CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

AGENDA ● SEPTEMBER 26, 2023

City Commission Chamber	Work Session	4:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

HOLLY HILL
FLORIDA

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

CITY COMMISSION MEMBERS

Mayor
Chris Via

District 1 - Commissioner
John Penny

District 2 - Commissioner
Penny Currie

District 3 - Commissioner
John C. Danio

District 4 - Commissioner
Roy Johnson

CITY MANAGER
Joseph Forte

CITY CLERK
Valerie Manning

1. CALL TO ORDER

2. ROLL CALL

3. FOUNTAINHEAD DISCUSSION

1. Fountainhead Discussion of Parcels 3 & 4
   (Requested by Valerie Manning, City Clerk)

4. FOOD TRUCK DISCUSSION

1. Food Truck Discussion
   (Requested by Joseph Forte, City Manager)

5. 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.

HOLLY HILL
FLORIDA

City Commission
1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED

Meeting: 09/26/23 04:00 PM
Department: City Clerk
Category: Workshop Item
Prepared By: Joseph A. Forte
Initiator: Valerie Manning
Sponsors: City Manager Joseph A. Forte
DOC ID: 4273

WORKSHOP DISCUSSION (ID # 4273)

Fountainhead Discussion of Parcels 3 & 4

As part of the Fountainhead Development, which included a PUD, the City entered into an Incentive Agreement with Fountainhead Developers to provide financial reimbursements for improvements of the property located within the Community Redevelopment Area. The incentive agreement included reimbursements of taxes paid for qualified construction items, reimbursements of land purchase payments for existing and new jobs created, the waving of permit and fees associated with the development and other incentives.

One area of the Incentive Agreement allowed for parcel 4 to be purchased for the purpose of an affordable housing project. The first $60k of the payment of the land value would be applied toward the employee incentive while the remaining finds would be used for reimbursement of qualified construction items. After 5 years of applications to the FHFC without success of funding, the option for parcel 4 expired. Currently, Volusia County, through a program identified as Transform 386, has money available for affordable housing projects. The original affordable housing developer is interested in pursue a grant from Volusia County through this new program.

It is my opinion that the timing to sell and develop parcel 4 and parcel 3 would limit the opportunity for Fountainhead Developers to receive any substantial incentives. I would like to discuss with the commission an option to sell parcels 3 and 4 to Fountainhead Developers, completely separate and apart from the Incentive Agreement, to allow Fountainhead Developers the opportunity to own the land to do with it what they wish without the confines of the Incentive Agreement. There would be no reimbursable money or any other benefit of the Incentive Agreement applied to parcels 3 & 4. The City would receive payment for the property without restriction of how the funds would be spent anywhere in the CRA.

This was simply an idea where the city would sell the land without incentives and have it placed on the tax rolls and receive funding into the CRA TIF to be spent on projects the City CRA Agency and Commission would consider priorities in accordance with the CRA Master Plan.

This item is presented for discussion and direct.

REDEVELOPMENT INCENTIVE AGREEMENT

THIS AGREEMENT is entered into by and between the **City of Holly Hill**, a Florida municipal corporation formed and existing under the laws of Florida (City), the **City of Holly Hill Community Redevelopment Agency** (Agency), created pursuant to Florida Statute Chapter 163, and **Fountainhead Developers, LLC**, its successors or assigns (Developer), a Florida limited liability company.

W I T N E S S E T H

WHEREAS, the City purchased approximately 25 acres of real property, together with all associated development entitlements and impact fee credits or exemptions (as detailed on attached Exhibit A), located at 1200 Center Street (Property). The Property was the location of the former Holly Hill Middle School and before the City's acquisition, most of the structures had been demolished. The City has marketed the Property for redevelopment purposes with minimal redevelopment interest.

WHEREAS, Developer has contracted to purchase a portion of the Property for the purpose of redevelopment for the relocation of Synergy Billing, LLC (Synergy) headquarters and the transfer of existing jobs and the creation of new jobs in the near future.

WHEREAS, Developer intends to redevelop the remainder of the Property.

WHEREAS, the Property is located within the City of Holly Hill Community Redevelopment Area (CRA), which is controlled by the City of Holly Hill Community Redevelopment Agency (Agency) and the City.

WHEREAS, in June 2013 the Agency and City adopted the 1200 Center Avenue Feasibility Study (Plan) for the redevelopment of the Property.

WHEREAS, the Developer is proposing redevelopment of the Property which is consistent with and in furtherance of the Plan, which will increase the ad valorem tax base generated by the Property and provide new, high paying jobs in the City as further detailed on attached Exhibit B.

WHEREAS, the Agency and the Developer have negotiated this Redevelopment Incentive Agreement (Agreement) to provide separate, distinct incentives for the redevelopment of the Property. The incentives are payments for the transfer/creation of jobs resulting in new employees working for employers with businesses located on the Property; reimbursement of certain redevelopment capital expenses and the reinvestment of certain sale proceeds of the Property back into the redevelopment of the Property. This Agreement also grants the Developer an option to purchase any remainder of the Property not initially purchased by the Developer in connection with its initial phase of development.

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

FINAL ORIGINAL TWO

NOW, THEREFORE, for and in consideration of mutual covenants contained herein, the sufficiency of which is hereby acknowledged, the undersigned parties hereby agree to the following:

1) To induce and assist the Developer in redeveloping the Property, thereby increasing the ad valorem tax base generated by the Property, and encourage the creation of new businesses operating on the Property with full-time, highly paid employees (as further detailed in Exhibit B) the City and Agency hereby agree to provide the following incentives and option to purchase the remaining portions of the Property subject to the terms and conditions hereinafter set forth.

PART ONE
NEW EMPLOYEE INCENTIVE

2) The City will transfer to the CRA, to be accounted for separately, the first $60,000 per acre from the sale of the Property to the Developer or to a third party until the purchase option provided herein expires. These funds shall be used to pay incentives for new employees that meet the qualifying criteria provided in paragraph 3, below ("Qualifying Employee") employed by a business operating on the Property. Neither the City nor the Agency shall be required to provide any other funding for this incentive other than as identified herein.

3) A Qualifying Employee shall meet all of the following criteria:

(a) The Qualifying Employee must be a full-time employee as defined by the Affordable Care Act or other applicable Federal employment law.

(b) The Qualifying Employee must be employed for 52 consecutive weeks (the "Qualifying Employment Period") except as provided below.

(c) The Qualifying Employee must work full-time and their position shall be at a business operating on the Property ("Qualifying Employer"). Positions with a Qualifying Employer with operations at additional locations not operating on the Property shall not qualify. A Qualifying Employee will be able to travel for business away from the Property. However an employee who primarily works from home or at places or locations other than the business located on the Property, including tele-commuting jobs, does not qualify.

(d) Jobs filled by independent contractors are not eligible for an incentive payment.

4) In recognition of the Developer's role in fostering the overall redevelopment of the Property, payments for all Qualifying Employees working for any Qualifying Business that is not related to the Developer but that otherwise meets the eligibility criteria shall be paid to the Developer

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

5) The City and Developer agree that the timing of the New Employee Incentive may be adjusted to a different, mutually agreeable time in order to qualify for the local contribution requirement for Qualified Targeted Industry Tax Refunds.

6) The Developer, City and Agency shall follow the procedure outlined below to determine the number of Qualifying Employees for payment of the New Employee Incentive. In order to maximize the potential New Employee Incentives that may be received by the Developer, the Developer shall be responsible for ensuring that the reporting procedures outlined below also bind any Qualifying Employer who takes title to or otherwise occupies the Property by claim of right through the Developer:

(a) The City and Agency will evaluate the number of new employees working in full-time positions on the Property on a quarterly basis (Jan. 1, April 1, July 1 and Oct. 1). After review of the employment information provided (as further described herein) the City will determine the net increase in Qualifying Employees employed by Qualifying Employers over the highest number of Qualifying Employees working for a Qualifying Employer on the Property from any previous quarterly review. The increase in Qualifying Employees for the current quarterly period over the highest number of qualified employees in any previous quarter shall be eligible for payment of the New Employee Incentive, assuming all other eligibility criteria outlined in this Agreement are met.

(b) The Developer or other Qualifying Employer must submit, on a quarterly basis, a list of all potential Qualifying Employees working for Qualified Employers located on the Property along with the information listed in Exhibit D for the City and Agency to make the determination of eligibility for the New Employee Incentive. A unique identification code shall be used for each potential Qualifying Employee to safeguard any personal information. If the required information is not submitted, the potential Qualifying Employee shall not be eligible for purposes of calculating the New Employee Incentive. There shall be no refunds of the New Employee Incentive if a Qualifying Employee's position is terminated, for any reason, once the City and Agency have made a determination that the Qualifying Employee met the requirements for the New Employee Incentive. In addition to the safeguards provided above, the parties acknowledge that the business or employee information disclosed to the City or Agency under the requirements of this Agreement may contain sensitive business and personal information, but that the City and Agency are subject to the Public Records Act. The Developer shall mark all information that it believes to be confidential as "CONFIDENTIAL". Unmarked information shall be subject to public release without review. Prior to public disclosure of any information marked as "CONFIDENTIAL" the City will review said information to determine if any legally permissible exception to the Public Records Act exists. The City will withhold public disclosure if there is a clear exception to the Public Records Act or similar law requiring public disclosure. The City's decision to publicly disclose such information shall not subject the City or Agency to any liability for damages.

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

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(c) A Qualifying Employee will qualify for the New Employee Incentive even if the employee is on extended leave under the Family Medical Leave Act or other Federally approved, compensated extended leave offered by Qualifying Employer as long as documentation establishes that person meets the criteria of Qualifying Employee.

(d) The amount of the New Employee Incentive due for each Qualifying Employee is set forth in attached Exhibit B. The minimum wage set by Florida law at the time of each quarterly review shall be used for the determination of New Employee Incentive. Incentives shall be determined on the base hourly rate as adjusted for sales commissions when appropriate. Sales commissions paid for the 12 month period shall be divided by 2080 to determine a hourly rate which shall be added to the base hourly rate to determine eligibility for incentives. The rate of compensation to determine the New Employee Incentive shall be the average compensation paid to a Qualifying Employee over the final quarter of their Qualifying Employment Period. The value of any employment benefits will not be taken into consideration, however sales commissions for any commission-based positions shall be included in the calculation of gross pay. To qualify for the New Employee Incentive for residents of the City, the Qualifying Employee must be a resident for the entire Qualifying Employment Period. Proof of residency must be provided in the form of a valid Florida driver's license, identification card or voter registration card showing that the Qualifying Employee is a resident of the City and such other documentation to establish how long he or she lived in Holly Hill. A Qualifying Employee who lives within the City limits at the expiration of the Qualifying Employment Period, but has not resided within the City limits for the entire Qualifying Employment Period, shall be eligible for the nonresident New Employee Incentive payment. However, if the Qualifying Employee remains employed and continues to reside within the City limits for 52 consecutive weeks, the differential between the resident and nonresident New Employee Incentive will be paid at the quarterly review after which the Qualifying Employee meets the residency requirement. The differential payment shall be based on the compensation that was used to determine the initial New Employee Incentive for that Qualifying Employee and shall not be adjusted to account for changes in compensation that may have occurred since the initial nonresident New Employee Incentive payment was made.

(e) To qualify for the New Employee Incentive a Qualifying Employee must meet the requirements provided in this Section 6 for the review quarter ending July 1, 2026. Any money in the New Employee Incentive fund after July 1, 2026 shall be free and clear of any restrictions or limitations of this Agreement and may be utilized by the City and Agency for any lawful purpose.

(f) All time an employee worked for business that relocates to or opens a new facility on the Property as long as the employee relocates with the business shall be counted for determining eligibility for the New Employee Incentive.

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

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7) If the City or Agency is denied access to the employment records or if the information required in Exhibit D is not provided, a potentially Qualifying Employee will not be considered eligible for the New Employee Incentive.

8) Notwithstanding the forgoing provisions of this Part One, $190,000.00 shall be used as a credit towards the purchase price of the Developer acquiring Parcel 1. Parcel 1 shall be acquired by the Developer after meeting the criteria below which shall be closed simultaneously with the first payment of the New Employee Incentive. The $190,000 used as a credit towards the purchase price shall remain in the New Employee Incentive fund. The first payment of the New Employee Incentive shall be conditioned upon (a) the completion and certificate of occupancy being issued for all of Phase 1, Parcel 2 as identified on Exhibit C; and (b) the headquarters and all employees of Synergy Billing, LLC being permanently located to the Phase 1, Parcel 2.

PART TWO
Redevelopment Capital Expense Reimbursement

9) The unencumbered tax increment revenue received from all ad valorem taxes paid for the Property only shall be accounted for separately by the Agency. The City and Agency have pledge the tax increment revenues for repayment of the following obligations: 1) Promissory Note payable to SunTrust Bank known as the Community Redevelopment Agency Redevelopment Revenue Refunding Note, Series 2012, dated April 25, 2012 and (2) Promissory Note Payable to BB&T known as the Community Redevelopment Agency Redevelopment Revenue Note, Series 2013, dated April 24, 2013. Revenue covenants in those obligations allows the City and Agency to use tax increment revenue for other purposes as long as said revenue exceeds the annual repayment obligations by a certain percentage. "Unencumbered tax increment revenue" means to the extent there is tax increment revenue generated by the Agency as a whole in excess of these revenue covenants. In addition to the tax increment revenue paid to the Agency for this Property and the net sale proceeds of the Property as discussed herein, the City and Agency agree that additional revenues received by the City or Agency specifically for the redevelopment of the Property, including the proceeds of any sale of impact fee credits or exemptions associated with the Property to third parties as detailed in Paragraph 16(g)(vii), shall be available for Redevelopment Capital Expense Reimbursements as provided herein. Neither the City nor the Agency shall be required to budget alternative funding for the redevelopment of this Property except as identified herein.

10) A Redevelopment Capital Expense Reimbursement is an expenditure paid for by the Developer for the redevelopment of the Property (the "Eligible Redevelopment Costs") including, but not limited to:

(a) Permitting costs, including all permitting fees paid to third party regulatory agencies, impact fees and professional services fees incurred by the Developer for services rendered by consultants, including but not limited to

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

engineers, surveyors, and attorneys, to obtain permits and approvals for the redevelopment on the Property. The City and Agency agree that all City fees associated with the redevelopment of the Property shall be waived to the extent the City can legally waive said fees, such as permit fees and inspections fees. Fees that cannot be legally waived, such as impact fees, shall be considered an Eligible Redevelopment Costs to the extent such fees are paid by the Developer.

(b) Site prep work including, but not limited to land clearing, hauling, import of fill material or disposal costs.

(c) Underground utility infrastructure work, including water, sewer, stormwater, cable, telephone, internet and electric (above ground utilities are not eligible for reimbursement unless the utility improvement must be above ground as a result of the requirements of the utility provider such as fire hydrants, backflow preventers or control valves).

(d) Construction of stormwater drainage ponds and related stormwater infrastructure, including mitigation costs, if any.

(e) Construction of parking facilities, turn lanes or other traffic related improvements.

(f) Landscaping, signage, hardscape, decorative pavers, walkways and accent lighting.

(g) Exterior renovation to the existing structures on the Property (interior renovations are not eligible for reimbursement.

(h) Construction of the exterior shell of any new structures. The exterior shell of a structure shall include the foundation, exterior walls and roof, including all structural elements or supporting structures, electric, water, fire suppression and sewer service. Interior build-out, including electric, water and sewer distribution and interior finishings, shall not be eligible for reimbursement.

Only expenses for capital improvements to the Property shall be eligible for reimbursement. Construction management fees or similar charges paid to the Developer, owners of the Developer and any other entity which the Developer or owners of the Developer own or have a controlling interest in shall not be reimbursed. The Developer shall submit the information outlined in Exhibit D to establish to the reasonable satisfaction of the City and Agency that the work to be reimbursed has been performed and paid for by the Developer. Capital improvements must be inspected and approved by the City Building Official before Eligible Redevelopment Costs shall be reimbursed, however this provision shall not be interpreted to require the issuance of a certificate of occupancy prior to capital costs being approved as Eligible Redevelopment Costs.

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11) Tax increment revenue available for payment of Redevelopment Capital Expense Reimbursement shall be only those tax increment revenues received by the Agency on or before July 1, 2026. Tax increment revenues received from this Property by the Agency after that date may be used by the Agency for any appropriate redevelopment purposes within the CRA . Any tax increment revenue that is received by the City and Agency prior to July 1, 2026 is eligible to pay for reimbursements. Any such funds not utilized to pay a reimbursement request received by the City and Agency before July 1, 2026 shall be free and clear of any restrictions or limitations of this Agreement and may be utilized by the City and Agency for any lawful purpose.

12) Reimbursable expenses shall be limited to expenses actually paid by the Developer. Improvements paid for by a 3rd party shall not be eligible for reimbursement. Notwithstanding the foregoing, tax increment revenues generated from increased ad valorem taxes collected as a result of all redevelopment activity shall be available to reimburse the Developer for qualified Redevelopment Capital Expense Reimbursement, even if portions of the redevelopment are carried out by other parties.

PART THREE
REINVESTMENT OF NET SALE PROCEEDS OF RESIDENTIAL PORTION OF PROPERTY

13) A portion of the Property is proposed for multi-family residential development as identified in attached Exhibit E (the "Workforce Housing Parcel"). The City, Agency and Developer agree that the sale of the Workforce Housing Parcel shall be consummated directly between the City and a third-party purchaser. It is anticipated that extended time will be required for closing on the Workforce Housing Parcel to allow the third-party purchaser sufficient time to submit one or more application(s) for tax credit financing during the Florida Housing Finance Corporation's (the "FHFC") annual funding cycles. The City and Agency agree to cooperate with the purchaser of the Workforce Housing Parcel in order to ensure the Workforce Housing Parcel meets all requirements of applicable state tax credit financing programs until such time as FHFC funding is approved for the Workforce Housing Parcel. The City and Agency agree to budget and appropriate $50,000 in fiscal year 2017/18 and carry forward this amount for a period of 5 budget years, or until a FHFC grant is awarded to a workforce housing project on this Property, whichever occurs first, to represent the required local match for Florida Housing Finance Corporation's Workforce Housing financing. Any extensions or modifications of the contract between the City and third party developer of the Workforce Housing Parcel must be approved by the Developer as the Developer may opt to purchase the Workforce Housing Parcel for a non-residential use as discussed in Paragraph 17. The Developer hereby agrees not to seek any residential use, whether single-family or multi-family, on the remainder of the Property, including but not limited to work force housing, FHFC financing or any similar subsidized housing. In the event the Developer seeks approval of a residential use on the Property other than that portion of the Property designated for the Workforce Housing Parcel, in addition to any other legal remedy available to the

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City or Agency to enforce this prohibition, the Developer agrees that this Agreement may be terminated immediately by the City or Agency and upon termination all unpaid incentives and remaining purchase options shall be null and void.

14) The Agency will separately account for the net sale proceeds from the sale of the Workforce Housing Parcel and the Agency hereby agrees to budget and appropriate those proceeds to reimburse the Developer for Eligible Redevelopment Costs. "Net sale proceeds" shall mean the gross sales price less standard closing expenses paid by a seller and less $60,000 per acre which will be accounted for separately to be utilized for New Employee Incentive discussed in Part One above. The Net Sale Proceeds from the Workforce Housing Parcel shall be used to reimburse the Developer for payments of any Eligible Redevelopment Costs as outlined in Part Two.

15) Neither the Net Sale Proceeds nor the $60,000 per acre for New Employee Incentive shall be paid to the Developer unless the Developer or a 3rd party during the term of this Agreement has acquired parcels 1, 2 and 3.

PART FOUR
PURCHASE OPTION

16) The City and Agency hereby grant to the Developer an option to purchase the Property not already purchased by the Developer, as identified on attached Exhibit F, pursuant to the following terms and conditions;

(a) The option provided to the Developer shall apply to the Property not already owned by the Developer and the Workforce Housing Parcel in the event the Workforce Housing Parcel is not acquired by a third-party purchaser as provided in Part Three. The option shall permit the Developer to purchase all outparcels identified on Exhibit F, including the parcel identified as the "Wellfield Parcel" in the event the Wellfield Parcel is abandoned by the City. Developer can purchase one or more outparcels at a time. The option price shall be $60,000 per acre and the sale proceeds shall be used as additional revenues for the New Employee Incentive. The contract for the sale and purchase for each option exercised shall be the contract attached hereto marked as Exhibit G. The Initial Option shall be exercised as discussed in Paragraph 8 above for the purchase of Parcel 1(the "Initial Option"). If the Developer fails to exercise and close the Initial Option as discussed in Paragraph 8, the Initial Option may lapse and the Developer shall have no further binding option to purchase any outparcel. If the Developer exercises and closes the Initial Option as required in Paragraph 8, the Developer shall have four (4) years measured from the date of acquisition of Parcel 2 to exercise and close the next option (the "Rolling Option"). Each purchase by the developer under the Rolling Option shall add one (1) year to the Rolling Option duration regardless of the number of outparcels acquired Developer in a single closing. The Rolling Option will continue until such time as all outparcels have been acquired. The Rolling Option shall terminate and all options shall lapse on July 1, 2026. A failure by Developer to acquire an outparcel that the

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Developer has exercised the Rolling Option for shall not terminate the Rolling Option rights outlined above as long as the failure to acquire the outparcel meets the following conditions:

(i) the failure to purchase is beyond the reasonable control and foreseeability of the Developer, including but not limited to, adverse economic conditions;

(ii) the Developer is in full compliance with all other terms under this Agreement; and

(iii) the Developer is in full compliance with all applicable City regulations and an approved Mixed Use Planned Unit Development approved for the Property.

If the Developer does not satisfy the above conditions, the City has the option of terminating the remainder of the Rolling Option period and the Developer will have no further option to purchase any remaining portion of the Property.

(b) Recordation and Transfer. The Developer or Agency will have the right to record this Agreement or a memorandum of this Agreement in the public records.

(c) At the closing, the City and Agency will convey title to the outparcel(s) identified in the option to purchase by general warranty deed, free and clear of liens or mortgages, and subject to matters of record as of the date of this Agreement, zoning, restrictions, prohibitions and other requirements imposed by governmental authority and taxes and assessments for the year of closing.

(d) The transfer of the Property and any outparcel(s) will include the following:

(i) All land and property rights owned by the City, including any rights or reversionary interests in land lying in the bed of any canal, lake, preserve, street, road, alley, avenue or highway, open or proposed, if any, adjoining the outparcel(s), to the center line thereof; and

(ii) All tenements, hereditaments, condemnation awards, insurance proceeds, easements, privileges and appurtenances belonging to or serving the outparcel(s), including, without limitation, all title, estates, interest, drainage, water, canal and riparian rights, credits or exemptions for impact fees, water, sewer and other utility fees and connection charges, mitigation credits and rights, and beneficial rights to adjoining preserve areas.

(e) At the closing, the City and Agency shall furnish the general warranty deed, no lien affidavit, FIRPTA certificate and other documents reasonably required

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by the Developer and title insurance company, if any, issuing title insurance in connection with the Developer's purchase of the outparcel(s).

(f) No Further Encumbrances. During the term of this Agreement, the City or Agency will not sell or transfer, lease or otherwise market the availability of any portion of the Property nor will the City or Agency further improve, encumber or lien the Property or create or permit any matters to be recorded against the Property without the Developer's prior written consent. Furthermore, the City or Agency will not (a) enter into, create or assume any obligation for borrowed money or any security agreement, lien, encumbrance, mortgage, deed of trust, pledge, conditional sale or other title retention agreement, easement, covenant, restriction or other burden upon the Property or (b) record any homeowners association documents, easements or other agreements affecting the Property after the date of this Agreement, except an approved Mixed Use Planned Unit Development Agreement and any documents contemplated therein.

(g) City and Agency's Representations and Warranties. As a material inducement to the Developer to enter into this Agreement, the City and Agency represent and warrant to the Developer that the following are true and correct and shall be true and correct:

(i) The City and Agency own the Property and have full right and are duly authorized to enter into and consummate this Agreement.

(ii) The City and Agency have complied and shall comply from the date hereof during the term of this Agreement with all applicable federal, State, County and municipal regulations, rules, ordinances, statutes, building, zoning and development codes and other requirements and restrictions with respect to all matters pertaining to the Property.

(iii) There is no litigation, investigation or proceeding pending, or to the knowledge of the City or Agency threatened, against the City or Agency relating to or affecting the Property or otherwise adversely affecting the City or Agency's ability to perform its obligations hereunder.

(iv) There are no options agreements or other agreements relating to the sale or lease of the Property other than as outlined herein.

(v) To the best of the City and Agency's knowledge, the Property has not in the past been used, is not presently being used and will not in the future *(for so long as the City and Agency own same)* be used for the handling, storage, transportation or disposal of hazardous or toxic materials. The Developer may obtain, at its expense, a report from a reputable environmental consultant as to whether the Property has been or presently is being used for the handling, storage, transportation or disposal of hazardous or toxic materials.

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

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(vi) Neither the City nor Agency have received notice from any governmental authority, mortgagee, insurer or other party alleging that either the Property or the use or operation of the Property is in violation of any federal, state or local law or ordinances, orders or regulations, including, but not limited to, those pertaining to building, zoning and environmental requirements.

(vii) The City or Agency will ensure that all available impact fee credits or exemptions associated with the Property will remain available to be used during the term of this Agreement solely for the redevelopment of the Property. Impact fee credits or exemptions will not automatically transfer to the Workforce Housing Parcel, but impact free credits or exemptions from governmental agencies other than the City may be transferred by the Developer to the Workforce Housing Project. Neither the City nor Agency make any representations about the transferability of any impact fee credits or exemptions. Impact fee credits or exemptions associated with the former Holly Hill Middle School located on the Property will remain associated with the Property for the duration of this Agreement and will not be transferred by the City or Agency while this Agreement remains in effect. Impact fee credits or exemptions applicable to the City's impact fees shall be utilized on a first come, first serve basis and shall not be sold or transferred by the City or Developer during the term of this Agreement.

17) If the Workforce Housing Parcel is not purchased by a third party for said use within five (5) years of execution of this Agreement the Developer shall have the option to purchase the Workforce Housing Parcel pursuant to the terms and conditions outlined in Part Four above. This option may only be exercised after the Developer has timely exercised the Initial Option or Rolling Options outlined above, has otherwise fully complied with the terms of this Agreement and must be exercised before the term expiration and in no event shall the option term extend beyond July 1, 2026. In the event the Developer purchases the Workforce Housing Parcel as provided in this paragraph, all available incentives provided by this Agreement shall be applicable to the Workforce Housing Parcel.

PART FIVE
GENERAL PROVISIONS

18) Procedure for Processing Payments: All payments to be made by the City or Agency as outlined in Part One, Part Two and Part Three above shall be processed according to the following procedure:

(a) All required information shall be provided to the City or Agency in a timely manner. A "timely manner" under Part One shall be no later than thirty (30) days of the end of the quarter to be reviewed. Under Part Two and Part Three, a "timely manner" shall be no later than thirty (30) days of payment of the invoices to be reimbursed. The required information for each payment type shall be as outlined in attached Exhibit A and C.

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

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(b) The City or Agency shall remit payment to the Developer in accordance with the standards provide by the Florida Prompt Payment Act (§§218.70-.79, Florida Statutes (2016)). If there are not sufficient funds to make the payment in full, the City or Agency shall make the payment to the extent of available funds. All approved payments shall accrue pending receipt of appropriate funds from which to make payment. Appropriate funds shall mean the identified legally available funding source for each payment.

19) Notices. All notices, statements, demands or other communications ("notice(s)") to be given under or pursuant to this Agreement, or which a party hereto may wish to give, must be in writing, addressed to the other party at its address as provided below, and delivered in person, by facsimile transmission or by certified or registered mail, return receipt requested and postage prepaid. Such notice will be deemed to have been delivered on the date of hand delivery, on the date of delivery by facsimile transmission (unless such delivery is made on a non-business day or on any day after 5 p.m., in which event delivery will be deemed to have been made on the following business day) or on the day of delivery when mailed as aforesaid (which would also be the day receipt is rejected), as the case may be. Any party may from time to time change its address or facsimile number for receipt of notices by sending a notice to the other parties specifying such new information.

Developer 1410 LPGA Blvd Daytona Beach, Florida 32117	City and Agency 1065 Ridgewood Avenue Holly Hill, FL 32117

20) Assignment. This Agreement is not assignable by the Developer without the written consent of the City and Agency, which consent may not be unreasonably withheld. Any assignment or pledge of any revenue anticipated to be received pursuant to this Agreement by the Developer shall require a joinder and consent of the City and Agency, which shall not be unreasonably withheld.

21) Non-monetary Assistance. The City and Agency agree to provide non-monetary assistance to the Developer in pursing the proposed development of the Property. In addition, the City agrees to waive all permitting, connection, review and inspection fees and such other fee that can be legally waived and have not been pledged as collateral for a loan or bond.

22) Subsequently Acquired Adjacent Property. If the Developer acquires property that is adjacent to the Property, the above-described incentives (i.e. New Employee Incentive and Redevelopment Capital Expense Reimbursement) shall be applied to said property as long as the following conditions are satisfied:

(a) the property is incorporated into the MPUD zoning of the Property; and

(b) the City and Agency amend the City of Holly Hill Community Redevelopment Area (Area) to incorporate said property into the Area

ORIGINAL DOCUMENT

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

23) It is anticipated that Developer will commence construction activity (including pursuing permitting and other approvals) within 90 days of the acquisition of the first portion of the Property. If construction activity has not started during said period of time or if construction activity ceases for a period of 6 consecutive months, Developer shall provide the City and Agency with a written explanation for the delay. If Developer establishes that it has diligently pursued starting the construction activity and the delays are beyond the reasonable control of the Developer, the City and Agency shall grant an extension for a duration of not less than 90 days or as requested by the Developer. Any further extension shall be as negotiated by the City, Agency and Developer.

24) This Agreement shall be governed by the laws of the State of Florida. Venue for any litigation arising out of this Agreement shall be in State Court, Volusia County, Florida. The prevailing party in any litigation arising out of this Agreement shall be entitled to be reimbursed reasonable attorney fees and costs.

25) This Agreement is the entire understanding between the parties as to the issues addressed herein. No prior discussions, negotiations and agreements are valid. Any amendment to this Agreement must be in writing executed by both parties.

26) The failure of either party to require strict performance of a term or conditions shall not constitute a waiver to prevent the party from requiring strict performance at a later time.

27) Revenue to pay incentives described above shall be limited to the revenue sources identified. Neither the City nor the Agency shall be required to transfer funds from any other available source to satisfy any of the incentives provided herein. This Agreement does not represent a pledge of credit or otherwise grant any security interest in revenues of the City or Agency, rather the City and Agency's funding obligations under the terms of this Agreement represents an agreement to budget the funds identified herein to be used exclusively pursuant to the terms and conditions of this Agreement. Once the Part One New Employee Incentive has been fully expended and all of the Property sold, there shall no longer be an obligation to provide employee data.

28) In the event the Developer files bankruptcy, receivership or any insolvency proceedings, the City and CRA have the right to terminate this Agreement.

29) The CRA and Agency offer a variety of programs for the redevelopment of property in the CRA. It is the intent of the City and Agency that the incentives outlined in this Agreement shall be all the incentives and programs that are eligible for the Property. The Developer and third party purchasers shall not pursue any other incentives, grants, etc. offered by the CRA or Agency.

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL ORIGINAL

30) All payments made by the Agency pursuant to this Agreement as outlined above shall be made to the Developer. The Developer shall be solely responsible for making payments to all of its contractors and subcontractors.

31) The term "day" or "days" shall meaning regular working days of the City and excludes weekends and Holidays.

32) One of the principal purposes of this Agreement is for the relocation of the headquarters of Synergy Billing, LLC to the Property. Headquarters is hereby defined to mean the principal place of business as identified by the Secretary of State Corporation information as the principal place of business; the principal place of business of advertising and promotional material; the location of the officer of all administrative staff including CEO, President and CFO; and the location where a majority of the employees of Synergy Billing, LLC are located and work. If Synergy Billing, LLC's headquarters is not relocated to the Property, the City has the right to terminate this Agreement and all rights, entitlements and benefits provided therein by providing written notice to the Developer. Notwithstanding the foregoing, nothing in this paragraph shall prevent the future relocation of the Headquarters of Synergy Billing, LLC.

33) The Developer shall submit a proposed Mixed Use Planned Unit Development for the Property by November 4, 2016, reviewed by the City's Planning Board at its February 6, 2017 meeting and approved by the City Commission no later than February 28, 2017. The closing on the first acquisition of the Property by the Developer shall close by May 31, 2017. In the event these deadlines are not met, the agreement shall be deemed null and void.

34) The Purchase and Sale Agreement and the Incentive Agreement are contingent upon the City of Holly Hill and the Holly Hill Community Redevelopment Agency approving the MPUD submittal as the owner of the property and the MPUD ordinance, rezoning the property, as the regulatory body over the property.

35) Upon the termination of this Agreement, if the City/Agency is still the owner of any portion of the Property, the City/Agency has the right to develop, sell, transfer, rezone, etc. that portion of the Property as the owner of the Property without the consent or approval of the Developer.

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed by the proper officers the day and year as written.

ATTEST:

Valerie Manning
Valerie Manning
City Clerk

CITY COMMISSION OF THE CITY OF HOLLY HILL

John Penny
Mayor

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing agreement was acknowledged before me this 25 day of January, 2017 by Valerie Manning of Holly Hill, who is personally known to me or produced John Penny as identification and did/did not take an oath.

ELIZABETH M NELSON
Notary Public - State of Florida
Commission # FF 201240
My Comm. Expires Feb 27, 2019
Bonded through National Notary Assn.

NOTARY PUBLIC, STATE OF FLORIDA

Elizabeth M Nelson
Type or Print Name: Elizabeth M Nelson
Commission No.: 2-27-2019
My Commission Expires: FF201240

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL ORIGINAL

DEVELOPER

Witness: _____

Printed Name: _____

Fountainhead Developers, LLC
a Florida Limited Liability Company

By: _____
Name: M. Jayson Meyer
Title: Manager

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing agreement was acknowledged before me this 27th day of January, 2017 by M. Jayson Meyer of Fountainhead Developers, LLC, who is personally known to me or produced _____ as identification and did/did not take an oath.

VALERIE MANNING
Notary Public - State of Florida
Commission # FF 898510
My Comm. Expires Oct 30, 2019
Bonded through National Notary Assn.

NOTARY PUBLIC, STATE OF FLORIDA

_____
Type or Print Name: Valerie Manning
Commission No.: FF898510
My Commission Expires: Oct. 30, 2019

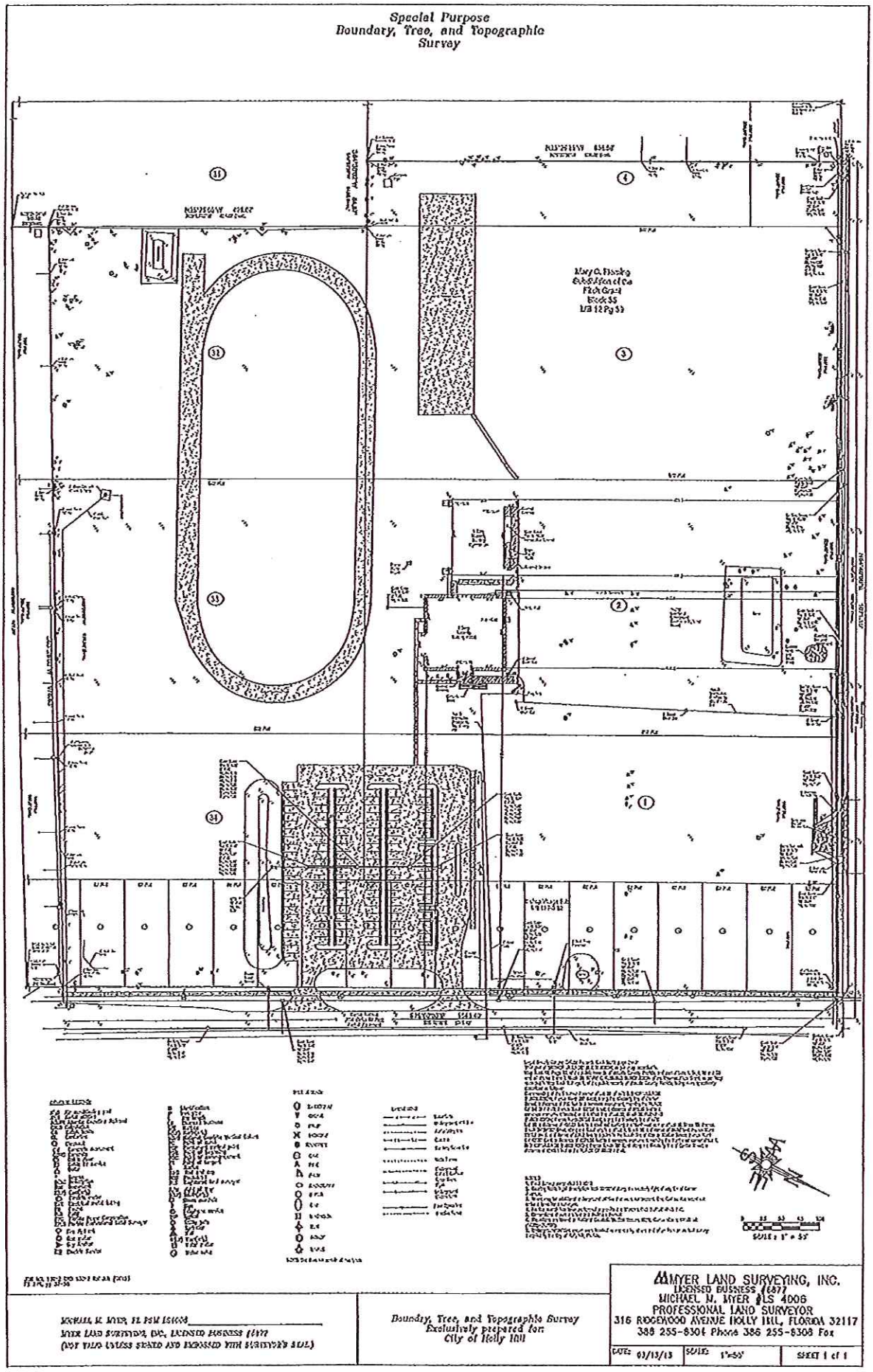
Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL OR

Exhibit A – Description of Property and Impact Fee Credits/Exemptions

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL ORIGINAL



Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

Proposed Development Impact Fees																	
		Corporate HQ	Med. Ofc	Office	Fit. Cntr	Daycare	Restaurant								Corp. Ofc.	Medical Of	Office
Sq. ft./Units		123,000	16,000	16,000	4,000	6,000	4,000	Total									
PR														PR			
Fire		$41,820.00	$5,440.00	$5,440.00	$1,360.00	$9,120.00	$1,360.00	$64,540.00						Fire	0.34	0.34	0.34
Police		$30,750.00	$4,000.00	$4,000.00	$4,280.00	$3,600.00	$7,080.00	$53,710.00						Law	0.25	0.25	0.25
Trans		$34,784.40	$17,129.60	$7,110.40	$3,312.80	$5,029.80	$3,676.40	$71,043.40						Trans	0.28	1.06	0.44
Water*		$8,958.60	$2,133.00	$2,133.00	$711.00	$711.00	$14,220.00	$28,866.60						Water	1422	1422	1422
Sewer*		$12,020.40	$2,862.00	$0.00	$954.00	$954.00	$19,080.00	$35,870.40						Sewer	1908	1908	1908
Subtotals		$128,333.40	$31,564.60	$18,683.40	$10,617.80	$19,414.80	$45,416.40	$254,030.40									
TOTAL								$254,030.40									
		Holly Hill Credits from Prior Use**	Proposed Use*	Credit minus Proposed Use	Credit or Debit to Developer												
School area	116,312	area*fee															
Fire	1.52	$176,794	$64,540.00	$112,254	Credit												
Police	0.6	$69,787	$53,710.00	$16,077	Credit												
Trans	0.44	$51,177	$71,043.40	-$19,866	Debit												
Water*	1422	$14,177	$28,866.60	-$14,689	Debit												
Sewer*	1908	$19,023	$35,870.40	-$16,848	Debit												
*Assumes the following:			ERUs														
123,000 Corporate Office			6.2														
16,000 sq. ft. office			0.5														
16,000 sq. ft. medical office			1.5														
4,000 sq. ft. fitness center			0.5														
6,000 sq. ft. daycare			0.5														
4,000 sq. ft. restaurant			10														
			0														
Total ERUs			19.3														
**Actual average daily consumption based on prior billing periods						9.97											
Volusia County Thoroughfare Road Impact Fees																	
Amount Due																	
Use	Intensity	Rate	Fee Amount														
Corporate Office	123,000	$1.48	$182,040.00														
Office	16,000	$2.31	$36,960.00														
Medical Office	16,000	$5.56	$88,960.00														

Fitness	4,000	$5.35	$21,400.00	
Restaurant	4,000	$4.78	$19,120.00	
Day Care	6,000	$4.39	$26,340.00	
MFDU	88	$1,506.04	$132,531.52	
Financial	0	$10.96	$0.00	
TOTAL			$507,351.52	
Amount of Credit				
School Area	115,312.00	$4.39	$510,609.68	
Net			$3,258.16	
This results in a credit estimate of $135,789.65 to the developer of the site.				

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

| | | |

Exhibit B – Employee Incentives

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL TRIGGERED

JOB GROWTH/RETENTION INCENTIVES

Over Minimum Wage	Incentive $$	Eligibility	Hourly $	Annual $
125%	$ 1,000.00	Transfer	$ 10.06	$ 20,924.00
125%	$ 1,250.00	Transfer - Holly Hill Resident		
125%	$ 1,500.00	New Position		
125%	$ 1,750.00	New Position - Holly Hill Resident		
150%	$ 1,500.00		$ 12.07	$ 25,105.00
150%	$ 1,750.00	Transfer - Holly Hill Resident		
150%	$ 2,000.00	New Position		
150%	$ 2,250.00	New Position - Holly Hill Resident		
175%	$ 2,500.00	Transfer	$ 14.08	$ 29,286.00
175%	$ 2,750.00	Transfer - Holly Hill Resident		
175%	$ 3,000.00	New Position		
175%	$ 3,250.00	New Position - Holly Hill Resident		
200%	$ 2,750.00	Transfer	$ 16.10	$ 33,488.00
200%	$ 3,000.00	Transfer - Holly Hill Resident		
200%	$ 3,250.00	New Position		
200%	$ 3,500.00	New Position - Holly Hill Resident		
225%	$ 3,000.00	Transfer	$ 18.11	$ 37,668.00
225%	$ 3,250.00	Transfer - Holly Hill Resident		
225%	$ 3,500.00	New Position		
225%	$ 3,750.00	New Position - Holly Hill Resident		
250%+	$ 3,250.00	Transfer	$ 20.12	$ 41,849.00
250%+	$ 3,500.00	Transfer - Holly Hill Resident		
250%+	$ 3,750.00	New Position		
250%+	$ 4,000.00	New Position - Holly Hill Resident		

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL ORIGINAL

Exhibit C – PHASE 1, PARCEL 2

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL

THE FOUNTAINHEAD

OVERALL DEVELOPMENT PLAN
HOLLY HILL, FLORIDA
JANUARY 13, 2017

COLOR RENDERING

FOUNTAINHEAD MPUD

NOT RELEASED FOR CONSTRUCTION

THE PERFORMANCE GROUP
CIVIL ENGINEERING PLANNING DEVELOPMENT

NO	DATE	APPR.	REVISION

PROJECT NO: 806

SHEET 1 OF 1

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

Exhibit D – New Employee/Expense Reimbursement information

To be determined at a later date

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL ORIGINAL

Exhibit E – Workforce Housing Parcel

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL ORIGINAL

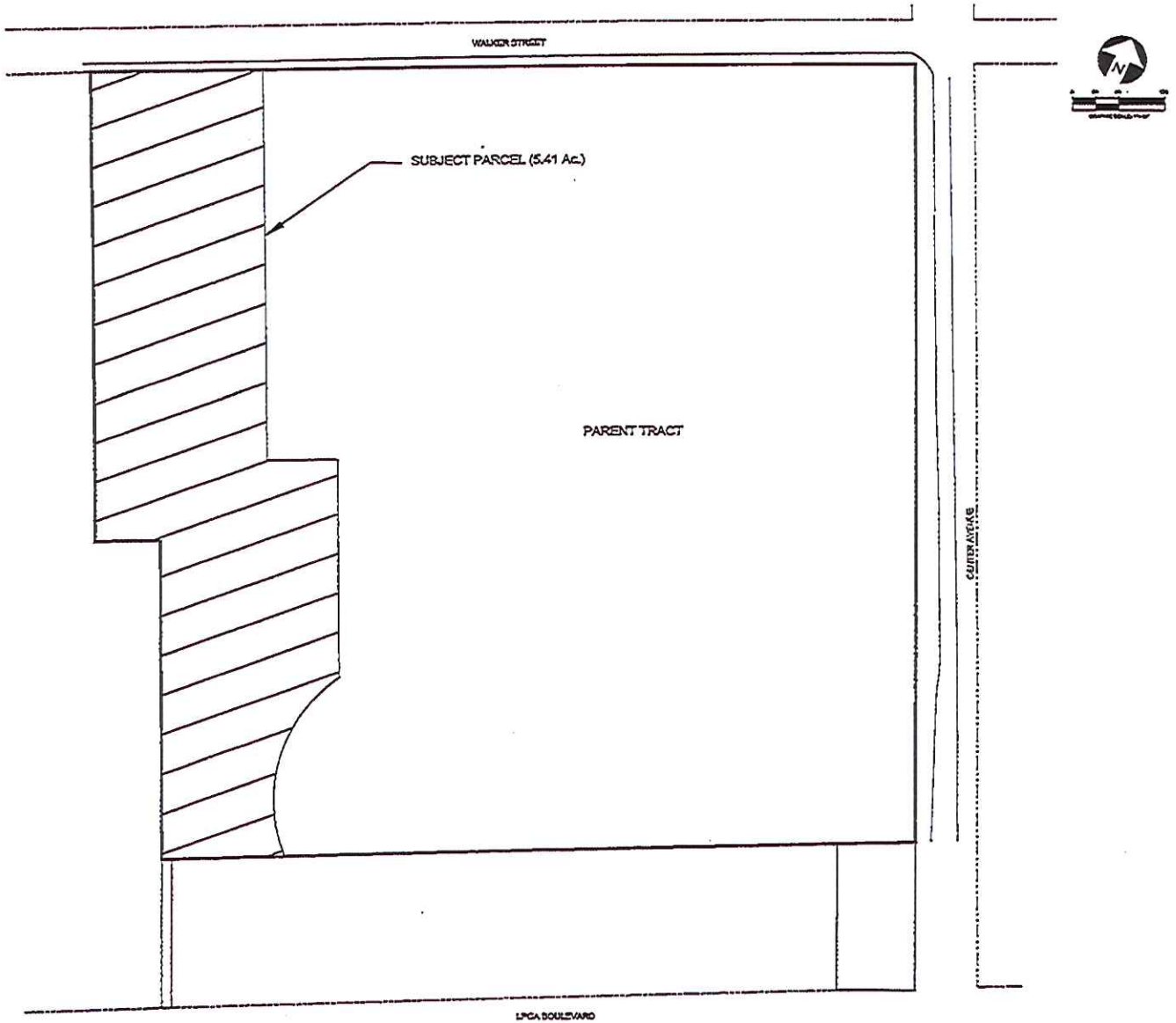
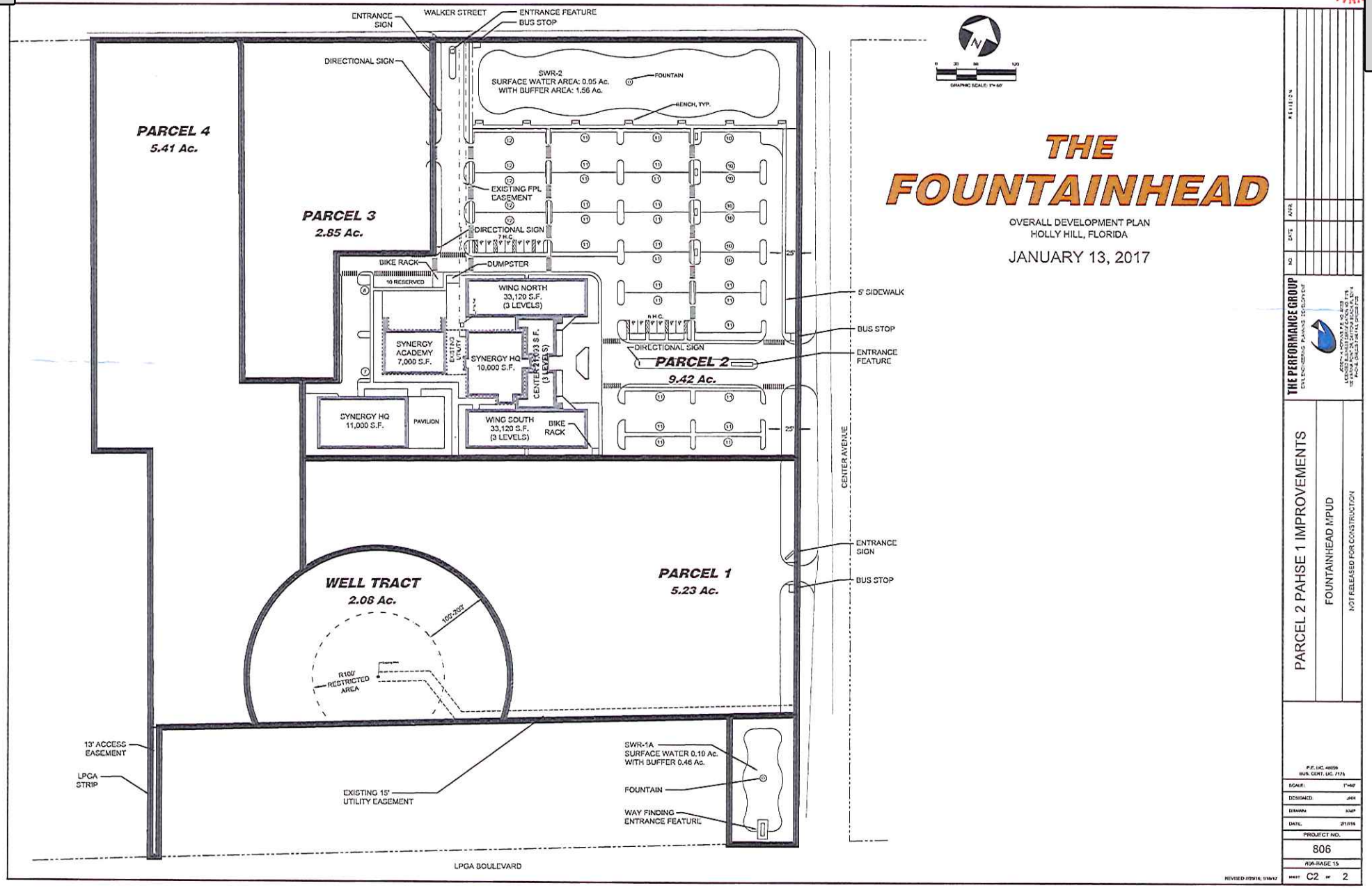

WALKER STREET
SUBJECT PARCEL (5.41 Ac.)
PARENT TRACT
CUTTRIVER
LPGA BOULEVARD

Exhibit F – Option Parcels

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL


ENTRANCE SIGN
WALKER STREET
ENTRANCE FEATURE
BUS STOP
DIRECTIONAL SIGN
SWR-2
SURFACE WATER AREA: 0.05 Ac.
WITH BUFFER AREA: 1.56 Ac.
FOUNTAIN
BENCH, TYP.
PARCEL 4
5.41 Ac.
PARCEL 3
2.85 Ac.
EXISTING FPL EASEMENT
DIRECTIONAL SIGN
BIKE RACK
10 RESERVED
DUMPSTER
WING NORTH
33,120 S.F.
(3 LEVELS)
SYNERGY ACADEMY
7,000 S.F.
SYNERGY HQ
10,000 S.F.
CENTER
(3 LEVELS)
SYNERGY HQ
11,000 S.F.
PAVILION
WING SOUTH
33,120 S.F.
(3 LEVELS)
BIKE RACK
PARCEL 2
9.42 Ac.
5' SIDEWALK
BUS STOP
ENTRANCE FEATURE
CENTER AVENUE
ENTRANCE SIGN
BUS STOP
PARCEL 1
5.23 Ac.
WELL TRACT
2.08 Ac.
100'-200'
R100' RESTRICTED AREA
13' ACCESS EASEMENT
LPGA STRIP
EXISTING 15' UTILITY EASEMENT
SWR-1A
SURFACE WATER 0.10 Ac.
WITH BUFFER 0.46 Ac.
FOUNTAIN
WAY FINDING ENTRANCE FEATURE
LPGA BOULEVARD
THE FOUNTAINHEAD
OVERALL DEVELOPMENT PLAN
HOLLY HILL, FLORIDA
JANUARY 13, 2017
THE PERFORMANCE GROUP
PARCEL 2 PAHSE 1 IMPROVEMENTS
FOUNTAINHEAD MPUD
NOT RELEASED FOR CONSTRUCTION
SCALE: 1"=60'
DESIGNED: JHH
DRAWN: KMP
DATE: 2/1/16
PROJECT NO.
806
R06-RASE 15
SHEET C2 OF 2

OVERALL DEVELOPMENT PLAN	THE PERFORMANCE GROUP CIVIL ENGINEERING / PLANNING / DEVELOPMENT
FOUNTAINHEAD MPUD	
NOT RELEASED FOR CONSTRUCTION	

NO	DATE	APPR	REVISION

PE LIC. #49356
BUILDERS LLC 7173

SCALE: 1"=60'
DESIGNED: JMH
DRAWN: JMH
DATE: 3/24/16
PROJECT NO. 806
NON-BASIC TO
SHEET C1 OF 2

REVISED 7/29/16, 9/19/17

ORIGINAL ORIGINAL

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

Exhibit G – Option Contract Form

Attachment: Redevelopment Incentive Agreement with Fountainhead Developers, LLC 2017 (4273 : Fountainhead Discussion)

ORIGINAL ORIGINAL

HOLLY HILL
FLORIDA

City Commission
1065 Ridgewood Ave
Holly Hill, FL 32117

SCHEDULED

Meeting: 09/26/23 04:00 PM
Department: City Clerk
Category: Workshop Item
Prepared By: Valerie Manning
Initiator: Joseph A. Forte
Sponsors:
DOC ID: 4274

WORKSHOP DISCUSSION (ID # 4274)

Food Truck Discussion

DISCUSSION: (THIS IS A CONTINUATION DISCUSSION FROM THE SEPTEMBER 11, 2023 WORKSHOP)

Listed below are minutes from previous meetings, workshops, City-wide fee schedule FY22-23 and the city's policy on food trucks, **Section 114-904. - Mobile food vehicle and vendor regulations**.

- ✓ HH Code of Ordinances - Section 114-904. - Mobile Food Vehicle and Vendor Regulations
- ✓ City-wide Fee Schedule FY22-23 - Business Use of Food Truck Fee
- ✓ Latest Ordinance 3024, - Regulating Mobile Food Vehicles - Includes minutes from the March 10, 2020 City Commission meeting **(FIRST READING)**
- ✓ Minutes - March 8, 2016 - Regular CC meeting
- ✓ Minutes - August 23, 2016 - Regular CC meeting
- ✓ Minutes - September 12, 2016 - Regular CC meeting
- ✓ Minutes - October 11, 2016 - Workshop
- ✓ Minutes - October 25, 2016 - Regular CC meeting
- ✓ Minutes - May 14, 2019 - Regular CC meeting
- ✓ Minutes - January 28, 2020 - Regular CC meeting
- ✓ Minutes - March 10, 2020 - Regular CC meeting **(SECOND READING)**

Sec. 114-904. - Mobile food vehicle and vendor regulations.

(a) *Definitions.*

Catering is the business of providing food for a private event, as a professional service, for a fee.

Commissary is a licensed or permitted food service establishment that provides required services to a mobile food vehicle (MFV). A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption. A commissary provides the necessary support for the MFV to operate in a safe and sanitary manner.

Hosting site is the property upon which a mobile food vehicle is parked and operating.

Hosting site property owner is the owner of the property upon which the mobile food vehicle is located and operating.

Mobile food vehicle is a truck, or van, including an enclosed food concession trailer, but excluding food carts and kiosk, that are approved to vend food and non-alcoholic beverage products and are classified as follows:

(1) *Class I-Mobile kitchens.* In addition to the vending of products allowed for class II and class III mobile food vehicles, these vehicles may cook, prepare and assemble food items in the unit and serve a full menu. Such vehicles have a relationship with a commissary. A mobile food vehicle permit is required for class I mobile food vehicles.

(2) *Class II-Canteen trucks.* These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. A mobile food vehicle permit is not required.

(3) *Class III-Ice cream trucks.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages. These vehicles operate exclusively within public rights of way and do not park or stand at one location except when approved to do so as part of a special event. A mobile food vehicle permit is not required.

Mobile food vehicle rally is where two or more mobile vehicles congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors. These events must receive a special event permit, or they can be approved as part of a city sponsored event.

Mobile food vendor is a person who prepares, dispenses, or otherwise sells food from a mobile food vehicle.

Attachment: Code of Ordinances - Section 114-904. Mobile Food Vehicle and Vendor Regulations (4274 : Food Truck Discussion)

(b) *Licensing and permitting requirements.*

(1) Prior to setting up at a location, a class I mobile food vendor must provide the following to the city:

a. A mobile food vendor must register with the city and receive a mobile food vendor certificate. Mobile food vendor certificates expire on September 29 th and must be renewed each year. The fee will be prorated on a quarterly basis.

b. A copy of the mobile food dispensing vehicle license from the Florida Division of Hotels and Restaurants.

c. A completed indemnification statement for city files. To be updated annually.

d. A copy of the operator's driver license and photos of the mobile food vehicle including the license plate.

e. A copy of the city approved permit from the property owner, or authorized tenant, to operate at the proposed location.

(2) Mobile food vehicles must be inspected by the city's fire marshal or fire chief or their designee, and comply with all city safety regulations.

(3) The mobile food vendor must permanently display to the public in a clearly visible area, their mobile food vendor certificate.

(4) The hosting site property owner, or authorized tenant, shall obtain a permit from the city at least five days prior to hosting the mobile food vendor. The permit application shall be on a form issued by the city and contain at a minimum the following information:

a. Location address and hosting dates.

b. A signed indemnification statement.

c. A sketch plan showing the subject property and the proposed location of the mobile food vehicle.

d. Owner contact information.

e. Vendor contact information.

f. The mobile food vehicle's MFDV #.

(5) The hosting site property owner shall pay a fee as established by the city commission. All permits expire on September 29 th of each year and must be renewed.

(6) The hosting site property owner must have an active business tax receipt.

(c) *Prohibitions and restrictions.*

(1) It is prohibited and unlawful for a mobile food vendor to create a nuisance condition to include, but not be limited to, loud noises, shouting or amplified music or sound. Any noise generated shall comply with the city's standard noise ordinance.

Attachment: Code of Ordinances - Section 114-904. Mobile Food Vehicle and Vendor Regulations (4274 : Food Truck Discussion)

(2) The mobile food vendor shall not cause or allow any grease or liquid wastes used in the operation to be discharged from the mobile food vehicle.

(3) The mobile food vendor shall not sell anything other than food and non-alcoholic beverages.

(4) The hosting site property owner, tenant, and mobile food vendor, must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians or constitute a traffic hazard.

(5) Except with permission of the city, mobile food vendors may not operate between the hours of 1:00 a.m. and 7:00 a.m.

(6) Overnight parking of mobile food vehicles on the hosting site or sidewalk is prohibited. Overnight parking and storage of the mobile food vehicle shall be in compliance with all applicable laws and regulations.

(7) A mobile food vehicle may not be located on private property upon which uncorrected code violations exist, or where there exist unpaid fines, fees or citations, or which is under citation for code violations.

(8) No mobile food vehicle may be located on a vacant lot, provided however this restriction shall not apply to an approved mobile food vehicle rally, also known as food truck courts or truck rallies, approved as a special event.

(9) Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD. This restriction shall not apply when the mobile food vendor is hired to cater a private event in a residential zone.

(10) The mobile food vehicle, or its seating areas, may not occupy more than 20 percent of the vehicular use area or disrupt parking area operation. Mobile food vehicles may not be located in landscaped areas or designated public safety lanes.

(11) The same address, site or overall property, is prohibited from hosting a mobile food vehicle for more than three days in any calendar week, meaning Sunday through Saturday. Food truck operations approved as part of a city-sponsored special event or under a special event permit will not count against the day limitations of this section. A multiple tenant location is considered one property for purposes of this code provision.

(12) A hosting site property owner shall not permit a mobile food vehicle that does not meet all of the requirements of this section, to operate on property they own, nor shall they allow a mobile food vendor to set up on property they own without first having obtained a permit.

(13) A site may not host a mobile food vehicle for more than four hours within a permitted calendar day, unless operating with a special event permit specifically stating otherwise.

(d) *Operating requirements.*

(1)

Attachment: Code of Ordinances - Section 114-904. Mobile Food Vehicle and Vendor Regulations (4274 : Food Truck Discussion)

Zoning requirements. Except as otherwise stated in the previous section, the property on which the mobile food vehicle and vendor propose to locate, must be business, commercial, or industrially zoned. If the property is zoned as a PUD, the mobile food vehicle shall be located only in the nonresidential portion of the PUD. Churches and civic organizations in residential areas may host a mobile food vendor by obtaining a special event permit.

(2) Mobile food vending is an accessory use and shall only be allowed on properties that are developed with active permitted uses.

(3) Mobile food vehicles shall be equipped with a suitable trash container readily accessible to the public, in which the mobile food vendor's customers may deposit any litter, trash or waste. Prior to moving a mobile food vehicle from a sales location, the mobile food vendor shall pick up and remove all litter, trash and waste related to the mobile vendor's sales and within an area encompassing a radius of 50 feet from the sales area.

(4) Property owners hosting a mobile food vendor for more than one hour must provide readily accessible restroom facilities.

(5) All mobile food vehicles must park on a hard stabilized surface such as a paved or asphalt surface.

(6) Signage on the mobile food vehicle must be mounted flat against the vehicle and cannot project from the vehicle. However, the mobile food vendor shall be permitted to place one sign, not to exceed six square feet on the subject property where the mobile food vendor is conducting business.

(7) All exterior body work of any mobile food vehicle, shall be maintained in good and clean condition and free of substantial scratches, chips, rust, dents, abrasions, or excessive wear or damage, as determined by the city.

(8) A mobile food vendor may not locate on any property that abuts a property with an active restaurant. Except that the mobile food vendor may locate closer, with the written approval of the restaurant owner.

(9) Mobile food vehicles must be self-contained when operating including all utilities, power, water, and cooking fuel sources. Class I mobile food vendors must be associated with a commissary.

(e) *Enforcement.* Failure of a hosting site property owner or tenant, to comply with the provisions of this section shall be grounds for denial or revocation of a permit. Violations of these regulations, including operating without a permit, or allowing a mobile food vendor to operate without a mobile food vendor certificate, shall be grounds to bring code enforcement action, including a citation, or civil action against the hosting property owner or tenant or both. Upon imposition of a mobile food vendor's third offense, the mobile food vendor will not be permitted to operate

Attachment: Code of Ordinances - Section 114-904. Mobile Food Vehicle and Vendor Regulations (4274 : Food Truck Discussion)

within the city for a period of 90 days. The special magistrate will have jurisdiction to enforce these provisions pursuant to F.S. ch. 162, and any person determined to be in violation will be subject to penalties and remedies available as provided by law.

(Ord. No. 2981, § 1, 10-25-16; Ord. No. 3024, § 2, 3-10-20)

Attachment: Code of Ordinances - Section 114-904. Mobile Food Vehicle and Vendor Regulations (4274 : Food Truck Discussion)

Exhibit A

City Wide Fee Schedule - Effective October 1, 2022

FEE TYPE	FY2021-22 CURRENT	FY2022-23 PROPOSED	CHANGE
GAS PERMIT FEES			
GAS - PER OUTLET (1-4)	2.00	2.00	-
GAS - PERMIT RESIDENTIAL	30.00	30.00	-
GAS - PERMIT COMMERCIAL	60.00	60.00	-
GAS - EA ADDTNL OUTLET, OVER 4	3.50	3.50	-
MECHANICAL PERMIT FEES			
MECHANICAL-SINGLE FAMILY-RESIDENTIAL	30.00	30.00	-
MECHANICAL-ALL OTHER	60.00	60.00	-
PLUS EQUIP. CHANGE-OUT (NO DUCTWORK)	5.00	5.00	-
DUCTWORK ONLY	Valuation	Valuation	
MECH - 0 - 3 TONS	65.00	65.00	-
MECH - 3+ - 10 TONS, INITIAL FEE	65.00	65.00	-
MECH - 3+ - 10 TONS PER TON	11.00	11.00	-
MECH - 10+ - 25 TONS, INITIAL FEE	142.00	142.00	-
MECH - 10+ - 25 TONS PER TON	9.00	9.00	-
MECH - 25+ - 50 TONS, INITIAL FEE	277.00	277.00	-
MECH - 25+ - 50 TONS, PER TON	5.50	5.50	-
MECH - 50+ TONS, INITIAL FEE	414.00	414.00	-
MECH - 50+ TONS PER TON	4.50	4.50	-
SIGN PERMIT FEES			
ANNUAL SIGN RENEWAL FEE	25% OF ORIGINAL PERMIT FEE	25% OF ORIGINAL PERMIT FEE	
SIGN - NON-ILLUMINATED-1ST 5 SQ. FT.	10.00	10.00	-
SIGN - NON-ILLUMINATED-EACH SQ. FT.	0.25	0.25	-
SIGN - ILLUMINATED-1ST 5 SQ. FT.	25.00	25.00	-
SIGN - ILLUMINATED-EACH SQ. FT.	0.25	0.25	
TEMPORARY SIGN-PER DAY	1.00	1.00	
MISC. BUILDING & ZONING FEES			
ALCOHOL LICENSE (PER DAY, PER EVENT)	25.00	25.00	-
BUILDING PERMIT - RESIDENTIAL FENCE	50.00	50.00	-
~~BUILDING PERMIT - RESIDENTIAL SHED~~	50.00	-	(50.00)
BUILDING PERMIT - RESIDENTIAL WATER HEATER	50.00	50.00	-
BUSINESS USE OF FOOD TRUCK	25.00/Year	75.00/Year	50.00
COMMERCIAL STOCKING PERMIT	100.00	100.00	-
DEMOLITION - COMM OR RESIDENTIAL (PER STRUCTURE)	50.00	50.00	-
~~FOOD TRUCK ANNUAL PERMIT~~	125.00/Year	-	(125.00)
FUEL STRG TANK/PUMP PERMIT (PER PUMP)	50.00	50.00	-
GARAGE SALE PERMIT	5.00	5.00	-
LETTER OF AUTHORIZATION (Allows for usage of building in limited circumstances when life-safety, health and sturctural requirements have been met. Not operating for public. Only valid for 90 day maximum)	500.00	500.00	
LOW VOLTAGE SYSTEM LABEL	55.00	55.00	-
METER RESET FEE	10.00	10.00	-
MOBILE HOME PERMIT (Set-up)	250.00	250.00	-
MOVING PERMIT (HOUSE MOVING)	200.00	200.00	-
ROOF - NEW OR REPLACEMENT	50.00	50.00	-

Attachment: Citywide Fee Schedule FY22-23 - Business Use Of Food Truck (4274 : Food Truck Discussion)

HOLLY HILL
FLORIDA

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

City Commission
Ordinance

MEETING DATE: March 10, 2020
FROM: Brian Walker
SUBJECT: SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.
NUMBER: 2020-O-3024
APPLICANT: Brian Walker
PLANNER:

INTRODUCTION:

This proposed Ordinance would amend Section 114-904 of the Land Development Regulations titled, Food Truck Services.

BACKGROUND:

On October 25, 2016, in response to the growing popularity of the mobile food market, the city adopted Ordinance 2981. That Ordinance created section 114-904 of the city code, to establish permitting and operating procedures for mobile food vending within the city. A review of mobile food vending activity shows that since the adoption of Ordinance 2981 over three years ago, there have been 8 mobile food vendors that have registered with the city. Staff is not aware of any problems that have been created by their presence within the city.

DISCUSSION:

Since mobile food vending has been permitted to operate in the city for approximately three years, we have had the opportunity to reflect on the activity's effect on the city and whether or not any updates to the current regulations would be appropriate.

Thus far, there have been no known negative impacts on the city from mobile food vending. However, neither does it appear to be having a large effect in terms of increased human and economic activity. Based on comments from mobile food vendors, as well as property owners hosting such activity, the city may benefit from refining the current regulations. That is the purpose of this Ordinance.

While much of the current ordinance is preserved in the proposed Ordinance, there are some key changes proposed. Perhaps the largest change has to do with the number of days that a site can host a mobile food vendor. Current regulations state that "no site may host food trucks for more

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

than one day per week." Part of the reasoning for such a restriction has to do with maintaining and promoting the temporary nature of a mobile food vendor. However, some vendors have stated that not being able to be at one location for more than one day per week, makes it very hard for their business to become known and establish a reliable client base. Something that may contribute to generating more local human and economic activity.

A review of the literature on mobile food vending, shows that the number of days per week municipalities around the country, permit a site to host a mobile food vendor, varies widely - from one day per week, to no limitation at all. In response to requests from mobile food vendors and their hosting site owners, this Ordinance proposes to extend the time permitted for a site to host a mobile food vendor, from one day a week, to a maximum of three (3) days within a calendar week.

The proposed ordinance also prohibits a mobile food vendor from locating on a property that abuts a property with an active restaurant, unless written permission is granted by the restaurant owner to locate closer.

Additionally, the ordinance permits a mobile food vendor to locate in a residential zone when providing catering services for a private event.

The proposed Ordinance defines what is meant by catering, a commissary, mobile food vehicle, mobile food rally, and mobile food vendor. These terms are currently not defined in our regulations.

While the current regulations do not specifically address the issue of enforcement, the proposed Ordinance does not allow a property with active code violations to host a mobile food vendor, and it specifically addresses the issue of enforcement of the regulations.

FISCAL ANALYSIS:

Adopting the Ordinance will have minimal fiscal impact on the City.

BOARD OF PLANNING AND APPEALS RECOMMENDATION:

At its meeting on January 6, 2020, the Board of Planning and Appeals unanimously recommended adoption of the proposed ordinance.

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt an Ordinance of the City of Holly Hill, Florida, regulating mobile food vehicles; amending section 114-904 of the city code to add definitions; update permitting requirements, restrictions, operating requirements and establish enforcement procedures; providing for codification; providing for conflicting ordinances; providing for severability; and providing an effective date.

ATTACHMENTS:

- Sec. 114-904 - Food Trucks (PDF)
- Permitted Mobile Food Vending Units (PDF)

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

HISTORY:

01/28/20 City Commission APPROVED AT 1ST READING
Next: 02/11/20

Brian Walker, City Planner, briefly discussed the staff report that was in the agenda packet pertaining to first reading of Ordinance 3024. After a lengthy discussion amongst the Mayor, Commissioners, Attorney Simpson and Mr. Forte, there were several amendments that were made to the Ordinance for first reading. *(the full recording of this agenda item is online or a copy of the CD is available upon request).*

Mayor Via opened public participation.

The following individuals spoke to the Mayor and City Commissioners: Heidi Heller, Holly Hill; Jose W., Holly Hill; Gilles Blais, Holly Hill.

Mayor Via closed public participation.

At this time the Mayor and Commissioners went through the first reading of the Ordinance with staff and made several amendments to what was presented. Staff noted the changes and those changes will be made for the second reading on February 11, 2020 within the Ordinance. There were several amendments to the original motion. Those are as follows:

*Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i)**, seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

Commissioner Danio mentioned he would like to go on record only because there is a second reading because he has a little bit of heartburn about this. His concern is the city works so hard to fill the vacant places and he's not saying that the gentleman here tonight is going to park across the street the new guy but let's just say the landlord of the next place…he's had a rivalry for 30 years; "I'm still at it." What happens if the neighbor of some new place wants to get a food truck "in spite"? The city isn't protecting the brick and mortar buildings. It's not to say it's going to happen but he thinks if the city is going to make it so convenient for the food trucks, we need to protect our brick and mortar buildings a little bit more. That's his only concern. Right now, maybe it's just for the brewery but what happens if somebody comes in and they open up a little seafood place down the street and the neighbor has a problem because he's allergic or doesn't like the smell. He wants to put this guy out of business, four (4) days a week could do it, then the city ends up with more empty buildings. That's not the city's intent. He really has a hard time with this until he can process this and he's not saying anything to the guy who's here tonight. He has no problem with competition; he has 32 years with competition. To him, competition is healthy but the city has struggled to fill up places with businesses and now they're kind of moving in the direction…he doesn't want to hinder or kind of obstruct any of this forward momentum with places that have been here or places that are looking to come in.

Commissioner Penny discussed Business Tax Receipt with staff and suggested that they should have a current BTR if they are going to have a food truck on site. That it should be required.

*Commissioner Penny made a motion to **AMEND his AMENDMENT that a current BTR is required for a food truck to be on any business site**, seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

PASSED, 5-0.

The Mayor and Commissioners voted on this amendment: *Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i)**, seconded by Commissioner Currie.*

PASSED, 5-0.

A vote was made on the **original motion** now for first reading of Ordinance 3024:

PASSED, 5-0.

02/11/20 City Commission CONTINUED TO A DATE CERTAIN

Brian Walker, City Planner, briefly discussed the various changes that were made and recommended by the City Commission at the first reading held on Tuesday, January 28, 2020. There was discussion amongst the Mayor, Commissioners, Attorney Simpson and staff for the second reading of Ordinance 3024.

Commissioner Danio shared his opposition to this Ordinance and mentioned that he will not be in favor of voting for this.

Mayor Via opened public participation.

Pat Johnson, Cornerstone Foods, Winter Park, (owner of Little Caesars in Holly Hill) shared his concerns regarding this Ordinance and asked that the City Commission do not give any leniency on this; spoke in opposition of this Ordinance.

Mayor Via closed public participation.

COMMISSIONER CURRIE MADE A MOTION TO TABLE THIS AGENDA ITEM, ORDINANCE 3024, TO A DATE CERTAIN TUESDAY, MARCH 10, 2020 AT 7:00 PM AND TO HOLD A WORKSHOP TO FURTHER DISCUSS THIS ITEM ON FEBRUARY 25, 2020 AT 6:00 PM, SECONDED BY COMMISSIONER PENNY.

(for full discussion of this agenda item, the motions that were withdrawn and failed can be found on the audio that is available online www.hollyhillfl.org or a CD is available upon request in the City Clerk's Office).

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

Ordinance No. 2020-3024

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-904 OF THE CITY CODE TO ADD DEFINITIONS; UPDATE PERMITTING REQUIREMENTS, RESTRICTIONS, OPERATING REQUIREMENTS AND ESTABLISH ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-904 OF THE CITY CODE TO ADD DEFINITIONS; UPDATE PERMITTING REQUIREMENTS, RESTRICTIONS, OPERATING REQUIREMENTS AND ESTABLISH ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the City Commission desires to clearly define mobile food vehicles, mobile food vendors, and related terms, and adopt regulations addressing their allowed operations within the city; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food vendors protecting and promoting 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 mobile food vehicles.

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

herein by reference and form an integral part of the Ordinance.

SECTION 2. That the entire language of Section 114-904 is repealed and replaced with the following:

114-904 - Mobile Food Vehicle and Vendor Regulations

1. DEFINITIONS

Catering is the business of providing food for a private event, as a professional service, for a fee.

Commissary is a licensed or permitted food service establishment that provides required services to a mobile food vehicle (MFV). A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption. A commissary provides the necessary support for the MFV to operate in a safe and sanitary manner.

Hosting Site is the property upon which a mobile food vehicle is parked and operating.

Hosting Site Property Owner is the owner of the property upon which the mobile food vehicle is located and operating.

Mobile Food Vehicle is a truck, or van, including an enclosed food concession trailer, but excluding food carts and kiosk, that are approved to vend food and non-alcoholic beverage products and are classified as follows:

Class I-Mobile kitchens. In addition to the vending of products allowed for Class II and Class III mobile food vehicles, these vehicles may cook, prepare and assemble food items in the unit and serve a full menu. Such vehicles have a relationship with a commissary. A mobile food vehicle permit is required for Class I mobile food vehicles.

Class II-Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. A mobile food vehicle permit is not required.

Class III-Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages. These vehicles operate exclusively within public rights of way and do not park or stand at one location except when approved to do so as part of a special event. A mobile food vehicle permit is not required.

Mobile Food Vehicle Rally is where two or more mobile vehicles congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors. These events must receive a special event permit or they can be approved as part of a city sponsored event.

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

Mobile Food Vendor is a person who prepares, dispenses, or otherwise sells food from a mobile food vehicle.

2. LICENSING AND PERMITTING REQUIREMENTS

(a) Prior to setting up at a location, a Class I mobile food vendor must provide the following to the city:
1. A mobile food vendor must register with the city and receive a Mobile Food Vendor Certificate. Mobile Food Vendor Certificates expire on September 29th and must be renewed each year. The fee will be prorated on a quarterly basis.
2. A copy of the Mobile Food Dispensing Vehicle License from the Florida Division of Hotels and Restaurants.
3. A completed indemnification statement for city files. To be updated annually.
4. A copy of the operator's driver license and photos of the mobile food vehicle including the license plate.
5. A copy of the city approved permit from the property owner, or authorized tenant, to operate at the proposed location.

(b) Mobile food vehicles must be inspected by the city's Fire Marshall or Fire Chief or their designee, and comply with all city safety regulations.

(c) The mobile food vendor must permanently display to the public in a clearly visible area, their Mobile Food Vendor Certificate.

(d) The hosting site property owner, or authorized tenant, shall obtain a permit from the city at least 5 days prior to hosting the mobile food vendor. The permit application shall be on a form issued by the city and contain at a minimum the following information:
1. Location address and hosting dates
2. A signed indemnification statement
3. A sketch plan showing the subject property and the proposed location of the mobile food vehicle
4. Owner contact information
5. Vendor contact information
6. The Mobile Food Vehicle's MFDV #

(e) The hosting site property owner shall pay a fee as established by the City Commission. All permits expire on September 29th of each year and must be renewed.

(f) The hosting site property owner must have an active Business Tax Receipt.

3. PROHIBITIONS AND RESTRICTIONS

(a) It is prohibited and unlawful for a mobile food vendor to create a nuisance condition to include, but not be limited to, loud noises, shouting or amplified music or sound. Any noise generated shall comply with the city's standard noise ordinance.

(b) The mobile food vendor shall not cause or allow any grease or liquid wastes used in the operation to be discharged from the mobile food vehicle.

(c) The mobile food vendor shall not sell anything other than food and non-alcoholic beverages.

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

(d) The hosting site property owner, tenant, and mobile food vendor, must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians or constitute a traffic hazard.

(e) Except with permission of the city, mobile food vendors may not operate between the hours of 1:00 a.m. and 7:00 a.m.

(f) Overnight parking of mobile food vehicles on the hosting site or sidewalk is prohibited. Overnight parking and storage of the mobile food vehicle shall be in compliance with all applicable laws and regulations.

(g) A mobile food vehicle may not be located on private property upon which uncorrected code violations exist, or where there exist unpaid fines, fees or citations, or which is under citation for code violations.

(h) No mobile food vehicle may be located on a vacant lot, provided however this restriction shall not apply to an approved mobile food vehicle rally, also known as food truck courts or truck rallies, approved as a special event.

(i) Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD. ~~**and may not locate any closer than 100 feet from a residentially zoned area.**~~ This restriction shall not apply when the mobile food vendor is hired to cater a private event in a residential zone.

(j) The mobile food vehicle, or its seating areas, may not occupy more than 20 percent of the vehicular use area or disrupt parking area operation. Mobile food vehicles may not be located in landscaped areas or designated public safety lanes.

(k) The same address, site or overall property, is prohibited from hosting a mobile food vehicle for more than 3 days in any calendar week, meaning Sunday through Saturday. Food truck operations approved as part of a city-sponsored special event or under a special event permit will not count against the day limitations of this section. A multiple tenant location is considered one property for purposes of this code provision.

(l) A hosting site property owner shall not permit a mobile food vehicle that does not meet all of the requirements of this section, to operate on property they own, nor shall they allow a mobile food vendor to set up on property they own without first having obtained a permit.

(m) A site may not host a mobile food vehicle for more than 4 hours within a permitted calendar day, unless operating with a special event permit specifically stating otherwise.

4. OPERATING REQUIREMENTS

(a) Zoning requirements. Except as otherwise stated in the previous section, the property on which the mobile food vehicle and vendor propose to locate, must be business, commercial, or industrially zoned. If the property is zoned as a PUD, the mobile food

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

vehicle shall be located only in the nonresidential portion of the PUD. Churches and civic organizations in residential areas may host a mobile food vendor by obtaining a special event permit.

(b) Mobile food vending is an accessory use and shall only be allowed on properties that are developed with active permitted uses.

(c) Mobile food vehicles shall be equipped with a suitable trash container readily accessible to the public, in which the mobile food vendor's customers may deposit any litter, trash or waste. Prior to moving a mobile food vehicle from a sales location, the mobile food vendor shall pick up and remove all litter, trash and waste related to the mobile vendor's sales and within an area encompassing a radius of fifty feet (50') from the sales area.

(d) Property owners hosting a mobile food vendor for more than 1 hour must provide readily accessible restroom facilities.

(e) All mobile food vehicles must park on a hard stabilized surface such as a paved or asphalt surface.

(f) Signage on the mobile food vehicle must be mounted flat against the vehicle and cannot project from the vehicle. However, the mobile food vendor shall be permitted to place one sign, not to exceed 6 square feet on the subject property where the mobile food vendor is conducting business.

(g) All exterior body work of any mobile food vehicle, shall be maintained in good and clean condition and free of substantial scratches, chips, rust, dents, abrasions, or excessive wear or damage, as determined by the city.

(h) A mobile food vendor may not locate on any property that abuts a property with an active restaurant. Except that the mobile food vendor may locate closer, with the written approval of the restaurant owner.

(i) Mobile food vehicles must be self-contained when operating including all utilities, power, water, and cooking fuel sources. Class I mobile food vendors must be associated with a commissary.

5. ENFORCEMENT

Failure of a hosting site property owner or tenant, to comply with the provisions of this section shall be grounds for denial or revocation of a permit. Violations of these regulations, including operating without a permit, or allowing a mobile food vendor to operate without a mobile food vendor certificate, shall be grounds to bring code enforcement action, including a citation, or civil action against the hosting property owner or tenant or both. Upon imposition of a mobile food vendor's third offense, the mobile food vendor will not be permitted to operate within the city for a period of 90 days. The special magistrate will have jurisdiction to enforce these provisions pursuant to F.S. Ch. 162, and any person determined to be in violation will be subject to penalties and remedies available as provided by law.

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

SECTION 6. 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 7. 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 8. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption and this Ordinance will be reviewed at the first meeting in February 2021.

APPROVED AND AUTHENTICATED on this 10th day of MARCH, 2020 for second reading.

Chris Via, Mayor 3/10/2020

Valerie Manning, City Clerk,CMC 3/10/2020

RESULT:	**ADOPTED AT 2ND READING [4 TO 1]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Johnson
NAYS:	Danio

Attachment: Ordinance 3024 - Regulating Mobile Food Vehicles - Latest Ordinance from March 2020 (4274 : Food Truck Discussion)

Mr. Forte stated Rio Way, where the County purchased the property and they're putting in a retention pond, there's a stormwater pipe that runs through that section, south, and that is the joint project agreement that the City has with the County where they're going to pay for the portion of the pipe in the area that they are developing but because the whole line is being moved, the City has to pay for that portion of the pipe that's in the City's area.

The motion passed, 4-0.

Mr. Forte stated to follow up from the discussion at the last Commission meeting, what he projects he will be bringing forward to the Commission to vote on is the lease option property on Riverside Drive, across the street from Ms. Albright's house. After some discussion with the City Attorney and the property owner, he thinks that's an option. There are two options there but the lease option maintains the integrity of the park and everything that's there.
Mr. Forte reminded them that there are a couple of board appointments that need to be filled by the Commission still.

b. City Attorney
None.

c. Mayor's Comments
Mayor Penny briefly discussed the food truck issue that Ms. Featherston spoke about during public participation. He's been talking to Mr. Forte about this for several weeks. There was some interest from some other property owners who have wanted to invite food trucks into their place of business and he talked to a couple of the food trucks coming for a food truck festival once a month or once every other month like they do in Palm Coast. As Ms. Featherston found out, there is no ordinance to allow the City to do this. They have to be cognoscente of the brick and mortar restaurants that are here that the City doesn't step on their toes. He has talked with a couple of them and he knows Mr. Forte has talked to at least one of the business owners that didn't have any major objections at this point. He thinks Mr. Forte has talked to most of or all of the Commissioners about it. At this time he would like to see if they can give Mr. Forte direction to bring back an ordinance. Mayor Penny stated he is in favor of exploring it, its something that's trending.

Mr. Forte stated there's two avenues for this. One is, what some cities do or they host a food truck night on city property or government property, that's one aspect of it. The other aspect of it is what Ms. Featherston had discussed by allowing food trucks to provide services on private property or business property. Those are two avenues they can look at it. It would have to go before the Planning and Appeals first unless the City does some type of special exception for the government.

Attorney Simpson stated if it was just government it would be more of a regulatory as opposed to a zoning regulation but when you start putting it on private property that probably deems more of a land development regulation which should go through the Planning and Appeals and come back to the Commission with a recommendation. If that has to go there, the City may want to have both avenues looked at.

Attachment: Minutes - March 8, 2016 (4274 : Food Truck Discussion)

Mayor Penny stated he knows at least one of the popular food trucks has been asked to go to Florida Health Care once a week and they can't do it right now. He is in favor of Mr. Forte bringing something back.

Commissioner Currie stated she would also like to be able to have something brought back on both avenues, on a government property and private property.

Mr. Forte stated it would likely not come back to the Commission until the end of May beginning of June based on getting it to the Planning and Appeals and through the time process.

Commissioner Currie asked does it have to be so long? She would think that would be a nice area to capture during spring time.

Mr. Forte stated he would like to do it next week if possible but in order to get it in front of the Planning and Appeals Board, if its a land development regulation, their next meeting is April 4th and there's no item to bring to them for that meeting so it would probably make their May meeting then to the City Commission for approval on the ordinance which is two readings, the end of May beginning of June.

Mayor Penny asked if they could be separated then? Can they look at the governmental property faster?

Mr. Forte stated he thinks they can do that if they want to have a special event and try to host it on the City property. One of the suggestions was hosting it on the 4th Tuesday of the month on a Commission meeting night where there is a built-in audience where there are members of the public coming to the meeting, Commissioners coming in and staff that is here and of course, try to attract members of the public driving by City Hall seeing the food trucks may want to come in and try it. They could sample that and see if it would work. In the meantime, still do the land development regulations.

Commissioner Currie stated she would agree with that. She would also like to expand that not only here but possibly, every quarter...whatever they can come up with in hosting something like that or twice a year during some of our events that we already have established.

Mayor Penny stated he thinks Palm Coast does it every 60 days.

Mr. Forte stated they do it every other month.

Commissioner Currie stated the food trucks have gotten very popular. She thinks they do it down south in one of those cities too.

Commissioner Albert stated she doesn't know about all that but she thinks it would be neat if they could just generate some foot traffic right around here and she thinks having the trucks here on a Commission meeting night would be a good thing. She would like to support it as quickly as possible and then if they have to leg work on the private property, in the meantime, she thinks they should do that.

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Commissioner Capers stated one of the things he was curious about, are we going to try and do the music in the park that failed last year? Because to him, to have an event, and then have food come in other than just having people to try and come to the food. He doesn't know if the City has a founders day or races for the kids or could do something like that then have the food trucks come in. Its funny to him because and no disrespect to these food trucks but we always called them roach coaches, it was kind of the last place you would want to eat.

Mayor Penny stated its a lot different. Its a whole different menu.

Mr. Forte stated these are different. The roach coach are the prepared meals, usually a deli kind of thing, wrapped sandwiches and they go out and sell them. These food trucks are fresh food that is prepared on the truck. They're basically mobile catering kitchens. The quality of food is substantially different than what Commissioner Capers had mentioned and he, too, is very familiar with those.

Commissioner Capers stated he thinks its a good idea.

Mr. Forte stated and if it works out, they can have somebody play music on the steps of City Hall to try to be an attraction and of course try to grow it. But just remember, and he hasn't talked to any of the food vendors, typically, the little research that he did, is they have to take money also. What he read about, like what Commissioner Capers was talking about, they try to get 60 patrons to their window during that event. We're not going to get that here. We would have to get 120 people for two food vendors in order to make it work. Odds are, they're not going to make money on these first couple of trips. Does the City charge them a fee to do this? Typically, the City would but in this case, he doesn't think they're going to make money so he doesn't think the City would charge them a fee and by the same token, if any of the City's local businesses wanted to set up tents and sell their goods, they certainly can at no cost to them as well. Its kind of a trial basis to see if it looks like it would get any attention and the only ones that are going to be able to tell us it works is the food vendors. Maybe during the Trunk or Treat event get some vendors out there as well.

Commissioner Albert stated they have to be considerate to those who have always been at those events too.

Commissioner Currie stated she thinks if they allow their businesses here locally to set up as well, if they desire, kinds of evens things out.

Commissioner Capers stated the problem with that is, if you have too many trucks, and he knows this from the car shows, if you have too many food vendors then there's not enough business and nobody wins.

Mayor Penny stated there are three main food trucks in town and they rotate days. The gentleman that approached him is the same gentleman that Ms. Featherston spoke to. He said he would volunteer to organize it and work it out. Maybe they just have one the first time and as it builds they add a second one. Mayor Penny stated he thinks they would be

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setting it up for failure if they invited all three of them at once. The details can be worked out. Mr. Forte will bring that back to the Commission.

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Mr. Forte stated he doesn't think he would call that a special event.

Mayor Penny stated this is UBIC's standard operating.

Mayor Penny closed public participation.

Commissioner Byrnes was in opposition of the alcohol sales.

PASSED, 4-1.

RESULT:	**APPROVED AT 1ST READING [4 TO 1]**	**Next: 9/12/2016 7:00 PM**
MOVER:	Elizabeth Albert, District 4 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Currie, Capers, Albert, Penny	
NAYS:	Byrnes	

2. 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 Thomas Harowski, Board of Planning and Appeals)
Mr. Harowski stated they have another topic that the Planning Board was asked to look at that they have been working on for a while and that's to come up with a method to consider allowing food trucks to operate at locations within the city just as part of their normal business activity. When they go to big cities, they see food trucks. They park on the street, sell essentially out of parking places and some of them do food truck gatherings, stuff like that. They've been pretty popular. The city has had some experience with the food trucks here at City Hall on occasion and they've all seen them as part of other events, whether it's a Bike Week event or whether it's something over at the park that the city has sponsored. He thinks the city has had some there for Trunk or Treat and some of those types of events. What they are talking about here is something that offers a little bit more broader opportunity where a business can essentially invite a food truck, he says business but really the way the ordinance is written is nonresidential property so that could be a business property, it could be an industrial property, it could be a church or some kind of other civic property. The Planning Board looked at a number of issues. They tried to do some thorough research and put together a discussion and a proposal which ultimately led to the ordinance that the Commission is considering tonight. They did take this initial proposal that they had and he sent it out to all of the food truck operators that the City Manager had in his file. He sent them out to about six or eight of them in the area and they heard back from one. He thinks it was the Root and Tail Farm down in Edgewater and they said they didn't see anything in the proposal that was a

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problem for them, nothing that they couldn't live with. They did have, at the Planning Board meeting, one local restaurant operator who came and expressed some concern about having something that would be close to his business and suggested a distance regulation. He thinks one of the concerns was for a distance regulation they can end up spacing a few restaurants along the US1 corridor and effectively shut out that use and if that's a goal a distance regulation would do that and if that's not a goal a distance regulation could be a problem. The Planning Board did try to be sensitive to that issue, however, and part of that is not allowing food trucks to operate essentially out on the streets or public roads, that they needed to be invited essentially to a private nonresidential parcel to set up operation and then they set up a number of standards for them which is reflected in the ordinance. Health and safety requirements; the food truck needs to comply with the State requirements for food service, they need to have the certification that they get of compliance on display, they can't discharge grease and cooking waste on the site, property owner is responsible for the provision of trash receptacles and the cleanliness of the dinning and eating area. Normally the food trucks bring that but ultimately, in terms of code enforcement, if the food truck is there and leaves a bunch trash laying around, it's the property owners responsibility to get that cleaned up. Interestingly, the Planning Board put in the ordinance the property owner is responsible for the provision of restroom facilities. One of the things that he thought was interesting and the Board did a lot of research that nobody really discusses it very much. It doesn't seem to be an issue in other cities, some cities don't require it but the Board put something in there that the property owner needs to at least provide access to the business or location if somebody needs the facilities. The Board set a limit on the number of times per year that a food truck can locate at one location and the number of days per week and that was in part in the process of trying to structure a regulation that provided some opportunity for a business that might be interested in inviting food trucks onsite but to not set up somebody who is in regular competition with other restaurants or brick and mortar places that are in the area. The food truck site can only host one day a week and no more than 25 days per year.

Commissioner Albert asked if she could ask Mr. Harowski about that. So they have number five in place (referring to the ordinance) relative to what he's talking about, who is accounted…who is going to monitor this?

Mr. Harowski stated they are going to ask the property owner to get a permit to invite the food truck onto their property so that's how staff is going to track it.

Commissioner Albert asked so it's the honor system? Essentially? Are they getting a permit each time a truck is invited onto the property?

Mr. Harowski stated, yes.

Commissioner Albert stated, okay.

Mr. Harowski stated or the way he thinks they structured the ordinance is if they want to, let's say, they're going to do it for five consecutive Thursdays, they will get one permit that would cover those five days.

Commissioner Albert asked but who's checking that they're not coming Wednesday and Thursday?

Mr. Harowski stated, Code Enforcement. This was the 20% limitation and part of that goes to they just don't want to bring in, essentially, a temporary business and fill up the whole parking area of the site and so the Board set a limit. For most of the city's business

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properties that probably means one because a lot of the city's business properties are small and have a great deal of difficulty fitting too many on there. The ordinance indicates that they can provide temporary dining areas in association with food truck operations. If they want to set up some tables and chairs for people to sit on that's okay. They can do that. If they provide music or anything of that nature it needs to meet the city's noise ordinance standards and the city gives them an opportunity to put one supplemental "A-frame" sign out or a similar temporary sign and there's a size limit on it. They talk about the permitting process in the ordinance. Basically, they are asking for some information about the site. As a practical matter, he thinks they can see somebody like Florida Healthcare who might invite a food truck once a month for an employee activity with a few trucks or whether an individual business is going to try and bring one food truck in, maybe. He doesn't suspect that is going to be a major activity. The other thing that he will make sure that the Commission understands is that they limit them to 25 days but as they were doing with the special events, if the food truck comes and was there as part of a Bike Week or Biketoberfest permit or was there as part of another special event permit that the city may issue then that doesn't count against those 25 days.

Commissioner Currie stated and also if it's part of a city event it doesn't count.

Mr. Harowski stated, that's correct. Sponsoring business will be responsible for the permitting.

Mayor Penny asked Mr. Harowski if they define food truck? What's the difference between a food truck, an ice cream truck and a snow cone truck?

Mr. Harowski stated most places…the cooking is done on the truck, basically, is what makes it a food truck opposed to an itinerant vendor.

Attorney Simpson asked isn't there some difference in regulations at the State level too?

Mr. Harowski stated he doesn't know if the State regulates it differently.

Mr. Forte stated the State regulates the food truck with an annual license but he doesn't know about the old fashion term "the roach coach" that have prepared food that are ready wrapped and distributed.

Mr. Harowski stated there's also another class which is an itinerant vendor, kind of like the traditional ice cream guy who used to go up and down the streets and part of the difference there is they're not in a fixed location. They have to keep moving until they make a sale.

Mayor Penny opened public participation.

Jeff Martin, 934 Jasmine Avenue, Holly Hill, stated two things he sees on the initial report in the agenda, he would suggest looking into the labeling of the trucks as Food Concession Trucks because he believes, that's how the State regulates them. He also believes the concern was with complications with brick and mortar restaurants would probably be better if written broaden or establishments so that there's no confusion there. Forty-eight hours ago, give or take, at Sunrise Park, he doesn't know, there were two food trucks set up in the parking lot over there in a congested area in a public park, whether or not if they were permitted, he did not ask them if they were.

Mayor Penny stated no permit exists.

Mr. Martin stated it was rather congested and they were on city park property. He's not sure if something needs to be addressed for that issue and he just wanted to bring that to the Commission's attention.

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Mariann Danio, 550 E Walker Street, Holly Hill, stated she was just wondering if they could clarify a little bit on the specifications regarding the conflict of interests with brick and mortar restaurants, obviously that's a particular concern to her and someone mention Florida Healthcare, obviously, that's rather relevant. What are the standard regulations going to be if something like this is going to be approved in regards to creating problems basically for people like us (referring to Sorrento's) who have been a big part of the community for 30 years.

Mayor Penny stated if Florida Healthcare were to invite the food trucks, they could come no more than once per week, no more than 25 days per calendar year.

Ms. Danio stated so it would be that limited?

Mayor Penny stated, yes.

Commissioner Byrnes stated unless they did a Bike Week event.

Mayor Penny stated that's a whole different issue. That's not before them tonight.

Ms. Danio stated, okay.

Glenn Doherty, owner of The Sandwich Shoppe, 1008 Ridgewood Avenue, Holly Hill, stated we all love food trucks and we all love watching them on the food channel and big cities but Holly Hill is not a big city. Mr. Doherty stated he is sure that they know that the city lost another restaurant that closed just within the last couple of days. Been in Holly Hill for three or four years. He pays taxes, they pay rent, they pay licensing fees to stay in Holly Hill. What are these food trucks going to be required to do and pay and why is there no requirement as to the distance that they can basically compete with a brick and mortar restaurant? He is sure Sorrento's doesn't want food trucks right across the street from them, maybe he's wrong. Sorrento's is a very successful business and have been in this town for a long time. Another question he has, in his building there's people on top upstairs. What if they want to have a food truck and he's the restaurant downstairs, does that mean that food truck can sit right next door to his restaurant? He's sure they know what his parking lot looks like. It's going to sit right there. Is there nothing that can be put into this ordinance to stop that from happening?

Mayor Penny stated he thinks Mr. Doherty might exceed the 20% parking in his particular location. He's not certain of that.

Mr. Forte stated Mayor, they would still have at least one parking space to put a food truck in, at minimum.

Mr. Doherty stated he only has six spaces and the spa upstairs has three and the rest of it is grass which would be considered landscaping if he's correct.

Commissioner Capers stated he would think that his tenants would think about Mr. Doherty and he would think if they have a good relationship with the upstairs people that if they were going to have some kind of an event, he would think, that they would have Mr. Doherty cater it. He doesn't think they would bring in a truck.

Mr. Doherty stated unfortunately, Commissioner Capers thinking is wrong because that's just the way it is. Sorry. The tenant doesn't like him and I don't….it's just the way it is. There's no animosity. There's no problems. They never had the police come there for anything.

Commissioner Byrnes asked if Mr. Doherty owns the property?

Mr. Doherty stated, no. But in his lease it's triple net. He's responsible for that property. He technically owns the parking lot and that's what it reads in his lease. He's responsible

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to pay for some of the taxes on it, property taxes. In reality, that is his parking lot but he does have a landlord.

Commissioner Byrnes stated that is quite a dilemma if one business wants it and one business doesn't.

Attorney Simpson asked if his lease prohibits the landlord from leasing space to any other food establishment?

Mr. Doherty stated not food establishments but they do bike washes for Bike Week and Biketoberfest.

Attorney Simpson stated, no. Sometimes with big shopping centers if a restaurant goes in they will say they want to be the only restaurant in this shopping center and they all have in their lease that it's inclusive that they are the only restaurant that can be in the shopping center. Does his lease say he's the only restaurant, food service can be…

Mr. Doherty stated, no.

Attorney Simpson stated, okay.

Mr. Doherty stated they wouldn't put one upstairs. If you know the building, it's the old Rosie's Kitchen, there's a downstairs and an upstairs. He leases about 60% of the downstairs and the other tenant leases about 40% of the rest of the building upstairs. He thinks that there should be some kind of recommendation as to how far a food truck can be from a brick and mortar establishment, especially, for some of the ones that have been here forever, like *Teri's* and all of those and for the new ones that want to come in. He just feels the city should be trying to get new restaurants to come in here instead of bringing food trucks in on a temporary basis.

Commissioner Byrnes stated he agrees because if Mr. (?) thought of if somebody suddenly opens a restaurant every so many feet to keep out the food trucks, that would be great.

Mr. Doherty stated, sure.

Commissioner Byrnes stated he would love more restaurants in Holly Hill.

Mr. Doherty stated the more competition the better because they're bringing more people to the city. The food trucks are going to bring people once every couple of weeks.

Roland Via, former Mayor, 534 Eagle Drive, Holly Hill, stated a couple of things to consider. Food trucks are normally going to be used, perhaps, in hours when the other restaurants aren't open, at special events in the evening, they also could be used at special events or on the weekends when the other businesses aren't open. One thing the Commission needs to consider if they are going to pass this is the one day rule like the city does for yard sales, if there's a rainout you automatically get to do it on a separate day and get a do-over, the Commission should consider that.

Mr. Forte stated the Mayor and himself have talked about the food truck quite a bit. It's a novelty. The city is trying to get ahead of the novelty and be kind of the up and coming. They also talked about the impact that it has on the local businesses and the city received a complaint from the business owners across from Sunrise Park about the vendors that are going up in there. The city doesn't really know what impact this is going to have on its existing businesses whether it's going to negatively affect them, not affect them, maybe even positively affect them. One thought that he had was maybe the city should put a timeframe on this and sunset it at one year and at that time, re-evaluate it to see if it has a negative effect on the city's businesses, should they continue or not continue it. Just something to talk about. Maybe put a timeframe on it whether it's six months, a year or

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whatever the Commission thinks would be appropriate to evaluate whether this is something good for the entire city, especially for those that pay taxes in the city or if it's not.

Commissioner Albert stated with this item on their agenda, was the catalyst for putting it on the agenda a desire from businesses, the food trucks wanting to have a relationship with businesses in Holly Hill that they started the conversation or was it the result of the city's interest in what the city initially started at the first meeting of the month out front and then the city wanted to see if they could expand that? What was the genesis of this?

Mr. Forte stated it was kind of a combination of both of the things Commissioner Albert said. If they recall, at the time the city allowed the food trucks to operate once a month during the Commission meeting nights, occurred at the same time the city had a request from one of the businesses. If they remember Dorothy Featherston had come and she was asking about the food trucks. It was kind of simultaneously. Ms. Featherston was asking about it at the same time the city was thinking about starting it on city property.

Commissioner Albert stated however, Ms. Featherston is no longer…

Mr. Forte stated she is no longer operating in the city and the city hasn't had any other requests from any other businesses, specifically. Although, he knows that there is at least one business on US1 where a food truck does show up every now and then, not often.

Commissioner Albert stated as a result of what the Commission just did with the special event ordinance, if a business wanted to invite a food truck to come under the guides of a special event that the Commission just passed, if the Commission negates to do this ordinance, specifically identifying the food truck, could they, if they wanted to do something special, could they do it that way?

Mr. Forte stated, yes. If the Commission didn't pass the food truck ordinance, somebody could bring a food truck on their property under the special event ordinance.

Mayor Penny stated maybe limit it to 20 days like they did with the special events. It's 25 days now.

Commissioner Albert stated she just wants to be considerate and respectful to the folks who have invested in the city and she wants to make sure the city always invests to them. She thinks that the intentions that the city had when they first discussed this and even when Mr. Forte and herself spoke yesterday, quite frankly, she doesn't own a brick and mortar business here in Holly Hill so she didn't think about that and so she is very grateful that Mr. Doherty has come out tonight to help the Commission see it from a different lens. She wants to make sure that the city puts them first and right now, she doesn't know that this ordinance does that for her.

Jim Legary, 342 Burleigh Avenue, Holly Hill, stated he was on the Planning and Appeals board and they talked about this a lot. He would like to see something where if the trucks do come around the city has some outreach from the elected officials as well as how it affects brick and mortar people. He thinks if they have twenty people that go to a truck that might have gone to The Sandwich Shoppe or Sorrento's it would have a serious affect upon their operation. He also feels, and Mr. Via mentioned, it might be a good idea to say that the trucks can come at 3:00 pm or 4:00 pm or whenever most of the existing brick and mortar businesses are closed.

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Gilles Blais, 710 Magnolia Avenue, Holly Hill, stated these food trucks, you want to see one in operation? He was at the VA Clinic on Elk Boulevard, there is a food truck there and he looks around and he says, "well, I can remember back in the days that we had these roach coaches parked in warehouses in Holly Hill." Mr. Blais stated the problem is, who is going to inspect these vehicles? They have to be clean. The health inspector for DAV comes by once or twice a month but on these vehicles moving from one part of the City or the County, who is going to follow them to make sure that they comply with State laws, County laws, and ordinances in regards to food?

Mayor Penny stated, the State of Florida.

Mr. Blais stated and the Commission does have to consider if the food trucks are going to have LP gas tanks on them, they have to be checked. Also, what kind of motorized engines that they have and see if they are in order. Is the city going to train members of the Fire Department or the Police Department to make sure that these vehicles are safe to operate in the city and also to prepare food in the city? And the Commission may as well come up with an ideal food truck for the city and to think about it and everybody has to follow those particular guidelines. Keep in mind, everyday there is a food truck that goes to the VA Clinic and they can see for themselves how they operate.

Mayor Penny closed public participation.

Commissioner Currie asked Attorney Simpson if there was any way to put regulations to protect the city's brick and mortar establishments where the city regulates a distance or times or anything to that nature?

Attorney Simpson stated he thinks the distance would make more sense than the time.

Commissioner Currie stated, okay. So the Commission can put a regulation of distance for the brick and mortar's in this ordinance.

Attorney Simpson stated, yes.

Commissioner Albert asked is the Commission trying to regulate it so much that it really becomes ineffective just so that they pass it or are they really, maybe, now that they have listened to some of the comments from small business owners thinking that perhaps the city ought not do it?

Commissioner Currie stated quite honestly, her purpose in wanting it from the very beginning was for the city's special events.

Commissioner Albert stated and she understands that.

Commissioner Currie stated and possibly anything that the city might have in the future. It wasn't really, her thoughts, that the food trucks show up here for lunch one day and here for…it was for the city's purpose.

Commissioner Albert stated let's have that conversation then.

Commissioner Currie stated that was really her purpose.

Commissioner Albert asked the Mayor if they can have that kind of a conversation versus adding something to the city's ordinances just to allow the food trucks to hodge-podge around the city?

Attorney Simpson stated when they say special events, are they referring to things that are on city property?

Commissioner Currie stated anything that the city has on its calendar that the city is sponsoring as a special event or if the city comes up with a food truck event that the city wants to do like a lot of the other neighboring cities throughout the County have done over the last year, year in a half, those are the things that she was looking at.

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Attorney Simpson and Mayor Penny stated the city already has that. Mayor Penny stated the only problem with most of these food truck rallies, there's one going on right now in Ormond Beach on Division Avenue, he thinks there is five or six trucks there, there will be hundreds of people there. Hundreds of people going to that part of their city. Mayor Penny stated he knows that he has discussed with for hours with Mr. Forte and he was hoping that his fellow Commissioners had done also, so they need to take action on this item. Either it's going to die for a lack of a motion or they are going to move forward with it. It's time to accept a motion.

Commissioner Albert stated she would like to discuss it a little bit longer. The only reason she asks the Mayor for that is because she wants to make the comment that there are a lot of times over her time here that they've seen things happen in other locations and our city tries to replicate that here and it doesn't always work. Sometimes it does but not always. So she thinks if the city sees what somebody else is doing and the city is trying to mirror that, will it work but at what cost? Is it going to work temporarily so the city gets a short-term wow factor for it but at the cost of the city's small businesses, she is not willing to do that. She is not willing to sacrifice that. For her, she likes things the way they are and she is really interested in maintaining the relationship with the food trucks at the city sponsored events like they have been doing and maybe broaden that to some of the other things like Kids on the Hill for example, some things of that nature. That's where Zone 4 is.

Commissioner Byrnes stated he wants to clarify. One of the bike dealers decides during Bike Week that they want to have a food truck, they can do that under existing city regulations.

Mr. Forte stated they can do that under the special event, yes.

Commissioner Byrnes stated, okay. Quite frankly, on this one, he thought twenty five days a year was too much. If they would have said twenty five days "and" special events…he can see twelve days, once a month bring one in for a special event or a car dealer could bring the food truck in to help bring some business but twenty five days was too long for him.

Commissioner Currie stated they mentioned that the city had something already for the city's special events but she was under the impression that the city didn't.

Mayor Penny stated that's what the Commission just did.

Attorney Simpson stated there's different….when the Commission says "our special events", they have food trucks out front, that's the city's special event. The city can organize its own food truck rally on the city's property. That's one category of special events.

Commissioner Byrnes stated Attorney Simpson, if a bike dealer wants to have it during Bike Week that they could.

Mayor Penny stated that's a whole different…

Attorney Simpson stated, right.

Commissioner Currie stated that's what the Commission just passed.

Mayor Penny stated no, Bike Week is outside of what they just passed.

Mr. Forte stated currently, during any special event…

Attorney Simpson stated they basically have…there's been four regulations. Two exists that they are talking about tonight. Two that are exist, one, going outside and selling stuff that they would normally sell inside, that's one thing that the Commission regulated.

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Two, going outside and selling stuff they don't normally sell inside, that was the special events. For example, bike weeks, pumpkin sales things like that but they are very limited on time so when somebody wanted to have an event, and they'll go back to the Civil War Re-enactment, they really didn't have anything that allowed that. That was not falling under the city's regulations so staff created the ordinance the Commission just passed. This, is to allow existing businesses to bring food trucks on to their property. The city doesn't address it one way or another, it's silence.

Commissioner Currie stated the Civil War Re-enactment, with what the Commission just passed they can bring those trucks on to their property.

Attorney Simpson stated, sure.

Commissioner Currie stated that's what she meant by what she said "what they just passed". So, not doing anything with this, the city can, at any time, have an event on any of the city's property as a special event, like Kids on The Hill, anything.

Attorney Simpson stated the city has a written policy on how to, that the city drafted, based on the city's experience with…

Commissioner Currie stated if the city decided to do an event over at Sunrise for all of the Pokemon people, the city could do something there?

Attorney Simpson stated completely outside. They're not talking city property here.

Commissioner Currie stated, okay. That's what she's talking about. So this doesn't matter for any of that. The city can do that.

Attorney Simpson stated this only applies to privately owned property where there's an existing business who wants to bring a food truck onto their business.

Commissioner Byrnes stated outside special event times.

Attorney Simpson stated, yes and Bike Week times.

Mayor Penny stated if a business owner wants to apply for the city permit up to twenty calendar days per year and make their own customer appreciation luncheon or whatever it might be, they would have the ability to bring in a food truck at that special event?

Mr. Forte stated, correct.

Commissioner Albert asked what if that event went the duration of ten days? Can that truck go the ten days?

Attorney Simpson and Mr. Forte stated, yes, at twenty days a year.

Mayor Penny stated by doing nothing, they can still come twenty days.

Attorney Simpson stated by doing nothing they can still come twenty days as a special event. If they add food trucks as an additional twenty days, they've doubled it to forty days; twenty days special event, twenty days as a food truck.

Mayor Penny stated he is hearing it's the will of the Commission that they do not want to pass this, that's his sense. Do they need a motion to deny or just take no action and let it die?

THE ORDINANCE DIES FOR LACK OF A MOTION.

3. Ordinance

Ordinance 2982 An Ordinance of the City of Holly Hill, Florida Amending Chapter 42, Pensions and Retirement; Article Iii, Firefighters' Pension; Division 1. Generally of the

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

RESOLUTION

Enacted and approved this 12th day of September, 2016, in Holly Hill

7. PUBLIC HEARINGS - SECOND READINGS

1. Ordinance

Ordinance 2979 An Ordinance of the City of Holly Hill, Florida, Relating to Special Events; Creating a New Section of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing for an Effective Date.

(Requested by Thomas Harowski, Board of Planning and Appeals)
Tom Harowski, City Planner, stated the proposal before the Commission is to give staff a mechanism for handling normal business type special events in the city's Code, in addition to the process that they have for the recognized city events that tag on to area wide events like Bike Week and Biketoberfest. The process will allow businesses to have up to twenty days a year, special events, he thinks subsequent to first reading, the Commission corrected the items and have been noted and he is available to answer any questions.

Commissioner Byrnes stated clarification, twenty days of special events beyond what's on the city's special events calendar?

Mr. Harowski stated, yes.

Commissioner Byrnes stated from the Commission's discussion last time, his understanding was that staff was going to work on a fast track application for someone who just wants to have a food truck special event which would allow them to have a food truck once a month because twenty special events, a little more than once a month and...

Mr. Forte stated that was under the food truck ordinance which was tabled.

Commissioner Byrnes stated, no. The Commission were told that the food trucks could also be...they could have just a special event for a food truck.

Mr. Forte stated if they're just bringing a food truck, let's say for example, if somebody is doing a one year anniversary and they want a food truck on their property for that special

Attachment: Minutes - September 12, 2016 (4274 : Food Truck Discussion)

event, yes, that will be a much more simple process than someone who wants to do an extended special event that has fireworks.

Commissioner Byrnes stated, right.

Mr. Forte stated, yes.

Commissioner Byrnes stated his understanding was that the city was going to create a food truck special event application so that they didn't have to go through all the normal, all the other special events stuff if they were bringing in a bounce house and all that other kind of stuff.

Mr. Forte stated, right. If there is no other impact to the property other than brining the food truck onto the property and verifying the location, with regard to the parking requirements, it will be a much quicker process than if of someone bringing all those other things onto the property that will need more a site plan review.

Commissioner Byrnes stated okay. He just wanted that on the record because that's how he understood it.

Commissioner Albert stated her only concern is the cost of the special event permitting but this is probably not the appropriate time to discuss that but she would just like to make sure that she puts that out there. She thinks at some point it would be important for the Commission to take a look at the fees involved and obtaining a special event permit.

Vice-Mayor Currie stated she agrees with that.

Vice-Mayor Currie opened public participation. No one spoke.

Commissioner Byrnes stated he had another question for Mr. Harowski. Commissioner Albert brought up the costs.

Mr. Forte stated the cost is not in the ordinance. Staff will be bringing back a fee resolution at the next meeting and that will have the cost in there. Staff is anticipating that the cost for a special event permit, if he's not mistaken, is going to be $200.00.

Commissioner Byrnes stated he would like to see it a lot lower for a food truck special event.

Mr. Forte stated staff will take his recommendation. The city does a special event permit, for example, Bike Week/Biketoberfest where the city charges $200.00. In the case of this type of special event it can be as minimal as one day or it can be several days. The Commission can think about it as a fee price per day, whatever that could be or a flat fee. Just something for the Commission to think about before they throw motions out there.

Vice-Mayor Currie stated she's not asking for any motions to be thrown except for maybe the Commission can look at it at their next meeting.

Attachment: Minutes - September 12, 2016 (4274 : Food Truck Discussion)

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

Attachment: Minutes - October 11, 2016 - Workshop - Food Trucks (4274 : Food Truck Discussion)

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

Attachment: Minutes - October 11, 2016 - Workshop - Food Trucks (4274 : Food Truck Discussion)

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

Attachment: Minutes - October 11, 2016 - Workshop - Food Trucks (4274 : Food Truck Discussion)

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?

Attachment: Minutes - October 11, 2016 - Workshop - Food Trucks (4274 : Food Truck Discussion)

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.

Attachment: Minutes - October 11, 2016 - Workshop - Food Trucks (4274 : Food Truck Discussion)

The following individual spoke to the Mayor and City Commissioners:

Jim Legary, 342 Burleigh Avenue, Holly Hill, shared his concerns about the minutes pertaining to Marina Grande and made reference to the residents that came up to speak and how there was no mention to what they spoke about.

Mayor Penny closed public participation.

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

Enacted and approved this 25th day of October, 2016, in Holly Hill

4. CONSENT AGENDA - ITEM (1)

Mayor Penny asked if any member of the Commission would like to pull the item on the Consent Agenda for further discussion or if any member of the public would like to speak. No one spoke from the audience and no member of the Commission pulled the item.

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)

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

RESOLUTION

Enacted and approved this 25th day of October, 2016, in Holly Hill

5. REGULAR AGENDA - NONE

6. PUBLIC HEARINGS

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;

Attachment: Minutes - October 25, 2016 (4274 : Food Truck Discussion)

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.

RESULT:	**ADOPTED AT 2ND READING [UNANIMOUS]**
MOVER:	Elizabeth Albert, District 4 - Commissioner
SECONDER:	Arthur J. Byrnes, District 1 - Commissioner
AYES:	Byrnes, Albert, Penny

ORDINANCE

Enacted and approved this 25th day of October, 2016, in Holly Hill

Attachment: Minutes - October 25, 2016 (4274 : Food Truck Discussion)

be a neat idea. You get some people living in the district that would maybe bring in a little bit of night life, maybe some people visiting the local restaurants and businesses and then he realized the type of occupants that it would have being affordable housing, there's probably not a lot of disposable income which would be acknowledged. He wouldn't anticipate these folks really infiltrating the city's businesses and spending a lot of money. He's a little unsure if that's going to be the right development for that and staff is waiting for more information and like everything else, it's got to go through that Florida Housing Finance Corp for the tax credits in order to do anything. Outside of that, staff hasn't had any other developers looking at that property that have come to them through the property owner. The property owner did sell the Happy Time motel, which he wasn't too happy about because his conversation with the housing developer was, you buy the Happy Time motel and put senior affordable housing there. That's a step in the right direction but that Happy Time motel, unfortunately, is a cash-cow as it's called and somebody makes a lot of money off that place. It was sold last Friday.

Commissioner Johnson asked about the store fronts at Marina Grande.

Mr. Forte stated let me clarify that. The reason the store fronts were put into the Marina Grande is because as part of the PUD Agreement for them to get the additional density, they were required to have a Mixed Use PUD, which provided for a store front. Unfortunately, in the agreement they never said the store fronts had to be occupied so they built them but they never occupied them. So, 150 of the vacant units have been sold for $25 million and that's at about $165,000 a unit plus the store fronts and the new owners are at least looking to put their real estate office in the store fronts and then look to build out the rest of them. It's just an empty shell. There's nothing inside those store fronts. There's no walls. There's nothing in there. It's complete build out and even the new owners were a little surprised what it's costing to build out.

Commissioner Johnson stated that's his may concern. That the vacant properties in Holly Hill gets developed.

Commissioner Penny discussed food trucks. Would like to see if they can give staff direction and look at the food truck ordinance and do away with the, they still have to get the annual permit, but not the reoccurrence permit and allow it to be a little bit more easier for the breweries and distilleries. They're not going to pop up all over the city. There's two, maybe they will get one more. It just seems apparent that, that is part of their business model that they didn't really intend but it is. In Ormond, that's the only place that they're allowed right now.

Mr. Forte stated staff is already looking at that. They are looking at what Ormond did with their ordinance and food trucks with relation to breweries and distilleries as opposed to the ordinance that Holly Hill has in place. He doesn't have a timeline yet for the Commissioners.

Commissioner Penny congratulated Mayor Via for being recognized as one of the **Home Rule Hero's** and Pastor Chuck McKeown will be recognized at the Volusia League of Cities Annual Awards Banquet on the 28th as a resident from Holly Hill that does something extra special for the community.

Attachment: Minutes - May 14, 2019 (4274 : Food Truck Discussion)

WHEREAS, In 2000, the voters of Volusia County approved the Volusia ECHO initiative which provides grants to not-for-profits, municipalities and county departments; and

WHEREAS, The program provides grant funds for projects that enhance the quality of life in Volusia County by insuring the availability of environmental, cultural, historical and outdoor recreational opportunities; and

WHEREAS, City staff has reviewed and prepared the grant application for the fiscal year 2019-2020; and

WHEREAS, the proposed project for the ECHO Application known as Pictona At Hollyland Park is to be constructed at 1066 Ridgewood Avenue, Holly Hill, Florida 32117; and

WHEREAS, the total cost of this phase is $800,000 of which we are asking for $400,000 in ECHO funds. The 1:1% match is comprised of $300,000 of unencumbered cash, in the General Fund for FY 2019-2020; $100,000 is comprised of land value; and

WHEREAS, should the total project costs exceed the budgeted amount, said funds shall be paid out of the existing contingency in the general fund.

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

SECTION 1. That the City Commission of the City of Holly Hill does hereby support the ECHO Grant Application for Pictona At Hollyland Park, located at 1066 Ridgewood Avenue, Holly Hill, FL 32117.

SECTION 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

APPROVED AND AUTHENTICATED on this 28th day of JANUARY, 2020.

Enacted and approved this 28th day of January, 2020, in Holly Hill

2. -2020-O-3024 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)
Brian Walker, City Planner, briefly discussed the staff report that was in the agenda

Attachment: Minutes - January 28, 2020 (4274 : Food Truck Discussion)

packet pertaining to first reading of Ordinance 3024. After a lengthy discussion amongst the Mayor, Commissioners, Attorney Simpson and Mr. Forte, there were several amendments that were made to the Ordinance for first reading. *(the full recording of this agenda item is online or a copy of the CD is available upon request).*

Mayor Via opened public participation.

The following individuals spoke to the Mayor and City Commissioners: Heidi Heller, Holly Hill; Jose W., Holly Hill; Gilles Blais, Holly Hill.

Mayor Via closed public participation.

At this time the Mayor and Commissioners went through the first reading of the Ordinance with staff and made several amendments to what was presented. Staff noted the changes and those changes will be made for the second reading on February 11, 2020 within the Ordinance. There were several amendments to the original motion. Those are as follows:

*Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i)**, seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

Commissioner Danio mentioned he would like to go on record only because there is a second reading because he has a little bit of heartburn about this. His concern is the city works so hard to fill the vacant places and he's not saying that the gentleman here tonight is going to park across the street the new guy but let's just say the landlord of the next place…he's had a rivalry for 30 years; "I'm still at it." What happens if the neighbor of some new place wants to get a food truck "in spite"? The city isn't protecting the brick and mortar buildings. It's not to say it's going to happen but he thinks if the city is going to make it so convenient for the food trucks, we need to protect our brick and mortar buildings a little bit more. That's his only concern. Right now, maybe it's just for the brewery but what happens if somebody comes in and they open up a little seafood place down the street and the neighbor has a problem because he's allergic or doesn't like the smell. He wants to put this guy out of business, four (4) days a week could do it, then the city ends up with more empty buildings. That's not the city's intent. He really has a hard time with this until he can process this and he's not saying anything to the guy who's here tonight. He has no problem with competition; he has 32 years with competition. To him, competition is healthy but the city has struggled to fill up places with businesses and now they're kind of moving in the direction…he doesn't want to hinder or kind of obstruct any of this forward momentum with places that have been here or places that are looking to come in.

Commissioner Penny discussed Business Tax Receipt with staff and suggested that they should have a current BTR if they are going to have a food truck on site. That it should be required.

*Commissioner Penny made a motion to **AMEND his AMENDMENT that a current BTR is required for a food truck to be on any business site**, seconded by Commissioner Currie.*

Mayor Via opened public participation. No one spoke.

PASSED, 5-0.

The Mayor and Commissioners voted on this amendment: *Commissioner Penny made a motion to **AMEND his original motion to include the six (6) changes he referenced 2(d),3(i),(k), 4(a),(d),(i)**, seconded by Commissioner Currie.*

Attachment: Minutes - January 28, 2020 (4274 : Food Truck Discussion)

PASSED, 5-0.

A vote was made on the **original motion** now for first reading of Ordinance 3024:

PASSED, 5-0.

RESULT:	**APPROVED AT 1ST READING [UNANIMOUS]**	**Next: 2/11/2020 7:00 PM**
MOVER:	John Penny, District 1 - Commissioner	
SECONDER:	Penny Currie, District 2 - Commissioner	
AYES:	Via, Penny, Currie, Danio, Johnson	

Attachment: Minutes - January 28, 2020 (4274 : Food Truck Discussion)

(Requested by Valerie Manning, City Clerk)

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Roy Johnson, District 4 - Commissioner
SECONDER:	Penny Currie, District 2 - Commissioner
AYES:	Via, Penny, Currie, Danio, Johnson

Enacted and approved this 10th day of March, 2020, in Holly Hill

5. PUBLIC HEARING

1. -2020-O-3024 Ordinance

SECOND READING - an Ordinance of the City of Holly Hill, Florida, Regulating Mobile Food Vehicles; Amending Section 114-904 of the City Code to Add Definitions; Update Permitting Requirements, Restrictions, Operating Requirements and Establish Enforcement Procedures; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

(Requested by Brian Walker, City Planner)
*Commissioner Currie made a motion to **AMEND Section 3(i) of the Ordinance to read as follows, "Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD. This restriction shall not apply when the mobile food vendor is hired to cater a private event in a residential zone.", and REMOVE the wording from the Ordinance that says, "and may not locate any closer than 100 feet from a residentially zoned area",; and included in her motion is to REVIEW this Ordinance at the FIRST meeting in February 2021**, seconded by Commissioner Penny.*

Mayor Via opened public participation.

Heidi Heller, Holly Hill and Jim Legary, Holly Hill spoke to the Mayor and City Commissioners.

Mayor Via closed public participation.

PASSED, 4-1 (Danio opposed)

RESULT:	**ADOPTED AT 2ND READING [4 TO 1]**
MOVER:	Penny Currie, District 2 - Commissioner
SECONDER:	John Penny, District 1 - Commissioner
AYES:	Via, Penny, Currie, Johnson
NAYS:	Danio

ORDINANCE
2020-O-3024

SECOND READING - AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION

Attachment: Minutes - March 10, 2020 (4274 : Food Truck Discussion)

114-904 OF THE CITY CODE TO ADD DEFINITIONS; UPDATE PERMITTING REQUIREMENTS, RESTRICTIONS, OPERATING REQUIREMENTS AND ESTABLISH ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, REGULATING MOBILE FOOD VEHICLES; AMENDING SECTION 114-904 OF THE CITY CODE TO ADD DEFINITIONS; UPDATE PERMITTING REQUIREMENTS, RESTRICTIONS, OPERATING REQUIREMENTS AND ESTABLISH ENFORCEMENT PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the City Commission desires to clearly define mobile food vehicles, mobile food vendors, and related terms, and adopt regulations addressing their allowed operations within the city; and

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities for mobile food vendors protecting and promoting 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 mobile food vehicles.

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That the entire language of Section 114-904 is repealed and replaced with the following:

114-904 - Mobile Food Vehicle and Vendor Regulations

1. DEFINITIONS

Attachment: Minutes - March 10, 2020 (4274 : Food Truck Discussion)

Catering is the business of providing food for a private event, as a professional service, for a fee.

Commissary is a licensed or permitted food service establishment that provides required services to a mobile food vehicle (MFV). A commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption. A commissary provides the necessary support for the MFV to operate in a safe and sanitary manner.

Hosting Site is the property upon which a mobile food vehicle is parked and operating.

Hosting Site Property Owner is the owner of the property upon which the mobile food vehicle is located and operating.

Mobile Food Vehicle is a truck, or van, including an enclosed food concession trailer, but excluding food carts and kiosk, that are approved to vend food and non-alcoholic beverage products and are classified as follows:

Class I-Mobile kitchens. In addition to the vending of products allowed for Class II and Class III mobile food vehicles, these vehicles may cook, prepare and assemble food items in the unit and serve a full menu. Such vehicles have a relationship with a commissary. A mobile food vehicle permit is required for Class I mobile food vehicles.

Class II-Canteen trucks. These vehicles vend fruits, vegetables, hot dogs, pre-cooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed. A cooking apparatus or grill top for the heating of pre-cooked foods is permitted so long as it complies with state regulations. A mobile food vehicle permit is not required.

Class III-Ice cream trucks. These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based food products and pre-packaged beverages. These vehicles operate exclusively within public rights of way and do not park or stand at one location except when approved to do so as part of a special event. A mobile food vehicle permit is not required.

Mobile Food Vehicle Rally is where two or more mobile vehicles congregate to offer food or beverages for sale to the public, functioning as a single business and may provide restrooms, tables, play areas, a structure for alcohol sales, and other outdoor entertainment open to the customers of all vendors. These events must receive a special event permit or they can be approved as part of a city sponsored event.

Mobile Food Vendor is a person who prepares, dispenses, or otherwise sells food from a mobile food vehicle.

2. LICENSING AND PERMITTING REQUIREMENTS

(a) Prior to setting up at a location, a Class I mobile food vendor must provide the following to the city:

1. A mobile food vendor must register with the city and receive a Mobile Food Vendor Certificate. Mobile Food Vendor Certificates expire on September 29th and must be renewed each year. The fee will be prorated on a quarterly basis.

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2. A copy of the Mobile Food Dispensing Vehicle License from the Florida Division of Hotels and Restaurants.
3. A completed indemnification statement for city files. To be updated annually.
4. A copy of the operator's driver license and photos of the mobile food vehicle including the license plate.
5. A copy of the city approved permit from the property owner, or authorized tenant, to operate at the proposed location.

(b) Mobile food vehicles must be inspected by the city's Fire Marshall or Fire Chief or their designee, and comply with all city safety regulations.

(c) The mobile food vendor must permanently display to the public in a clearly visible area, their Mobile Food Vendor Certificate.

(d) The hosting site property owner, or authorized tenant, shall obtain a permit from the city at least 5 days prior to hosting the mobile food vendor. The permit application shall be on a form issued by the city and contain at a minimum the following information:

1. Location address and hosting dates
2. A signed indemnification statement
3. A sketch plan showing the subject property and the proposed location of the mobile food vehicle
4. Owner contact information
5. Vendor contact information
6. The Mobile Food Vehicle's MFDV #

(e) The hosting site property owner shall pay a fee as established by the City Commission. All permits expire on September 29th of each year and must be renewed.

(f) The hosting site property owner must have an active Business Tax Receipt.

3. PROHIBITIONS AND RESTRICTIONS

(a) It is prohibited and unlawful for a mobile food vendor to create a nuisance condition to include, but not be limited to, loud noises, shouting or amplified music or sound. Any noise generated shall comply with the city's standard noise ordinance.

(b) The mobile food vendor shall not cause or allow any grease or liquid wastes used in the operation to be discharged from the mobile food vehicle.

(c) The mobile food vendor shall not sell anything other than food and non-alcoholic beverages.

(d) The hosting site property owner, tenant, and mobile food vendor, must not conduct business in such a manner that would restrict or interfere with proper ingress and egress for vehicles and pedestrians or constitute a traffic hazard.

(e) Except with permission of the city, mobile food vendors may not operate between the hours of 1:00 a.m. and 7:00 a.m.

(f) Overnight parking of mobile food vehicles on the hosting site or sidewalk is prohibited. Overnight parking and storage of the mobile food vehicle shall be in compliance with all applicable laws and regulations.

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(g) A mobile food vehicle may not be located on private property upon which uncorrected code violations exist, or where there exist unpaid fines, fees or citations, or which is under citation for code violations.

(h) No mobile food vehicle may be located on a vacant lot, provided however this restriction shall not apply to an approved mobile food vehicle rally, also known as food truck courts or truck rallies, approved as a special event.

(i) Mobile food vehicles are not allowed in residential areas or the residential portion of a mixed-use PUD. ~~and may not locate any closer than 100 feet from a residentially zoned area.~~ This restriction shall not apply when the mobile food vendor is hired to cater a private event in a residential zone.

(j) The mobile food vehicle, or its seating areas, may not occupy more than 20 percent of the vehicular use area or disrupt parking area operation. Mobile food vehicles may not be located in landscaped areas or designated public safety lanes.

(k) The same address, site or overall property, is prohibited from hosting a mobile food vehicle for more than 3 days in any calendar week, meaning Sunday through Saturday. Food truck operations approved as part of a city-sponsored special event or under a special event permit will not count against the day limitations of this section. A multiple tenant location is considered one property for purposes of this code provision.

(l) A hosting site property owner shall not permit a mobile food vehicle that does not meet all of the requirements of this section, to operate on property they own, nor shall they allow a mobile food vendor to set up on property they own without first having obtained a permit.

(m) A site may not host a mobile food vehicle for more than 4 hours within a permitted calendar day, unless operating with a special event permit specifically stating otherwise.

4. **OPERATING REQUIREMENTS**

(a) Zoning requirements. Except as otherwise stated in the previous section, the property on which the mobile food vehicle and vendor propose to locate, must be business, commercial, or industrially zoned. If the property is zoned as a PUD, the mobile food vehicle shall be located only in the nonresidential portion of the PUD. Churches and civic organizations in residential areas may host a mobile food vendor by obtaining a special event permit.

(b) Mobile food vending is an accessory use and shall only be allowed on properties that are developed with active permitted uses.

(c) Mobile food vehicles shall be equipped with a suitable trash container readily accessible to the public, in which the mobile food vendor's customers may deposit any litter, trash or waste. Prior to moving a mobile food vehicle from a sales location, the mobile food vendor shall pick up and remove all litter, trash and waste related to the mobile vendor's sales and within an area encompassing a radius of fifty feet (50') from the sales area.

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(d) Property owners hosting a mobile food vendor for more than 1 hour must provide readily accessible restroom facilities.

(e) All mobile food vehicles must park on a hard stabilized surface such as a paved or asphalt surface.

(f) Signage on the mobile food vehicle must be mounted flat against the vehicle and cannot project from the vehicle. However, the mobile food vendor shall be permitted to place one sign, not to exceed 6 square feet on the subject property where the mobile food vendor is conducting business.

(g) All exterior body work of any mobile food vehicle, shall be maintained in good and clean condition and free of substantial scratches, chips, rust, dents, abrasions, or excessive wear or damage, as determined by the city.

(h) A mobile food vendor may not locate on any property that abuts a property with an active restaurant. Except that the mobile food vendor may locate closer, with the written approval of the restaurant owner.

(i) Mobile food vehicles must be self-contained when operating including all utilities, power, water, and cooking fuel sources. Class I mobile food vendors must be associated with a commissary.

5. **ENFORCEMENT**

Failure of a hosting site property owner or tenant, to comply with the provisions of this section shall be grounds for denial or revocation of a permit. Violations of these regulations, including operating without a permit, or allowing a mobile food vendor to operate without a mobile food vendor certificate, shall be grounds to bring code enforcement action, including a citation, or civil action against the hosting property owner or tenant or both. Upon imposition of a mobile food vendor's third offense, the mobile food vendor will not be permitted to operate within the city for a period of 90 days. The special magistrate will have jurisdiction to enforce these provisions pursuant to F.S. Ch. 162, and any person determined to be in violation will be subject to penalties and remedies available as provided by law.

SECTION 6. 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 7. 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 8. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption and this Ordinance will be reviewed at the first meeting in February 2021.

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APPROVED AND AUTHENTICATED on this 10th day of MARCH, 2020 for second reading.

Enacted and approved this 10th day of March, 2020, in Holly Hill

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