favorable to the Commission to adopt it. Mr. Forte stated they are here this evening to talk about it. There have been no changes made to this ordinance from its original presentation. Depending on what happens tonight with this, it is also on their regular Commission agenda tonight for action. If it is not approved, there are fees that are associated with the fee Resolution for this that they would have to take out if it's not approved. Staff is here to answer questions of the Commission if needed.

Commissioner Byrnes stated the only concern he had was the number of days that a food truck should be allowed to set up in a parking lot 365 days a year.

Mayor Penny stated it says 25 in the Ordinance.

Commissioner Byrnes stated with 25 and with the special events, it comes close to 45 days to almost once a week.

Mayor Penny stated he thinks Commissioner Byrnes needs to consider these as two

separate situations. One's a special event and one's a food truck permit. As it's written, it's 25 days.

Mr. Forte stated in this section of the Ordinance it talks about 25 days per year. What the Mayor is referring to with the special events, the number of days they are included in special events throughout the year. Those people may or may not have food trucks as part of their special event. This is designed for people who either want to have something on their property one day a week, a weekend during the year as a grand opening for a celebration during a one-year anniversary celebration, things of that nature.

Commissioner Byrnes stated he thinks the one day a week covers it for him. In fact, now he's looking at that and he's thinking he knows that there were some businesses that were talking about having something like "food truck Friday" for their employees and so, maybe 25 days right there might not be enough.

Commissioner Currie stated well then they can go back to the other...

Mr. Forte stated that's for city recognized special events only.

Commissioner Currie stated, okay.

Mayor Penny and Commissioner Byrnes agreed that they are fine with once a week.

Mr. Forte stated this will then bring this to 52 days a year rather than 25 days a year.

Mayor Penny stated the key to successful food trucks is consistency. He knows that Cunningham Oil would like to do it Thursdays and Fridays for their employees.

Commissioner Byrnes stated his other concern is the business across the street from City Hall. They share a parking lot with another business. He knows it's the landlord's responsibility to decide whether or not to allow food trucks to go on the property of not but he thinks that a restriction of the food trucks can't...and he's not sure how to word it because there may be a time that the restaurant wants to have a special event and have the food truck there too because the food truck may serve different foods than the restaurant does. He doesn't think another tenant in the same mall or building should be able to bring a food truck in to compete with restaurants that are there.

Mayor Penny stated he doesn't know how they are going to control that.

Tom Harowski, City Planner, stated he wanted to comment on what he thinks the Planning Board's understanding was as they went through this discussion with them. That a site was a business site regardless of the number of tenants that were in there.

Mayor Penny stated at his office complex, there are twelve businesses in there, they couldn't have one every day.

Mr. Harowski stated, right. It would be the business site. It may be that they add some clarifying language in there that says "site means", the business parcel regardless of whether there is a single tenant or there are multiple tenants there. That might be the simple way to clarify that. He thinks that was more of the tenor of the discussion that the Board had at their meeting.

Commissioner Byrnes stated the concern was that another tenant in the mall might bring a food truck in just to cut into the other business' profit.

Mayor Penny stated based on a study that he had done, does food trucks hurt or help brick and mortar businesses and the only way they could do it factually was track the sales tax that the brick and mortar businesses were paying and they tracked it for a year and there was a 12% increase in the business taxes that they paid so the implication was that the food trucks actually helped the brick and mortar businesses by at least 12%.

Mr. Harowski stated the landlord has to be the one that has to sign the application that

they are allowing the activity to occur on their site. If they have a tenant on the site that objects to that activity being there, whether it's a restaurant or somebody else, it's up to the owner to balance that and decide. The property owner has to approve it.

Commissioner Byrnes stated if they change the number of days to 52, he is okay with it.

Commissioner Currie stated she is pretty good with it. She would like to see a one-year trial so that the city can see some statistics from the brick and mortar establishments to see what the increase or decrease may be. Commissioner Currie stated she is good with once a week. She feels like, in researching on the internet, and other States that she's been in, not just Florida, that the food truck phenomenon right now is a huge hit and it brings in other consumers not just what may be a Cunningham Oil for a particular lunch, other people may come if they know the event is going on or if they drive by and they see it. Food trucks are doing productive things in other communities but she would like to define what a site is.

Commissioner Albert stated she doesn't have to reiterate what has already been said. Her concern the last time this came around was that they did have some business owners that were in the audience who had expressed concerns. She knows in the interim, Mr. Forte has met with them and she doesn't know the outcome of that meeting but she doesn't see them here tonight so that makes her think that perhaps things have been worked out.

Mr. Forte stated they may be here for the regular meeting, he doesn't know. He did meet with the representative of Sorrento's and they informed him that their questions the evening this first came up were simply clarification questions not objection questions. He also learned that although they used Florida Health Care as an example, he's been told that Florida Health Care would not allow a food truck on their business property because it does not meet their nutrition needs. He did have a follow up discussion with the owner of The Sandwich Shoppe across the street and his general concern was mentioned earlier and that was the business above him would have a food truck come in to the parking lot where his business is and that is something, as Mr. Harowski has mentioned, the landlord can regulate that. The city can't get into regulating that. The also mentioned a concern about maybe creating a distance between where the food trucks would be and where the brick and mortar business is located. Mr. Forte stated he went through the Mason Avenue to the 700 block of Holly Hill and of the seventeen blocks the city has, there is a restaurant in every block except for five. That would be nearly impossible to set that standard. Only the 400 and 500 block doesn't have one and he doesn't remember the others but there is a total of five blocks that don't have a restaurant in there. They couldn't even say they had to be a block away, for example. It would be very difficult to do that.

Commissioner Albert stated thank you for sharing that because she didn't have that information. As far as the petition goes, she doesn't value that petition as much as some other people do. She feels that there were some signatures that were suspicious, perhaps. Putting that aside, since there has been some education within this ordinance, she would be interested in seeing what took place in a years' time.

Mayor Penny stated basically, what he is hearing is that they can amend this ordinance.

Mr. Forte stated what he would suggest is that at the regular meeting, if it's the direction of this Commission to adopt this with the change by changing it from a one day a week no more than 52 times a year should do that in a motion and then they an amend it on the

second reading.

Mayor Penny stated with the 12 month look back.

Mr. Forte asked do they want to sunset it in a year? There are differences there. If they sunset it, it goes away in a year, if they want to evaluate it in a year with the intent to continue it.

Mayor Penny stated he thinks they should evaluate it.

Mr. Forte stated his concern is that it will be forgotten.

Commissioner Currie stated she would like to have it evaluated in a year so it comes back to the Commission.

There was consensus to strike the 25 days per year from the ordinance. It will just be the one day per week.

Mayor Penny opened public participation.

The following individuals spoke to the Mayor and Commissioners:

Jeff Martin, 934 Jasmine Avenue, Holly Hill, stated it's obvious they want to protect their brick and mortar businesses, that's first and foremost, but something he noticed on his pedaling around the city, over 60% of brick and mortar businesses in the city's limits, close at 1:00 pm or 2:00 pm. That leaves all of that prime evening time which would probably be good for the food trucks but he thinks that needs to be brought into consideration. If the brick and mortar businesses have an objection to that, maybe they can try and stipulate some way that they operate in different hours. He doesn't know that the city can force them to do that.

Mayor Penny stated what he has found out is that a lot of the brick and mortar businesses embrace them as a second or third location.

Lee Buckner, 1110 Parkside Drive, Ormond Beach, food truck owner, stated they opened a year ago this week when they bought their food truck. Holly Hill has an opportunity right now to be the first one in Volusia County to do this. Everybody else turns a blind eye but to be able to come and allow food trucks to come in and be a trends setter of this. He thinks this will draw business to the city and allow people that are coming to food truck events to see what else Holly Hill has to offer. As the gentleman in the back said, there's not a lot of restaurants that are opened for dinner. He's around Holly Hill in the evenings and has a lot of family members that live in Holly Hill and a lot of times they're leaving to come where his truck is in Ormond Beach, Daytona Beach, or Port Orange to eat with us. What he had hoped, was that in the midst of this, and he doesn't know how the legal part of this works, but they would simply be able to, as food truck owners, like they do in New York and Chicago, they go in and purchase a permit for the year and that permit falls under the lines of this, it's in addition to their tax receipt, it's in addition to their occupational license but what it is, is they go in and buy it and it allows them to set up in parks and it basically, allows them the right to go and set up within the city on private property if invited not set up on streets where they block traffic, things of that nature. There are restrictions that are put in.

Mayor Penny stated he thinks that's in the fees schedule for \$150 a year.

Mr. Forte stated in the fee schedule it's \$125 a year for a vendor and \$5.00 per day for the site.

Commissioner Byrnes asked let's say, if he had a business and he wanted to do something nice for the employees, could he get his truck that's at a rate, let's say feed all those people and you charge me this much or do you still do it per head?

Mr. Buckner stated our prices are very competitive and the way that we do it now, he'll be at Silver Spirit in Daytona tomorrow doing an employee luncheon, the owner is just going to run a tab and come out and swipe a credit card at the end of the event which is what a lot of their lunches are. Cunningham Oil does that.

Commissioner Byrnes stated that's what he was wondering. How that worked.

Mr. Buckner stated they just use their regular menu price when they do that.

Mayor Penny closed public participation.



3. ADJOURNMENT

The workshop adjourned at approximately 6:55 PM.



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • OCTOBER 11, 2016

City Commission Chamber

Regular City Commission Meeting

7:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

- A. Roll Call
- B. Invocation

Commissioner Albert led the invocation.

- C. Pledge of Allegiance to the Flag
Mayor Penny led the Pledge of Allegiance to the Flag.

2. RECESS THE CC MTG & CONVENE AS THE CRA

1. Resolution

Resolution 2016-R-58 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute Change Order 1 to the US1 Utility Undergrounding Secondaries Conversions (5Th Street to LPGA Blvd.) Contract with Latour Enterprises (Dba Economy Electric) for an Additional Cost of \$108,945.52 and of 81 Contract Days; and Providing an Effective Date.

(Requested by Mark Juliano, Public Works)

Mr. Forte stated this is a Changer Order to the undergrounding project. There were some properties that were a little more difficult to get access to and they had to re-engineer the running of the lines and in addition to that they also had to terminate the project further north of LPGA Blvd. and it's going to come close to Walker Street so as a result of those two changes it's increasing the budget in the amount of \$108,945.52. The money is in the budget for this. Basically, what they are doing, with the exception of the one project change, they are just moving the project along another two blocks as part of the first phase.

Mayor Penny opened public participation.

The following individual spoke to the Mayor and City Commissioners:

Mary (?), Marina Grande, 241 Riverside Drive, Holly Hill, asked will this affect our taxes?

Mayor Penny stated, no ma'am.

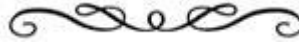
Mayor Penny closed public participation.

Attachment: Minutes - October 11, 2016 - Regular CC and CRA meeting (1476 : Minutes)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Elizabeth Albert, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

RESOLUTION

Enacted and approved this 11th day of October, 2016, in Holly Hill



2.

Rejection of Landscape Maintenance Bid 140, 224 and 231 Riverside Drive - CRA
Agenda Item

(Requested by Mark Juliano, Public Works)

Mr. Forte stated they are requesting that the City Commission throw out and reject the landscape bid that came in. This is for the property located at 140, 224, and 231 Riverside Drive. The reason staff is requesting that the Commission throw out the bid is because they only had one bid received for this landscape project. He believes it was primarily because they combined both the landscape project as well as the irrigation maintenance into one contract and there is not a lot of vendors that have both certifications. The motion the Commission has in their packet is to reject this bid and request the staff to go out to rebid this by separating the irrigation from the landscape. The bid that they did receive is remaining confidential. Under the State Law they can keep his bid confidential so that it doesn't jeopardize what he had submitted and staff can only do that as long as the Commission authorizes staff to immediately go out to rebid the project.

Mayor Penny opened public participation. No one spoke.

Motion was made to reject the bid and allow staff to rebid separating the two projects.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 11th day of October, 2016, in Holly Hill



3. **ADJOURN AS THE CRA & RECONVENE THE CC MTG**

4. **PUBLIC COMMENTS**

The following individuals spoke to the Mayor and City Commissioners:

Jeff Martin, 934 Jasmine Avenue, Holly Hill, stated gave an update on the Bicycle Pedestrian Advisory Board. Going around the city after Hurricane Matthew there is very little, if any,

damage to the bicycle pedestrian access ways, everything appears to be in pretty good shape. Two exceptions were one on 6th Street that extends all the way to Center Street to Nova Road that in the future it can be figured into the budget because it's the entire section of the sidewalk that has to be replaced. This has been this way before the hurricane. The same situation occurs on Flomich Avenue from the railroad tracks all the way to Center Avenue.

Jim Cameron, Daytona Regional Chamber, Senior Vice-President of Government Relations, stated he wanted to put in a good word for Mr. Swartzlander. At the Emergency Operations Center (EOC) this past weekend he was out there quite a bit and did a really good job answering the phones and working the desk. Appreciates the City getting everything back up and running from Hurricane Matthew.

Mayor Penny closed public comments.

Mr. Forte gave a brief summary of the State of the City after Hurricane Matthew. Mr. Forte stated staff has been doing a great job trying to get through this storm. The phone call he received during the workshop session was from FPL and the message was that they are not going to get the city completely up by tomorrow night as they had expected. They thought they were going to get us up last night then tonight and they don't believe they will get us up by tomorrow night. There will still be properties without power through tomorrow evening. The reason for that is they are modeling, Volusia County has never seen hurricane force winds before. All the hurricanes that they've had have always been at the tropical storm force winds level. Their modeling did not pick up the volume of debris that's out there that has caused the power to go down. They are expecting this is probably going to be until Thursday before they can say the city is completely up and powered. The City's biggest concern, locally, is the water treatment plant is still on generator power. That's supposed to be a high priority. The city still isn't up and running there yet. There is plenty of fuel and the trucks are running. They are going through about a thousand gallons of fuel a day; it's about \$2500.00 a day in fuel just to keep that generator and plant operating. In addition to that, the city is going to start its first pass for debris collection tomorrow. The city has a contractor and they are going to start tomorrow after they get the truck certified. There is going to be five trucks total. One in each of the four quadrants. It's going to be a tandem truck that is going to be able to load up the debris and start getting it off the streets. They will bring it over to 1200 Center property which is going to be the staging area and it will be spotted by the monitors so that the city will get FEMA reimbursement properly and then it will probably be grinded in giant tub grinders and then will be brought to another facility that is yet to be determined. That's going to start tomorrow. The city did have trouble over the last couple of days with getting some of the roads cleared because the crews will not go and pull a tree out of the road during the first pull while there was live wires down in the trees unless FPL comes out and verifies the wire is dead. The trees are filled with moisture and it's very easy to conduct electricity through a tree, especially, when you have a chainsaw in your hand. The city is working with a representative from FPL who was able to get those trees cleared and he thinks, for the most part, there might be three locations that still have wires in them that haven't been pushed out of the way yet. They will continue to work on that tomorrow but they will start to see progress. What they don't want to do is do it too fast too soon because as people see the trucks out there, they're going to start to bring the material out to the right-of-way. It will be geared up. The city will have these five trucks within the city, one in each

quadrant and another tandem truck going to the more heavily impacted areas and then the city will ramp that up a little bit to give everybody an opportunity to get their debris to the roads edge. That will be the first pass and that will take several days. It may take over a week to do the first pass. After that, the city will give it a little more time for people to have a chance to bring more stuff to the roads edge and that will be a second pass. The city is on target for that. He can tell the Commissioners that the staff is both physically and emotionally tired. It's been tough on them. A lot of them have spent hours, days, and overnight here. Standing by, responding to calls, responding to emergencies, responding to the routine things and most importantly the citizens that have complaints about when the trees are blocking. There has been water issues. The city was under four local boil water notices. Two of those have been cleared, one should be cleared tomorrow and the other one is pending. The city is on target for the sized storm that they received and the impact this area received as a result of that. The city is doing pretty good. It hasn't been perfect. There's going to be changes that they will make to their plan as a result of this because there are a lot of variables. Each time a storm comes through the variables change and within that you try to modify your plan. What he means by that is the size of the storm, how long it takes to come through. It was a small storm that came through in less than two hours. It was different but it was powerful. This storm took eighteen hours. It was larger, it had stronger winds that lasted for a longer period of time. It occurred on Friday rather than during the night. All these different variables have a different play in how the city responds to it. There is no single cookie cutter response to these types of events. The city is on target. The public should know that if they don't have power tonight, they may not get it back until sometime on Thursday. He can tell them that FPL is in the area. There is a number of trucks that are in the city not just FPL but PIKE and a few other electric companies are here doing the best they can to get the power up but this was an event with debris and damage that they never had and they've never had to model to this point.

Commissioner Currie asked if there was any severe structural damage that had occurred in the city?

Mr. Forte stated Mr. Hites and the Code Enforcement Officers were out doing the damage assessments and there are some structures that are damaged. He doesn't know if there are any that are inhabitable.

Larry Hites, Chief Building Official, stated residential, there may be two that are damaged. (inaudible).

Mr. Forte stated there were no loss of lives in the City of Holly Hill. City structures suffered. There is a lot of city roofs that took some damage and what the Commission needs to understand with the roofs is the city has \$15,000 deductible so in those cases each one of our buildings are assessed individually not as a group so if a roof doesn't exceed the \$15,000 it has to come out of the city's CAFR's. Fortunately, the city is prepared for that. The city has money in its reserves just for this purpose. At the Commission's direction, the city was able to set those standards. He thinks, for the most part, the city is comfortable with where they are but just know that every building that was damaged, if it didn't exceed \$15,000 it won't be covered by the insurance and it won't be reimbursed by FEMA. For the public's purpose, the individual assistance has not been declared at this time. Public assistance is the only thing that's been declared and they are waiting for the President to hopefully declare individual

assistance from the storm. The website is being updated as much as they can. Once we have found out about the individual assistance that will be placed on the website for the public.

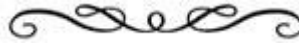
5. APPROVAL OF MINUTES

1.

Minutes - September 27, 2016 - Regular City Commission and Workshop Minutes
(Requested by Valerie Manning, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 11th day of October, 2016, in Holly Hill



6. CONSENT AGENDA - ITEMS (1 - 4)

Mayor Penny asked if any member of the Commission would like to pull any item on the Consent Agenda for further discussion. There was no one. The Mayor asked if any member of the public would like to speak on any item on the Consent Agenda. There was no one.

1. Resolution

Resolution 2016-R-59 A Resolution of the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Execute Change Order 1 to the US1 Utility Undergrounding Secondaries Conversions (5Th Street to LPGA Blvd.) Contract with Latour Enterprises (Dba Economy Electric) for an Additional Cost of \$108,945.52 and of 81 Contract Days; and Providing for an Effective Date.

(Requested by Mark Juliano, Public Works)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

RESOLUTION

Enacted and approved this 11th day of October, 2016, in Holly Hill



2. Resolution

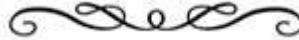
Resolution 2016-R-61 A Resolution from the City Commission of the City of Holly Hill, Florida, Authorizing the City Manager to Enter into an Agreement with Quentin L. Hampton Associates, Inc., to Provide Professional Service for the Project Lift Station #7 Rehabilitation; and Providing for Severability; and Providing for an Effective Date.

(Requested by Mark Juliano, Public Works)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

RESOLUTION

Enacted and approved this 11th day of October, 2016, in Holly Hill



3.

Accela & Minutes Legislative Management Renewal Agreement and Quote

(Requested by Valerie Manning, City Clerk)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 11th day of October, 2016, in Holly Hill



4.

Use of Hollyland Park Baseball Fields by Agreement

(Requested by Joseph Forte, City Manager)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 11th day of October, 2016, in Holly Hill



7. REGULAR AGENDA

1. Resolution

Resolution 2016-R-60 A Resolution of the City of Holly Hill, Florida, Establishing Certain Fees and Increasing Certain Existing Fees for Various Services , Permits, and Certificates Provided by the City, and Adopting a Comprehensive Citywide Fee Schedule for the Fiscal Year 2016-2017.

(Requested by Kurt Swartzlander, Finance)

Mr. Forte stated the modifications that the Commission requested at the last meeting have been made and those changes are in their packets in the attachment.

Mayor Penny opened public participation. No one spoke.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

RESOLUTION

Enacted and approved this 11th day of October, 2016, in Holly Hill



2.

Rejection of Landscape Maintenance Bid for 140, 224 and 231 Riverside Drive

(Requested by Mark Juliano, Public Works)

Mayor Penny opened public participation. No one spoke.

Motion was made to reject the bid and allow staff to rebid separating the two projects.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 11th day of October, 2016, in Holly Hill



3.

Sixth Amendment to Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD) Agreement Amending Exhibit "E" Sign Plan for Marina Grande

(Requested by Thomas Harowski, Board of Planning and Appeals)

Mr. Harowski spoke to the Mayor and Commissioners and discussed the staff report that was in their packets. Mr. Harowski stated the application before the Commission is an amendment to the MPUD Agreement which governs the development agreement on the

Marina Grande property. In 2005 the City Commission approved Ordinance 2714 which approved a mixed use planned unit development agreement for the property which has become known as Marina Grande. The agreement includes approval for four residential towers, club house and pool amenities, boat docks, parking garage and retail-office space. Two of the residential towers have been constructed along with the parking garage, retail space, boat docks and some of the amenities. Over the years the initial MPUD agreement has been amended several times to address modifications to the plan and to address some procedural issues. The current agreement includes a plan for signage including project identification signs and signage for the retail spaces. The agreement does not address real estate signage to be used for the sale and rental of residential and commercial units. Under the terms of the MPUD agreement, the regulations for real estate signage defer to the standard city code. Over time, the applicants have found the standard city codes for real estate signage to be too limiting in their efforts to complete sales of the residential units and lease the commercial space. As a large project with multiple sales objectives and a project that is unique in the city, the applicant is seeking approval to include in the adopted MPUD agreement a plan for real estate signage that would replace the standard real estate signage as regulated by the City code. The applicants are proposing a signage plan that includes the following elements (refer to photographs in packets offered as the amendment to Exhibit E for signage details and locations):

1. Three two-panel signs located along the Riverside Drive frontage north of the park entrance, at the main project entrance, and across from Third Street.
2. Two signs located on the seawall face on either side of the dock.
3. Three flutter flag signs located on the dock.
4. One banner sign located on the south tower, south side approximately 100 feet long
5. Removal of two non-conforming signs at the Third Street entrance.

The requested sign sizes are as follows:

South Panel Sign	4' 8" x 15'
Central Panel Sign	4' x 5'
North Panel Sign	3' x 18'
Seawall Signs	3' x 48'
Flutter Flags	33" x 152"
Banner Sign	3' 6" x 60' - this is the actual size, not 100 as previously submitted.

During discussion at the BOPA meeting, the applicants confirmed that the signage program would be limited to a three-year term, and that the banner sign and central and north panel signs would advertise units for sale only. The south panel sign could advertise the commercial space for sale or lease. The time limits that the real estate signage may be displayed should be noted in Section E 9 of the development agreement or added to Exhibit E. The real estate signs located along Riverside Drive are of reasonable size and the number is appropriate given the project frontage. The signs on the seawall and the dock are attempting to take advantage of an advertising opportunity that is available for very few properties in the city and not clearly addressed in the city codes. The banner sign requested is similar to the banner sign that had been displayed on the south tower in prior years. Removal of the signs that remain from prior uses will

complete a process that should have been done with the original demolition.

When considering provisions under a planned unit development format, the process allows for establishment of regulatory provisions that are appropriate to the project which may not be appropriate throughout the community as a whole. In terms of regulatory intent, the city has significant leeway with some aspects of signage such as the size, location and number of signs permitted. Given the overall size of the structures and the Marina Grande project as a whole, the number and size of the signs requested are generally appropriate to the size of the project. The signage requested on the riverfront face of the project is more extensive than the signage requested for the street side signage, but the visual impacts of the requested signs to the community as a whole is relatively minor as only people boating will be exposed to the signs. The comprehensive plan Future Land Use Element includes one policy which addresses signage. The policy reads as follows:

Policy 1.2.8 - Such regulations shall ensure that new and replacement signs shall adhere to the community standard for aesthetics and minimize confusion that results from visual disarray, while allowing reasonable identification and promotion of businesses.

This policy references the city's land development regulations, but does not include specific measurable standards that can be applied to the proposed banner sign or to any of the proposed signage. The Board of Planning and Appeals and the City Commission is left to its judgement as to whether the proposed signage program adheres to community standards for aesthetics; minimizes confusion from visual disarray; and allows reasonable identification and promotion of business. During the BOPA public hearing a number of residents spoke about the signage proposal and a number of other issues but the main points are summarized as follows:

1. The owners in the building spoke of the volume of rentals occurring in the building. This issue is not specifically related to the request and not prohibited by city regulations, but it did lead to the voluntary commitment from the applicant on limiting the wording on some of the signage.
2. The speakers were in support of increased sales and owner occupancy. Some opposed the signage program in its entirety, but most objected to the banner sign as "tacky" while generally accepting of the other signage.

At this time there were photographs being discussed amongst the Mayor, Commissioners, and staff. The photographs are within the packet which refer to the various types of flags that are being proposed by the applicant.

Robert Merrell, 149 S. Ridgewood Avenue, Daytona Beach, Cobb Cole, attorney representing Marina Grande, stated he's been involved with the project since the applicant came to him and looked at the old Publix site to decide what should be built there. He was involved in the PUD and there were lively meetings then too about whether this should be built, they talked about whether or not this was the right place for this sort of thing and whether it was going to be good or bad for the city. It's a lot easier for him to say "here it is" so this is not him talking about something that might happen, it's already half way happened and it's been fantastic for the City of Holly Hill and will continue to be. This request tonight is very simple. He heard a lot of complications but in his simple look at these folks trying to sell the condos and the city knows that, this is a way to advertise that. They got through the lease versus sale thing at the Planning Board meeting and they did, he'll say for the record, agree to what was said earlier, that this is for sale and the only thing that is arguably leasable from the standpoint of advertising is on the commercial side which they would love to see those wall papers on the windows and

have some people there. A hairdresser or a bagel shop or something. At the end of the day, that's what they said they would do. He goes back to the talk about what does the code say or what can be done elsewhere, there's nothing like this in the City of Holly Hill even remotely. He is very proud to be a part of it. He would say to the Commission that the rules they are talking about here are in the PUD. He's been handling zoning cases for almost 30 years, it's all he does and he's done many, many planned developments. As Attorney Simpson has mentioned, and some people may look at this as a bad thing, I don't see it that way. Mr. Merrell stated this is a custom zoning for this piece of property. That's what PD's are. They have a zoning map and a zoning book that deal with straight categories of zoning throughout the city. In this case, this is a very unusual situation, this project is one of a kind in Holly Hill, he would like to see more. It was done with a custom fit zoning. A map, essentially a plan that showed what was going to be here and a set of regulations that were in a planned agreement that the Mayor signed and the owner signed and that's what we're changing tonight. Mr. Merrell stated he wrote that original document, he has amended it, he has been a part of amending it several times when they asked the Commission about those things that were amended. He doesn't have those with him but he can hopefully help if the Commission had any more questions about it but this is one of those amendments. He had a signage package available but it was one of the signs you see permanently there now or in the package, they just didn't get to the temporary signage. It was something they missed in the zoning process but certainly this is something that is at the city's discretion, as Mr. Harowski was saying, he thinks Mr. Harowski gave the Commission a very good thorough presentation on this. Mr. Merrell stated he didn't want to spend a lot of time going over what has already been said but he would tell the Commission, probably the most important thing that Mr. Harowski said in his report was the reference to the Comprehensive Plan Policy that talked about what should guide the Commission in this decision. It comes down to the things, that he thinks, is obvious to the Commission and it sounds like the Commission has been involved with sign regulations in the city and several other context that he wasn't here for but he has also been involved with a lot of sign discussions and sign regulations in lots of different cities and essentially, it comes down to some basic things. Size, location, proportion and scale. (referring to some photographs on the overhead pertaining to proposed signs at Marina Grande) The question is, how does that banner on the side or those seawall signs compare in terms of signage and in terms of proportion and scale and then the big one is esthetics. What does it look like to them? This is a pretty subjective standard that they are looking at when they are talking about signs. Especially, custom fit signs that are in a planned development. It's to the city's discretion. He thinks the Commission has to look at it and decide. He heard some negative comments about the way it looked. That's something that the Commission gets to decide. To him, proportionally, when he was at the Planning Board meeting, they talked about some of that and they talked about a lot of other things and he won't talk about unless the Commission wants to but proportion and scale and esthetics, when they compare these buildings to what's being advertised for sale in those buildings and they looked at a single-family home, as Commissioner Albert talked about that analogy a few different times here tonight already, the size of a for sale sign of a single-family home versus the size of the home, the scale and the proportion is smaller here than the single-family lot in every respect. (referring to the banner sign on the building) This is modest and he thinks it's tasteful and it's trying to sell condos on a project that he thinks the Commission would like having filled. He doesn't know that he needs to say that, he thinks they know that and he hopes they support that. All they are

talking about here is how do these signs look to the Commission? Are you okay with them? The pictures say it all. (referring to the photographs in their packets) In terms of the leasing of these properties, he thinks they did what they could do as it relates to the context of the discussion tonight which is signage for sale of these units to limit those that way and voluntarily limit it. So this is not a content based question, that's one for the City Attorney to address, when I stand up here and say, what we want to do and what we're agreeing to limit to do is the sale of those units, other than the commercial piece out on the west side.

Mayor Penny opened public participation.

There were several residents of Marina Grande, 241 Riverside Drive, Holly Hill, and two residents of Holly Hill not living in Marina Grande, who came forward to speak to the Commission that were in opposition to the signage being proposed to the Mayor and Commissioners. They shared their concerns and frustrations about the leasing of the units at Mariana Grande and the push for leasing more than selling of the units.

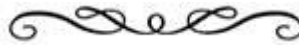
Mayor Penny closed public participation.

There was *consensus* from the Mayor and Commissioners to table this agenda item and workshop it in January 2017 due to the fact that there will be only one meeting in November and December. Also, the new Commission will be seated in November and Mr. Forte and Mr. Swartzlander, along with the City Attorney need time to meet with Mr. Merrell and Bret Dill from Marina Grande to sit down and discuss what has taken place tonight. Eva Garcia, owner of the development of Marina Grande and a resident was present and is okay with the workshop as well.

*Commissioner Byrnes made a motion to **CONTINUE this discussion until after a workshop has been conducted to clarify this content**, seconded by Commissioner Currie. **PASSED, 3-1 (Commissioner Albert opposing).***

RESULT: TABLED

Next: 1/10/2017 7:00 PM



4. Ordinance

Ordinance 2981 An Ordinance of the City of Holly Hill, Florida, Regulating Food Trucks; Creating a New Section 114-904 of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.

(Requested by Valerie Manning, City Clerk)

Mayor Penny opened public participation. No one spoke.

Mayor Penny informed the Commission that he received a note from Mr. Harowski, the City Planner, that a lady named Jada Hill who lives on Daytona Avenue contacted him and wanted the Commission to know that she supports the food trucks.

*Commissioner Currie made a motion to **APPROVE the first reading of Ordinance 2981 and strike the 25 days per year**, seconded by Commissioner Byrnes. **PASSED, 4-0.***

RESULT:	APPROVED AT 1ST READING [UNANIMOUS] Next: 10/25/2016 7:00 PM
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny



8. PUBLIC HEARINGS - NONE

9. COMMUNICATIONS

a. City Manager and Staff Comments

A. City Manager and Staff Comments

1.

Harris Maintenance Agreements - Fire Department, Police Department and Public Works

(Requested by Valerie Manning, City Clerk)

Mr. Forte stated these agreements are for the Police, Fire and Public Works departments for the Harris Radios Maintenance Agreements. This is the same agreement for a number of years.

Mr. Forte stated the Commission cancelled the second meeting in November the week of Thanksgiving, he needs the Commission to schedule a Special Meeting on Tuesday, November 15th because they advertised the sale of 5.45 acres at 1200 Center Street for an affordable housing project. The reason they had to do it that way is because the contract they had with Jayson Meyer was with him buying all 25 acres but now his section is going to be broken apart, the city has to advertise it separately because he's not buying it and that's under the CRA rules, not one of the typical real estate rules. The CRA requires the city to advertise that for 30 days and it was advertised on Saturday, October 8, 2016 which will bring them to November 7th and he can't bring it to the Commission the next day because staff has to evaluate any proposals that come in. The Florida Housing Corp application date is due on November 17th so he can't have a meeting on the regular 4th Tuesday of the month so he has to bring it to the Commission on the 3rd Tuesday of the month which is November 15th in order to accommodate any proposals that come in for that property. ***There was consensus from the Commission to have the special meeting on November 15th at 6:00 PM in the Commission Chambers.***

Mr. Forte stated a MOU was placed in front of the Commission pertaining to debris removal. Debris removal is very confusing. The State picks up debris on State roads, the County picks up debris on County roads and the City picks up debris on City roads. The City of Holly Hill has a cooperative agreement with the contractor that Volusia County has. We are both using AshBrit for the collection and Tetra Tech as the monitors. If the City should inadvertently pick up debris on the County road or if the County should inadvertently pick up debris on a city road, when those tickets get

flagged because it's computerized now and they are able to identify it, the responsible jurisdiction would have to pay its portion of that. It's 12% or whatever that may be. Additionally, because we have the same contract while our contractor that the city has hired is in the city and they find it convenient to pick up LPGA Blvd., they can do that and separate the tickets where the County will be charged for those costs. That's what this MOU is going to do. Without this MOU, FEMA will not reimburse either party if we pick up in the wrong area.

Attorney Simpson stated he would suggest the Commission approve it contingent upon his review of the MOU.

Commissioner Albert made a motion to APPROVE the MOU contingent upon the review of the City Attorney, seconded by Commissioner Currie. PASSED, 4-0.

Mayor Penny opened public participation. No one spoke.

Mr. Forte stated the next item he placed in front of the Commission is a Resolution to waive the permit fees and application fees for hurricane related damage repairs in the City. The intent of this Resolution is to waive the permit and application fees for things like simple roof repairs or a fence permit, replacing a shed or for tree removals.

RESOLUTION 2016-R-61

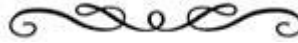
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA, ENACTING TEMPORARY EMERGENCY ADMINISTRATIVE PROCEDURES TO PROVIDE FOR THE EXPEDITIOUS AND COORDINATED MANAGEMENT OF BUILDING PERMIT APPLICATIONS AND FEES; WAIVING SPECIFIC PERMITS AND FEES ISSUED FOR THE REMOVAL OF CERTAIN TREES; ESTABLISHING A METHOD OF ENFORCEMENT OF THE FLORIDA BUILDING CODE SUCH THAT ON-SITE PERMITS MAY BE ISSUED BY APPROPRIATE CITY STAFF FOR REPAIR OF DAMAGE CAUSED BY HURRICANE MATTHEW; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Penny opened public participation. No one spoke.

Commissioner Albert made a motion to APPROVE Resolution 2016-R-61, seconded by Commissioner Currie. PASSED, 4-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Arthur J. Byrnes, District 1 - Commissioner
SECONDER:	Elizabeth Albert, District 4 - Commissioner
AYES:	Byrnes, Currie, Albert, Penny

Enacted and approved this 11th day of October, 2016, in Holly Hill



B. City Attorney Comments
None.

C. Mayor's Comments

Mayor Penny thanked all the employees for all their hard work during the hurricane, countless hours and coming together. Mayor Penny stated he would like to have a thank you picnic for the employees for all of their hard work and show them we appreciate them.

Reminded everyone about Commissioner Capers memorial service on Tuesday, October 25th at 6:00 PM here in the Chambers with his family.

D. City Commission Comments

Commissioner Currie thanked the entire staff. For all the countless hours they had to work. Agrees with Mayor Penny to hold an appreciation picnic for the employees. Thanked Mr. Forte for all of his work and the leadership he demonstrates and shares with the employees. Disappointed she will not be present at the next meeting but appreciates she will be able to give her comments to the Mayor to read to the Capers family.

Commissioner Byrnes agreed with the Mayor about the picnic. Thanked all of the employees, they did a great job. He spoke about the benefits that were used when the city shut down on Friday due to the hurricane. He doesn't believe employees needed to use a day for pay. He thinks that would be just as helpful as a BBQ would be.

Commissioner Albert agrees with Commissioner Byrnes.

Mr. Forte stated if that's the direction the Commission would go in then he would suggest they declare Friday as an Administrative Holiday, therefore, anybody that didn't work gets paid straight time and anybody that did work would get time in a half. Commissioner Currie and Byrnes agree to that. There is no such thing as time off for state of emergencies.

An administrative holiday would do what the Commission is suggesting.

Mr. Forte informed the Commission to keep in mind this is not a FEMA reimbursement expense and it would come out of the Fund Balance.

Commissioner Byrnes made a motion to declare that Friday, October 7, 2016 was an administrative holiday, seconded by Commissioner Albert. PASSED, 4-0.

Commissioner Albert stated staff for assisting her and helping her when she called and the neighborhood appreciates them as well.

10. ADJOURNMENT

The meeting adjourned at approximately 10:20 PM.



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Resolution**

MEETING DATE: October 25, 2016
FROM: Valerie Manning
SUBJECT: Resolution 2016-R-63 A Resolution of the City of Holly Hill, Florida,
Appointing a Member to the Board of Planning and Appeals
and Setting Forth the Term and Expiration Date for Said
Member; and Providing an Effective Date.
NUMBER: (ID # 1477)
APPLICANT:
PLANNER:

DISCUSSION:

The City of Holly Hill created a Board of Planning and Appeals for the purpose of hearing and deciding appeals in reference to Development Code Administration and to make recommendations to the City Commission in regards to ordinances, variance requests, zoning issues, the land development regulations, and to perform other related duties as defined by City Code in accordance with the Comprehensive Plan.

The Planning Board conducts public hearings as necessary for the drafting, establishment, and maintenance of the Comprehensive Plan and Land Development Code.

A board member must either be a resident of the city, either permanent or seasonal, or own a business located within the city limits, which means owning a majority (i.e. more than 50 percent) of the ownership interest of the business.

Currently, there is one unexpired term available. Art Cappuccio has submitted his board application for consideration. If appointed, he will finish out the existing term of Chris Via who has resigned due to his position as City Commission effective November 8, 2016. Mr. Cappuccio's term will expire in January 2017.

FISCAL ANALYSIS:

There is no budgetary impact on the City. The item is neither an expenditure nor related to a revenue.

STAFF RECOMMENDATION:

Staff recommends approval of said application and name submitted.

COMMISSION GOAL:

N/A

MOTION:

APPROVE RESOLUTION 2016-R-63, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER.

ATTACHMENTS:

- Arthur Cappuccio - BOPA Application (PDF)

Resolution No. (ID # 1477)**RESOLUTION 2016-R-63 A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM AND EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.****RESOLUTION 2016-R-63**

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING A MEMBER TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATE FOR SAID MEMBER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Holly Hill created a Board of Planning and Appeals for the purpose of hearing and deciding appeals in reference to Development Code Administration, and to make recommendations to the Commission in regards to variance requests, zoning issues, the land development regulations, and to perform other related duties as defined by City Code; and

WHEREAS, members of said board shall not be an elected City official or City employee; and

WHEREAS, members of said board shall either be a resident of the City or own a business within the City; and

WHEREAS, the terms of office for regular members of said board shall be two years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. That the City Commission does hereby appoint the following individual to the Board of Planning and Appeals:

Art Cappuccio

Regular Member

Term Expires January 2017

SECTION 2. That this resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED on the 25th day of OCTOBER, 2016.



ADVISORY BOARD APPOINTMENT APPLICATION FORM

PLEASE CHECK THE APPROPRIATE BOX(ES) OF INTEREST:

- ☒ Board of Planning & Appeals
☐ Civil Service Board

- ☐ Firefighters Pension Fund Board of Trustees
☐ Police Pension Fund Board of Trustees

Name of Applicant: ARTHUR CAPPUCCIO

Home Address: 558 RIVERSIDE DRIVE
HOLLY HILL FL. Phone: 386-253-5002

E-Mail Address: ARTCAPP@CFL.RR.COM

Do you own and/or manage a business in the City of Holly Hill? ☒ Yes ☐ No

Business Name and Address: RIVERLY INN B¹/₂ B
SAME Business Phone: 386-253-5002

Employer Name: Self

Job Position: Owner

Work Experience: 10 YEARS B¹/₂ BOWER

Education: 12th 1 year Coll.

Why do you desire to serve on a City Board? SERVE OUR CITY

Are you a resident of Holly Hill? yes How long? 10 years/months

Have you previously served on a city Board? Yes ☒ / No ☐

Name of Board: CONCERN

Community Involvement: _____

I hereby acknowledge in conjunction with Board membership that I understand the responsibilities associated with being a Board member and that I have adequate time to serve the City as a Board member. I will become familiar with and abide by the Florida Sunshine Law and I understand that all my comments as a Board member are a matter of public record. If applying for membership to a Pension Board, Civil Service Board, or the Board of Planning and Appeals, I understand that I must file a limited financial disclosure each year and that filing late may result in a fine.

Date: 10-18-16 Signature: [Signature]



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**City Commission
Ordinance**

MEETING DATE: October 25, 2016
FROM: Valerie Manning
SUBJECT: Ordinance 2981 An Ordinance of the City of Holly Hill, Florida,
Regulating Food Trucks; Creating a New Section 114-904 of
the City Code; Providing for Codification; Providing for
Conflicting Ordinances; Providing for Severability; and
Providing for an Effective Date.
NUMBER: (ID # 1465)
APPLICANT: Thomas Harowski
PLANNER:

INTRODUCTION:

At the May Board of Planning and Appeals meeting the Board considered a report on food truck operations and directed staff to bring forward a proposal to permit food trucks in the City for occasions in addition to City sanctioned and City sponsored events. The BOPA discussed the proposed ordinance at their regular meeting of July 18, 2016.

BACKGROUND:

Food trucks have seen increased popularity in recent years through increased exposure through television programs on channels such as the Food Channel and through other outlets such as social media. At the May BOPA meeting the Board considered a staff report that discussed food truck operations and issues related to food truck operations including:

- Health Compliance
- Conflict with brick and mortar restaurants
- Cleanliness of the vending area
- Restrooms
- Noise
- Parking
- Signage

The staff report discussed each of these issues and provided suggestions on how these issues could be addressed in a proposed regulation. The Board directed staff to prepare a specific proposal that could serve as a starting point for discussion of a permit process for recommendation to the City Commission.

DISCUSSION:

A review of the land development regulations suggests that the most appropriate location for a food truck permit process is to add a section to Division 11 of the land development code. This Division currently includes a section on outdoor display of merchandise by businesses and a section on special use permits for activities such as Bike Week, Biketoberfest and holiday sales of Christmas trees and pumpkins. This is also the Division where we are considering adding a new section governing special events other than those covered by special use permits. The food truck authorization may be considered a class of special event and may best be placed with this group of regulations.

The proposed regulation has been constructed to address the issues discussed by the BOPA. The following comments are offered as additional explanation about how the proposed regulation is intended to address the planning and operational concerns.

- The proposal will allow food trucks in commercial and industrial areas and in residential areas where civic uses are established. For example, a church in a residentially zoned area could host a food truck.
- Items 1 through 4 are intended to address the cleanliness and operational needs of the service area during and following the activity. These sections make the owner responsible for these issues so that code enforcement has a specific control if problems occur.
- The limitation on the number of days per location and number of days per week is to help mitigate any negative impacts with our brick and mortar restaurants. The rule will allow a location to host a food truck about every other week on average.
- Items 6 and 7 go to on-site operations. The area limitations will effectively limit the number of food trucks that can be placed at a given location. A business with a large parking area (Florida Health Care for example) could host multiple food trucks while a smaller business site may be limited to just one truck. We also discuss where dining areas can be located if the businesses wish to provide picnic tables or something similar. The rule also seeks to maintain basic parking and vehicular maneuvering area for normal parking activity.
- Item 9 provides for some limited additional signage to advertise the location.

FISCAL ANALYSIS:

Dependent upon City Commission action and setup of any proposed fee structure.

STAFF RECOMMENDATION:

The Board of Planning and Appeals recommended the City Commission adopt the proposed Ordinance.

COMMISSION GOAL:

N/A

MOTION:

APPROVE SECOND READING OF ORDINANCE 2981, REGULATING FOOD TRUCKS; CREATING A NEW SECTION 114-904 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ATTACHMENTS:

- Root and Tail Farm Comments for Food Trucks (PDF)
- On The Go Insights into Food Truck Regulation (PDF)

HISTORY:

10/11/16

Next: 10/25/16

City Commission

APPROVED AT 1ST READING

Ordinance No. (ID # 1465)**ORDINANCE 2981 AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING FOOD TRUCKS; CREATING A NEW SECTION 114-904 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.****ORDINANCE 2981**

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING FOOD TRUCKS; CREATING A NEW SECTION 114-904 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that food service from food trucks has become a popular food service venue; and

WHEREAS, food trucks can be a source of business development and provide dining options for residents and visitors; and

WHEREAS, it is the intent of the City Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by properly regulating the location and operation of food trucks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. FOOD TRUCK SERVICES

This section is intended to provide regulations relating to food truck service by the addition of a new Section 114-904, Food Truck Service.

114-904 Food Truck Service:

Non-residential locations may apply for temporary permits to allow food truck operations subject to compliance with the following conditions. Vacant lots may not host food trucks and food trucks may not serve from public streets and rights-of-way.

1. All food truck units shall comply with State requirements for food service and display certification of compliance.
2. No discharge of grease or other cooking waste is permitted

3. The property owner is responsible for the provision of trash receptacles and the cleanliness of the service and dining area.
4. The property owner is responsible for the provision of restroom facilities.
5. No site may host food trucks for more than one day per week and no more than 25 days per year. Food truck operations approved as part of a City-sponsored special event or under a special use permit issued per Section 114-902 shall not count against the day limitations of this section. (A multiple tenant location is considered one property for purposes of this code provision.)
6. Food trucks may not occupy more than 20% of the vehicular use area or disrupt parking area operation. Food trucks may not be parked in landscaped areas.
7. Temporary dining areas may be provided in association with the food truck operations. The temporary dining area may be located in landscaped areas exclusive of planting beds and landscaped buffers.
8. Any music provided shall comply with the City's standard noise ordinance.
9. Food trucks may place one supplemental a-frame or similar temporary sign not to exceed six (6) square feet of area.
10. Each food truck location shall obtain a permit from the City at least seven (7) days prior to opening for business. A single permit may include multiple business dates. The permit application shall be on a form issued by the City and contain at a minimum the following information:
 - a. Location address
 - b. Property owner approval
 - c. Dimensioned sketch of the proposed location showing compliance with the requirements set forth above.
 - d. Proposed date(s) and hours of operation
 - e. Owner contact information
 - f. Vendor contact information
 - g. Photo of the vendor and food truck
 - h. Fees as established by the City Commission

SECTION 2. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance

not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 3. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 4. EFFECTIVE DATE

That this Ordinance shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this **25th** day of **OCTOBER**, 2016
for second reading.

Mary Hathaway
to me

Jun 24 (4 days ago)

Hello Thomas,

We appreciate you sharing this report with us. I find that all of the proposed requirements are well in line with a balanced attitude towards mobile food vendors and the brick & mortar operations. On our end, as a food truck owner, all stated items would be easily met and would make Holly Hill very forward thinking in their acceptance and regulations for food trucks.
Thanks again, and we'd be happy to offer any other insights or feedback if requested.

Cheers,
Mary



HARVARD Kennedy School

ASH CENTER

for Democratic Governance
and Innovation

ON THE GO: INSIGHTS INTO FOOD TRUCK REGULATION

*Paper Series: Regulatory Reform for the 21st-Century City, an
Initiative of the Ash Center for Democratic Governance and
Innovation*

Jessica Huey, Harvard Kennedy School, MPP Candidate

2/20/2015

ON THE GO: INSIGHTS INTO FOOD TRUCK REGULATION

Paper Series: Regulatory Reform for the 21st-Century City, an Initiative of the Ash Center for Democratic Governance and Innovation

Abstract

Mobile food vending dates back to as early as 1866 with the creation of the “chuckwagon” to feed roaming cattlemen in Texas. Since the late 2000s, however, food truck popularity has exploded capturing the attention of not only consumers and entrepreneurs but also regulators and city officials. A number of hypotheses exist for the dramatic rise of food truck vendors. Some cite the recession’s impact on brick and mortar establishments while others point to the use of social media which enable vendors to reach followers in real-time. Whatever the cause, it is clear that food truck vendors aren’t planning on going away any time soon.

Cities across the country are recognizing that existing regulations do not adequately address the challenges of operating food trucks. According to a 2012 forecast by Intuit Inc., the food truck industry is projected to account for approximately \$2.7 billion in food revenue by 2017, making it a substantial player in the food service industry.¹ This case study presents a review of the current state of the mobile food vending industry, the challenges facing cities in regulating this industry, and examples of how four cities – Austin, Washington D.C., Boston, and Portland - have attempted to balance entrepreneurship with the preservation of public health and safety as they implement regulatory reforms.

The Problem

Prior to 2008, mobile food vendors could most commonly be found scattered around construction sites and a select number of street corners. The recession’s halting effect on the economy, however, changed the landscape of mobile food vendors as construction stalled and many entrepreneurs began to rethink the mobile food industry.

First garnering national attention in large urban centers like Los Angeles and New York City, food trucks have since spread to cities large and small. Offering an alternative for

¹ Food on Wheels: Mobile Vending Goes Mainstream, September 2013.
www.nlc.org/Documents/Find%20City%20Solutions/Research%20Innovation/Economic%20Development/FoodTruckReport2013_Final_9-26.pdf

both business owners and consumers leading increasingly on-the-go lifestyles, food truck vendors benefit from their ability to more easily reach new customers bases while customers benefit from increased variety.

As food trucks have grown in popularity, many city officials wrestle with how to update regulations to mitigate any negative externalities. For many cities, existing regulations applied to mobile food vendors were originally narrowly defined for ice cream and hot dog vendors. Municipalities are being forced to revisit these regulations as issues arise over competitiveness, parking, sanitation, property and sales taxes, and proximity to brick and mortar businesses. Feeling the impact of competition, many restaurant associations are also weighing in to ensure this new industry is subject to the same health and safety regulations as other food service providers. All of this has provided much fodder for the public debate on whether food trucks should be allowed to operate, and if so, how they should be regulated.

Understanding the Problem

To fully grasp the mobile food movement debate, it is necessary to recognize the challenges of varied state and local approaches to regulation. Other major issues include how cities can best provide enforcement mechanisms, ensure fair competition, and protect public health and safety.

Varied Regulatory Approach

One of the major hurdles with the rapid growth of food trucks is that each locality has a different approach to regulating, making it difficult to implement standardized regulations. Regulatory debates are shaped by the different perspectives of local stakeholders, including food truck vendors, local restaurant owners, restaurant associations, consumers, and city officials. These regulations – or lack thereof - often reflect the priorities and values of these stakeholders. Portland, for example has actively promoted food trucks as a means to spur economic activity. Other cities have faced strong resistance to food-truck friendly regulations largely due to vocal opposition from restaurant associations.

In some cases, there is tension between state and local regulations. For example, when the City of Los Angeles attempted to impose stricter local rules on mobile food vending, courts overturned these attempts. This is due in part to the fact that catering trucks are regulated by state law, which allows local governments only the authority to impose additional regulations to protect public safety or health. In 1993, the state of California declared in *Barajas v. City of Anaheim* that the use of streets for commercial purposes is a matter of public concern and subject to regulation imposed by the state, and not the city. A 2006 ordinance prohibiting food trucks from parking in the same spot in a residential neighborhood for more than a half-hour or in a commercial area for more

than an hour was overturned based on the fact that it did not directly affect public health or safety of citizens.²

Enforcement

In addition establishing regulations, many cities are challenged with implementing effective enforcement. In densely populated cities like New York City where the demand for mobile vending permits often exceeds supply, the bureaucratic processes and waitlists for obtaining a permit present stiff barriers to entry for new vendors.³ As a result, there are many reports of unlicensed vendors. In Los Angeles, an estimate from the Los Angeles County Health Department speculated that around 11,000 illegal vendors operate every day within the county – of which an increasing number are illegal food vendors.⁴ According to the U.S. Food and Drug Administration, over 2,000 different state and local agencies in the United States are responsible for inspecting food trucks across the country.⁵ Once identified, such illegal vendors can face fines, jail time and have their property confiscated if they are caught selling food illegally. Many cities, however, simply lack the manpower for effective enforcement.

Ensuring Fair Competition

Another major concern with the dramatic rise in food trucks is whether there is fair competition between mobile food vendors and brick and mortar restaurants. Restaurants want to ensure food trucks are subject to many of the same operating regulations while food truck operators would like regulators to think critically about which regulations are appropriate for this new industry.

Some restaurant owners argue that mobile food vendors are not subject to the same taxes as brick and mortar restaurants, such as property taxes. Mobile food vendors contend that they are still required to pay taxes on their mobile truck and equipment, gas, and all required municipal sales taxes, which can vary if vendors cross city or county borders.

With respect to state and local taxes, some states have taken steps to enact new sales tax legislation that has positively benefitted mobile food vending. Recently, California's State Board of Equalization adopted a regulation that saves food truck operators the

² UCLA Law Students Help Taco Truck Operators Overturn LA Ordinance, June 2009.
<http://latimesblogs.latimes.com/lanow/2009/06/ucla-law-students-help-taco-truck-operators-overturn-la-ordinance.html>

³ The Food Truck Business Stinks, May 2013.
www.nytimes.com/2013/05/12/magazine/the-food-truck-business-stinks.html?pagewanted=all&_r=0

⁴ 40 Percent of LA Food Trucks and Carts Unchecked by Health Inspectors, April 2014.
www.scp.org/programs/airtalk/2014/04/08/36839/forty-percent-of-la-food-trucks-and-carts-unchecked/

⁵ Food Truck Secrets: 10 Things Food Trucks Don't Want You to Know, September 2012.
www.huffingtonpost.com/2012/07/23/food-truck-secrets-10-things_n_1694775.html

hassle of charging their customers a different sales tax rate as they drive from city to city. Effective July 1, 2014, the regulation presumes sales tax is included in the price of taxable items if the retailer has not added it separately.⁶

Debates of fair competition also include the issue of use of public and private space. Mobile food vending is most popular in cities with lots of foot traffic. In already densely packed downtown areas, public and private parking for food trucks can be limited. To regulate these spaces, cities have used various approaches including creating food truck hubs or pods as in Austin and Portland or establishing designated food truck parking zones with lottery assignments like Washington D.C. and Boston. Other cities regulate the geographic boundaries between food trucks and brick and mortar restaurants.

Ensuring Public Health and Safety

The food truck regulatory reform debate invariably leads to questions about public health and safety. Many cities and states require food trucks to use a commissary. Commissaries are established commercial kitchens where food service providers can go to prepare and store food. In cities with regulations prohibiting mobile food vendors from preparing, storing, or cooking food on the food truck, commissaries are critical. Commissaries also provide cleaning and sanitation areas and facilities to safely dispose of grease, used water, and solid waste.⁷

Some cities are exploring regulatory reforms that work around existing health codes in a way that still protects public health. In 2011, Go Box, a local Portland business, introduced a business model that allows consumers to use re-usable containers despite health code Section 3-304.17 which prevents customers from bringing their own containers for takeout. Go Box's model allows customers access to reusable containers that can be deposited at a number of drop-off sites to be professionally cleaned and returned to participating food truck operators.

In other sustainability efforts, the City Council in Austin passed a measure in May 2014 that makes it easier for food truck vendors to recycle and compost. Under the previous health code, it was difficult to offer composting or recycling services. This ordinance would allow mobile food establishments to provide solid waste, recycling, compost, or used oil receptacles on the same property and detached from the mobile food establishment.⁸

⁶ Board of Equalization Serves Up Simpler Sales Tax Regulation for Food Trucks, June 2014. <http://www.boe.ca.gov/news/2014/92-14-G.pdf>

⁷ How to Start a Food Truck: Learn About Commissaries, February 2014. <http://foodtruckr.com/2014/02/start-food-truck-learn-commissaries/>

⁸ Austin City Council, May 2014. <http://www.austintexas.gov/edims/document.cfm?id=209384>

Regulatory Reform Policy Areas

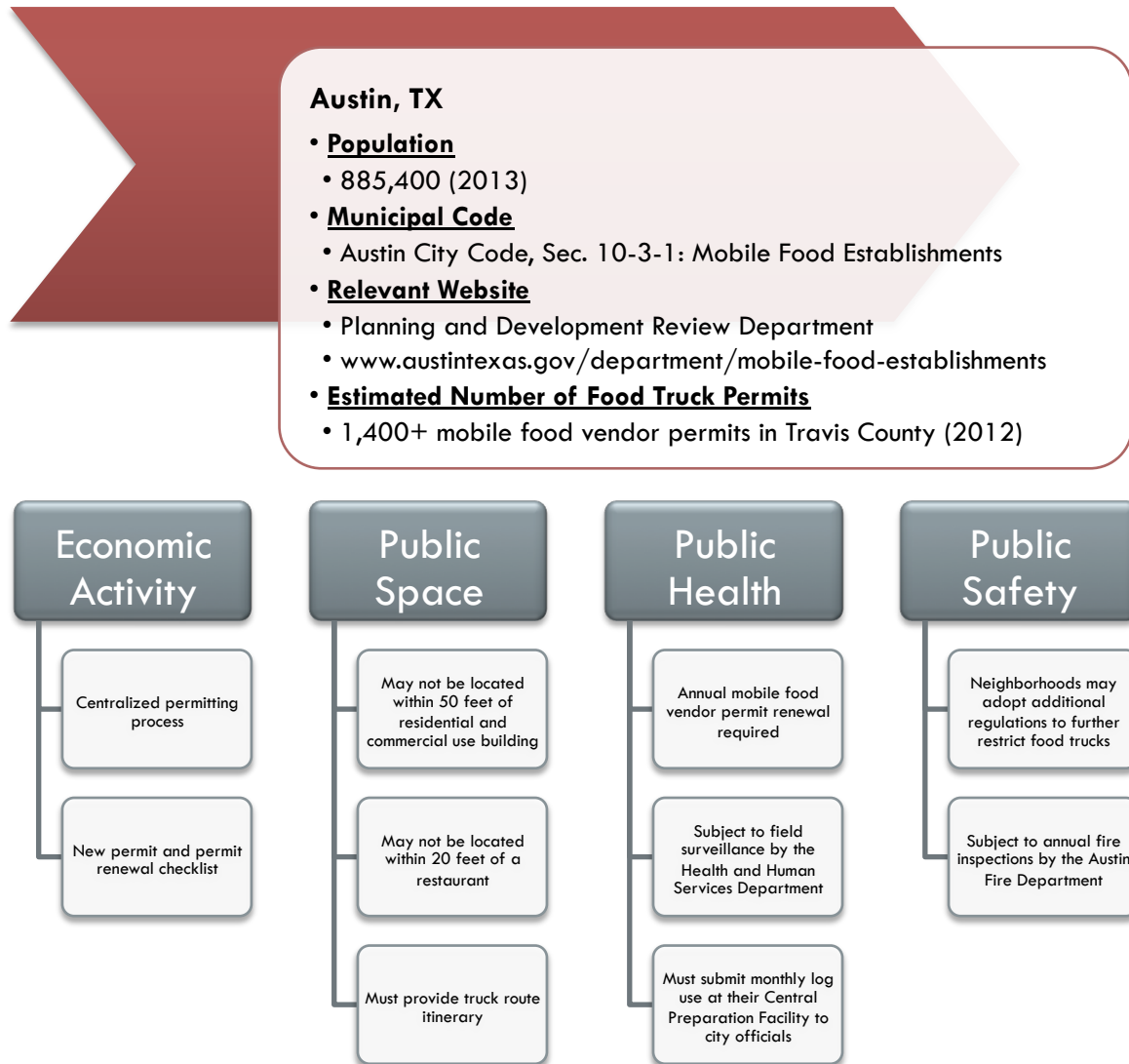
In September 2013, the National League of Cities produced *Food on Wheels: Mobile Vending Goes Mainstream*, a report exploring regulatory reform areas for cities to consider when regulating the mobile food vending industry. After analyzing 13 cities of varying size, the report identified four main policy areas of focus for regulators:

- 1) **Economic Activity** – aspects of food truck regulation that could potentially enhance economic development (e.g., streamlining permitting processes and permitting costs)
- 2) **Public Health** – aspects related to sanitation and food safety
- 3) **Public Safety** – aspects related to the utilization of private property, vending proximity to schools, and pedestrian safety
- 4) **Public Space** – aspects of food truck regulation that deal with the use of the utilization of public property to conduct business (e.g., time constraints, proximity rules, and geographic limitations related to density)

These policy areas are among the most debated in the mobile food vending regulatory reform process and will be the basis of our analysis. The following case studies will highlight four cities and provide an overview of their attempts to enact regulatory reforms in these areas.

Case Studies

Economic Activity – Austin, TX



Local Context

Known for their food-trailer parks – or hubs of stationary food trucks – Austin’s mobile food vending scene has developed almost as rapidly as the city’s economy since 2007. During the recession, food trucks became a popular venture with over 900 registered food vendors in Travis County by the end of 2008. By 2012, the City of Austin’s Health

and Human Services Department reported over 1,400 registered mobile food vendors in the county.⁹

During this same period, Austin's economy and population were also growing rapidly. According to the 2013 Census Bureau estimates, Austin had the greatest population growth among all U.S. cities with fewer than 1 million residents.¹⁰ By 2013, Austin's economy was thriving, leading the nation's cities in gross metro product growth at 4.6 percent.¹¹

While the rapid growth was good for Austin's economy, it impacted the mobile food industry by making it more difficult to find open land suitable for food-trailer parks. Food-trailer parks gained popularity from vendors because they could share resources and often attract a stable following. The food-trailer park model also benefits landowners who collect rent from vendors after obtaining the permits and installation necessary to provide electricity and other resources. Despite the challenges of finding open land, many vendors are enjoying Austin's economic boom and the demand for food trucks by Austin residents have helped put the food truck scene on the map.

Regulatory Reform Highlight: Economic Activity

Since 2008, the City of Austin has taken significant steps to encourage the growth of mobile food vendors while ensuring the protection of neighborhood interests. To facilitate growth, the City of Austin streamlined the permitting process for mobile food vendors which previously required vendors to deal with multiple departments for all the appropriate permits. With a centralized permitting process, applicants are presented with a checklist of all the forms required in order to receive a mobile food vendor permit. Mobile food vendors in Austin are subject to annual health and fire safety inspections and vendors are also required by law to disclose a central preparation facility, or CPF, where they store, clean and dispose of their products.¹² Enforcement of these regulations lie within the jurisdiction of the City of Austin Code Department, the City of Austin Zoning and Right of Way Departments, and the City of Austin Health and Human Services Department who work together to regulate food truck activity.

While encouraging economic growth, the City of Austin has still remained responsive to the community's interests. The city currently allows for neighborhoods to adopt more

⁹ Food Truck Industry at Crossroads, March 2013. <http://impactnews.com/austin-metro/central-austin/food-truck-industry-at-crossroads/>

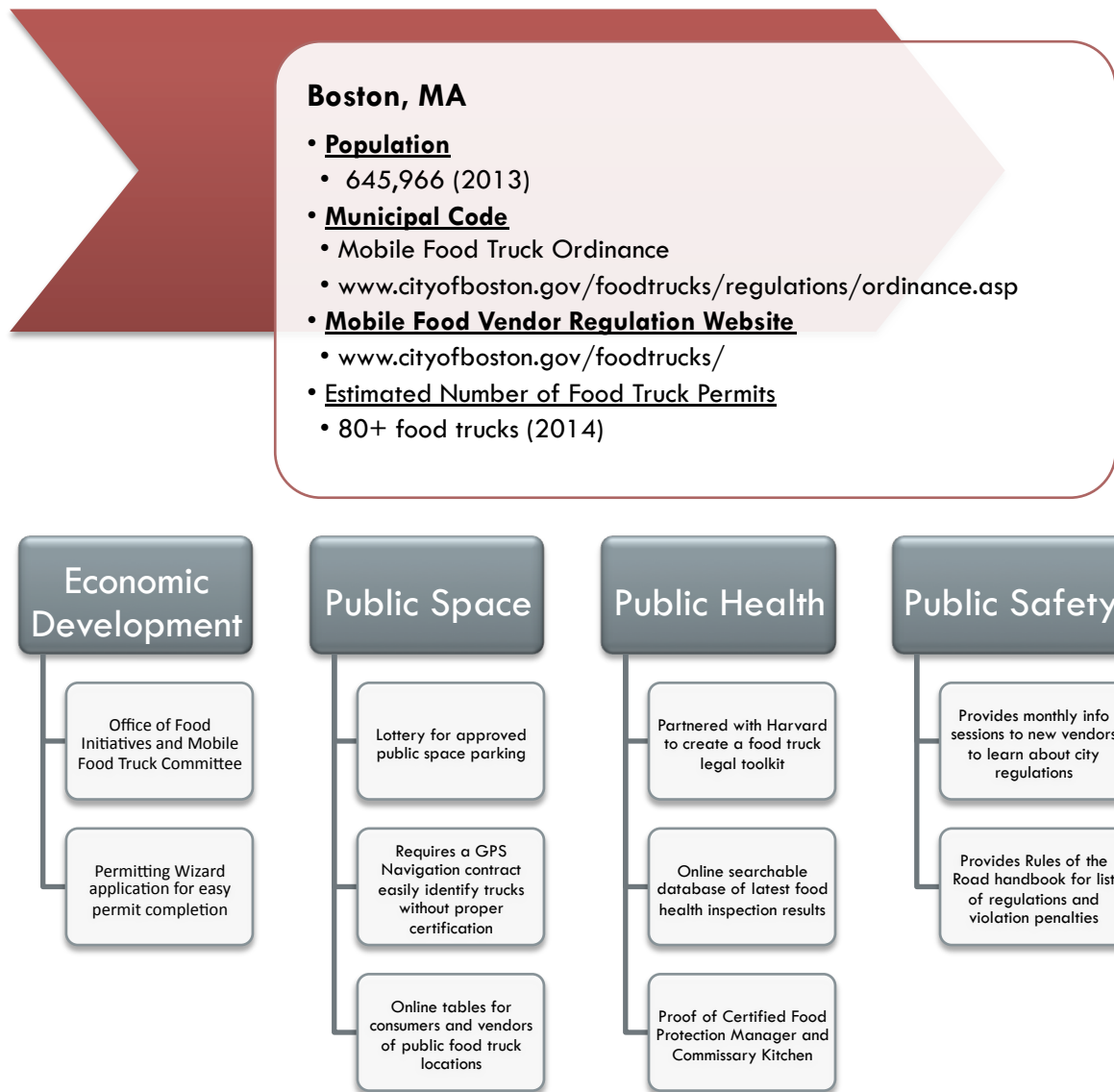
¹⁰ Everything's Bigger, and Still Getting Bigger, in Texas, May 2014. <http://www.usnews.com/news/articles/2014/05/22/texas-cities-among-nations-fastest-growing-us-census-bureau-says>

¹¹ Austin's Strong Metro Economy Will Stay Ahead of the Pack for Years, Report Says, June 2014. <http://www.bizjournals.com/austin/news/2014/06/20/austins-strong-metro-economy-will-stay-ahead-of.html?page=all>

¹² Food Trailers and the Health Department. <http://foodtrailersaustin.wordpress.com/food-trailer-health-inspections/>

restrictive regulations for mobile food establishments with respect to operating times and locations, subject to City Council approval. The Planning and Development Review Department provides a map indicating zones with additional restrictions on its website – making it easy for the public and vendors alike to be aware of current regulations.

Public Health – Boston, MA



Local Context

With less than a hundred food trucks, Boston's food truck scene may be small in numbers but it certainly has not been overlooked by city officials. Since food trucks became popular in Boston's dining scene in 2011, the City has been active in promoting the industry's growth while focusing on ensuring a healthy and sustainable industry.

Boston's approach to mobile food vending largely focuses on transparency and collaboration. In 2010, the City of Boston established the Office of Food Initiatives. As part of this effort, the City later established the Boston Food Truck initiative which brought healthy food trucks hosted by the city to downtown Boston and into residential neighborhoods.

To help food truck vendors navigate the process of starting up a food truck business, the city has an Office of Food Initiatives as well as a Mobile Food Truck Committee. As required by ordinance, the Mobile Food Truck Committee includes representatives from the Department of Public Works, the Transportation Department, the Inspectional Services Department, the Police Department, the Fire Department, the Director of Food Initiatives, and the Assessing Department who collaboratively review and approve food truck applications.

Since 2012, the City of Boston has implemented a Live Lottery to provide new and existing mobile food vendors with equal access to all city-approved public sites. This year vendors entered into a lottery to select from over 500 shifts available for the upcoming vending year, which begins April 1, 2015.

Regulatory Reform Highlight: Public Health

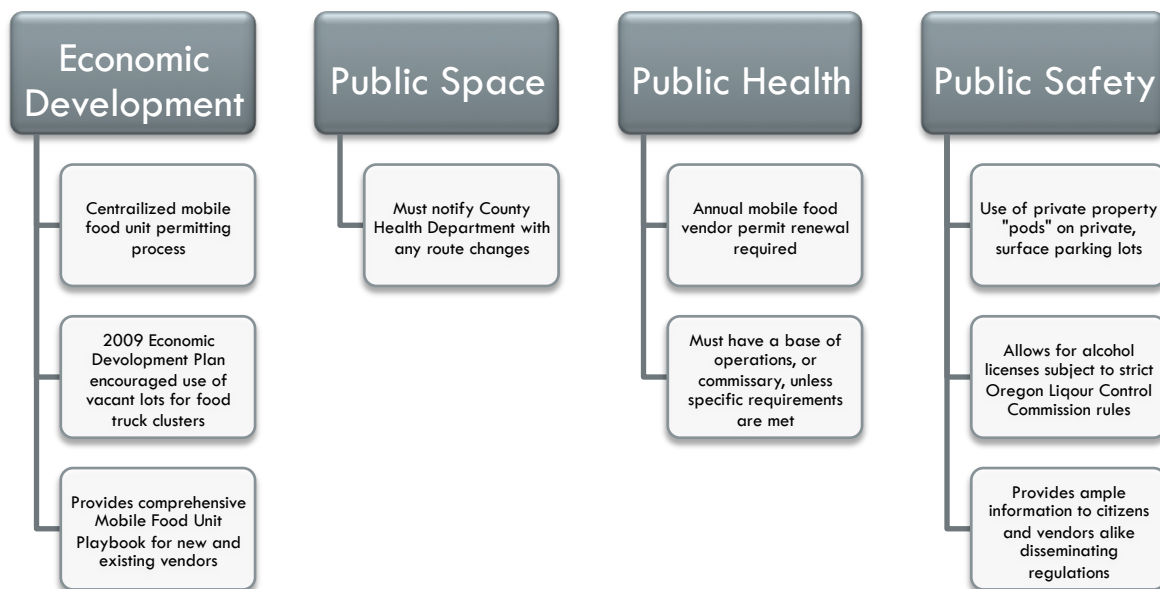
Often recognized as one of the most innovative cities, the City of Boston has long been using data and technology to advance public good. As part of the city's food truck permit application process, all mobile food vendors are required to register with a GPS navigation contract. Data is shared with the city to update the Office of Food Initiative's food truck website. This data is open to the public and allows customers and city officials to see which food trucks are vending only during vending hours. This also helps the city ensure that registered food trucks are vending in the appropriate locations at the appropriate times, thus allowing the city to better identify illegal vendors operating without proper certification.

While many cities have established health and safety codes for mobile food vendors, the City of Boston allows residents to access data in a user-friendly format. In accordance with the Massachusetts State Sanitary Code, food service establishments are inspected at least once per year. New restaurants cannot open without an inspection and approval from the Health division. The City of Boston, in addition to listing all food truck locations on the Office of Food Initiative's food truck website, provides data for all food health inspections via The Mayor's Food Court – Establishment Search, an online searchable database with the latest available inspection ratings by the Health Division of the Boston Inspectional Services Department. The site provides a list of previous inspections, ratings, as well as links to specific violations with comments. The city also provides an online, interactive food truck permitting guide to help ensure vendors are advised of the appropriate regulations.

Public Safety – Portland, OR

Portland, OR

- **Population**
 - 609,456 (2013)
- **Municipal Code**
 - Oregon Admin. Rules, Sec. 333-162-0020: Mobile Food Units
- **Relevant Website**
 - Bureau of Planning and Sustainability
 - www.portlandoregon.gov/bps/52798
- **Estimated Number of Food Truck Permits**
 - 800+ licensed mobile food units (2014)



Local Context

With the rise in food trucks in Portland beginning in the 1990s, the city has long been referred to as the country's food truck capital. In 1997, a working group was established to create guidelines for the mobile food vendors. In 2009, the city developed an Economic Development Plan which specifically incorporated the mobile food industry. In the plan, the city outlined steps to encourage the use of vacant lots for food truck clusters to deter blight and promote economic development. As of 2014, the city

estimates over 800 licensed food vendors are operating in Portland and the surrounding Multnomah County.¹³

Regulatory Reform Highlight: Public Safety

A major challenge for mobile food vendors is how to integrate into a community while preserving public safety of citizens in public spaces. One solution is to create better utilization and regulation of private property where food trucks can reside without competing for limited public space. A second solution is to ensure both food truck owners and citizens are well informed about food truck operations and regulations. Well-disseminated information about regulations is a key to ensuring public safety.

Portland's food truck scene has led the way for developing regulations that would allow for the creative use of private property to create "pods". By transforming vacant lots into food truck hubs, Portland generated more foot traffic into areas that may have been subject to blight and crime. With over 20 pods in the city, vendors are able to share resources and build community. These regulations have helped food truck vendors not only establish themselves in the community but also play a role in revitalizing these vacant lots. Current regulations provide that as long as stationary mobile carts have functional wheels, an axle for towing, and are located in a commercial zone, they are considered vehicles and are not required to conform to zoning or building codes on private property. Portland also recently became the first city to pass regulations that allow food truck vendors to obtain alcohol licenses. In 2014, nearly a third of the city's food car pods served beer, wine or cocktails, under strict compliance with the Oregon Liquor Control Commission.¹⁴

Portland has also been looked to as a model of a city that allows the mobile food industry to thrive while ensuring regulations are well-disseminated. Citizens and food truck owners alike can find ample information online about food trucks via sites like Food Carts Portland which offers tips for helping new vendors and maps of the food truck pods as well as links to a number of previous studies on the impact of food trucks on the Bureau of Planning and Sustainability's website.

Beyond the mobile food vendor application itself, the city also provides easy access to information about how to operate vending carts on private property and a detailed Mobile Food Unit Playbook with examples of different types of vendors and flowcharts to aid new vendors through the application process. The latest food safety news can be found on the Chefs Connection – Multnomah County Food Safety Blog which helps vendors stay up to date on regulations and provide tips for safer food handling.

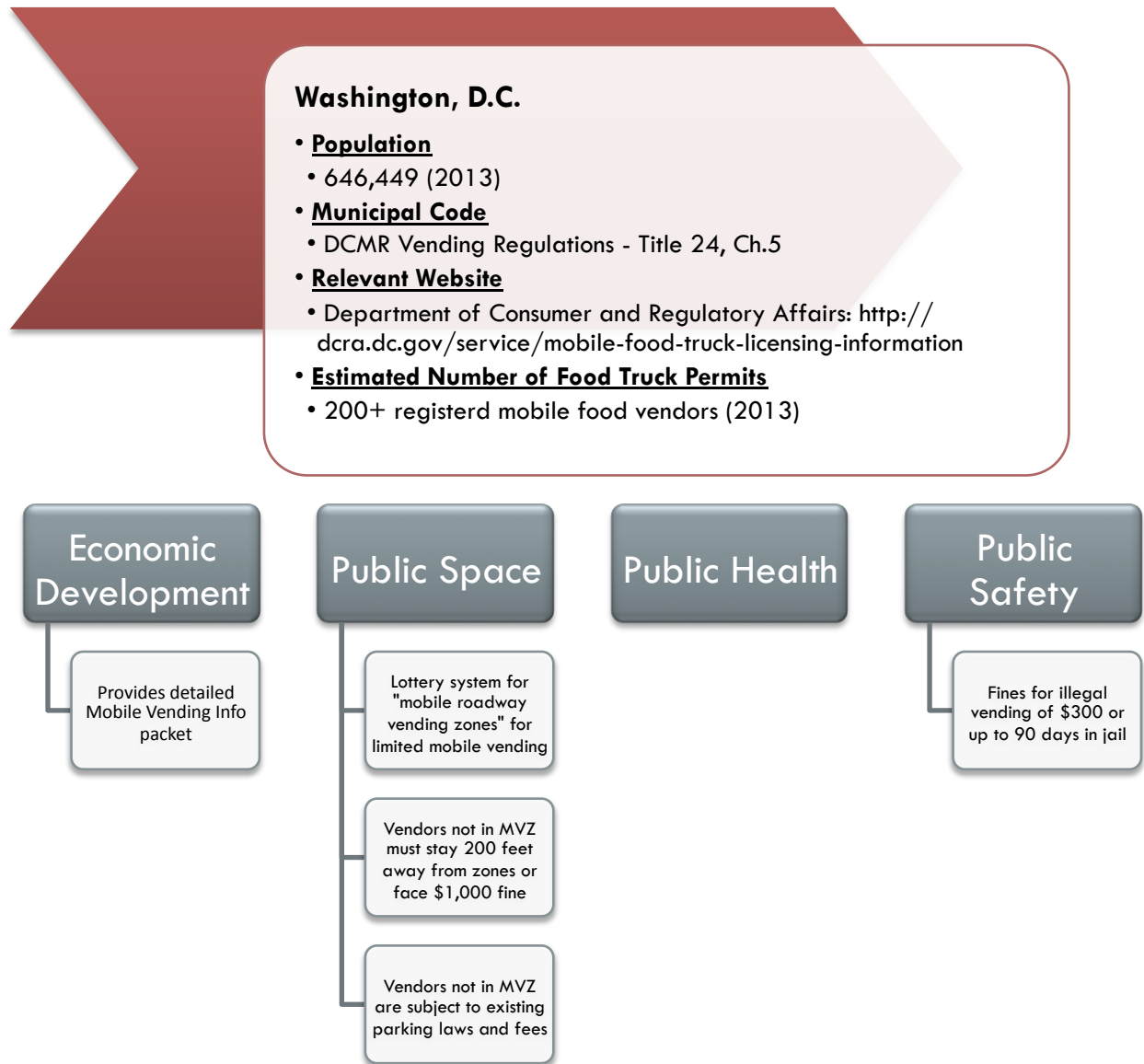
¹³ Portland's Food Carts Thrive, While SF's Languish, September 2014.

<http://missionlocal.org/2014/09/portlands-food-carts-thrive-while-sfs-languish/>

¹⁴ Food Cart Culture Digs In, Grows Up, Has a Few Drinks, May 2014.

<http://www.pamplinmedia.com/pt/9-news/218877-78013-food-cart-culture-digs-in-grows-up-has-a-few-drinks->

Public Space – Washington, DC



Local Context

For the past four years, the debate over the regulation of mobile vending in Washington D.C. has been closely monitored by its many stakeholders. In 2013, after multiple proposals and amendments, new regulations were passed affecting over 200 registered mobile food vendors. These new regulations included health and safety provisions as well as the much discussed "Mobile Roadway Vending Lottery."

Prior to these new regulations, the Department of Consumer and Regulatory Affairs allowed food trucks to operate under regulations for ice cream trucks as they worked on new regulations. In December 2010, the city council engaged in a lengthy debate over the future of mobile vending operations. The regulations passed in 2013 were a major step towards re-evaluating the current regulatory structure of mobile food vending.

Regulatory Reform Highlight: Public Space

The new city regulations have helped provide guidelines on one of the primary concerns of the local mobile food industry – use of public space. Under the Mobile Roadway Vending Lottery system, the city allows a limited number of vending vehicles, chosen through a rotation-based lottery system, to sell food (or other goods).¹⁵ The lottery occurs monthly and allows vendors to rank their location preference for each day of the week. There are 95 spots in eight different zones that vendors are able to apply for between the hours of 10:30am and 2:30pm. Vendors pay \$25 each month to enter the lottery and \$150 if they accept an assignment.

When vendors are selected by the lottery, they are assigned to their highest preferred location which has an available space. If no spaces are available when selected, they will be assigned as “off”. No vendor will be assigned an “off” day unless the number of lottery entrants exceeds the number of available spaces (i.e. greater than 95 lottery entrants). Based on this rotation lottery system, no vendor will be assigned a second “off” day until every entrant has had a first “off” day, thus ensuring equal access. Vendors who do not receive a spot via the rotation-based lottery system on a particular day must stay at least 200 feet away from the zones or face a \$1,000 fine. The three agencies that oversee regulations of food trucks include the Department of Consumer and Regulatory Affairs, the Department of Transportation, and the Department of Health.

While the effects of these regulations have yet to be seen, Washington D.C. is making steps to tackle the issue of regulating public space. This case is also an example of the growing mobilization of food truck owners’ participation in regulatory debates. With associations like the DMV (D.C., Maryland, Virginia) Food Truck Association and other trade associations being established nationwide – often as a result of lengthy debates with city councils and local restaurant associations - there is a growing trend of food truck owners coming together to strategically represent the collective interests of all mobile food vendors.

¹⁵ D.C.’s Food Trucks Try to Adjust to the City’s New Regulations, December 2013.

<http://www.washingtoncitypaper.com/blogs/youngandhungry/2013/12/11/d-c-s-food-trucks-try-to-adjust-to-the-citys-new-regulations/>

Results

As the mobile food industry has grown, it has forced cities across the country to consider the economic and social impact of this industry on all citizens. Every city faces a unique set of challenges – the cases presented here looking at Austin, Boston, Portland, and Washington D.C. - demonstrate the different approaches to regulating the industry based on the input of stakeholders and the status of the local economy. As the examples show, cities are increasingly looking at food trucks not only as an alternative to traditional dining but also as a player in larger economic and community development plans.

The disruption of food trucks has forced cities to think critically about what and how they choose to regulate. Whether it is by leveraging data and technology to support traditional enforcement or by redefining existing regulations, regulatory reform efforts in the food truck industry have resulted in a wide range of approaches that at the end of the day are aimed at helping you answer the age-old question of “What’s for lunch?”.

ABOUT THE AUTHOR

Jessica Huey is a MPP candidate at the Harvard Kennedy School of Government. Prior to attending the Kennedy School, Jessica spent five years working for the City & County of San Francisco focusing on workforce development initiatives and labor negotiations. Jessica got her start with the City & County of San Francisco as a member of the inaugural class of City Hall Fellows, a year-long fellowship program in local government. Jessica received a BA from Brown University with a double major in Public Policy and Hispanic Studies.

ABOUT THIS PROJECT

The Regulatory Reform for the 21st-Century City project, funded by the Smith Richardson Foundation, is exploring, identifying, and developing a best practice framework and accompanying resources for cities seeking to learn more about regulatory reform. This work addresses the fine balance between public health and safety and economic development in regulation at the local level. As part of this project, this paper series is a resource for those US and international cities looking to learn more about regulatory reform, as well as those interested in replicating and adapting best practices to streamline regulatory development, licensing and permitting, and compliance in their own cities.

ABOUT THE SERIES EDITOR

Stephen Goldsmith is the Daniel Paul Professor of the Practice of Government and the Director of the Innovations in American Government Program at Harvard's Kennedy School of Government. He currently directs Data-Smart City Solutions, a project to highlight local government efforts to use new technologies that connect breakthroughs in the use of big data analytics with community input to reshape the relationship between government and citizen. He previously served as Deputy Mayor of New York and Mayor of Indianapolis, where he earned a reputation as one of the country's leaders in public-private partnerships, competition, and privatization. Stephen was also the chief domestic policy advisor to the George W. Bush campaign in 2000, the Chair of the Corporation for National and Community Service, and the district attorney for Marion County, Indiana from 1979 to 1990. He has written *The Power of Social Innovation*; *Governing by Network: the New Shape of the Public Sector*; *Putting Faith in Neighborhoods: Making Cities Work through Grassroots Citizenship* and *The Twenty-First Century City: Resurrecting Urban America*; and *The Responsive City: Engaging Communities Through Data-Smart Governance*.