



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.

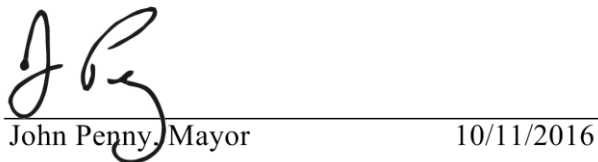
Mayor Penny closed public participation.



3. ADJOURNMENT

The workshop adjourned at approximately 6:55 PM.


Valerie Manning, City Clerk CMC 10/11/2016


John Penny, Mayor 10/11/2016