

PLANNING COMMISSION MINUTES

Regular Meeting

August 9, 2016

CALL TO ORDER: The August 9, 2016, Planning Commission meeting was called to order by Chairman Conway at 7:00 p.m.

PRESENT: Chairman Conway, Commissioners Bly, Brummette, Wirt, Snyder, Rosier, Clarke, Harag and Councilmember Bahmer.

ABSENT: Commissioner Leeser.

ALSO PRESENT: Community Development Director Myrkle and City Clerk Terpstra.

APPROVAL OF MINUTES:

Motion by Snyder, second by Clarke to approve the minutes of July 5, 2016, as presented. Carried. 8 Yes. 0 No.

APPROVAL OF AGENDA:

Motion by Commissioner Brummette, second by Snyder to approve the agenda as presented. Carried. 8 Yes. 0 No.

EARLY PUBLIC COMMENT: Brad Johnston, 311 S. Sheldon, thanked the commissioners for their service and for their time and support on this issue.

Bryan Myrkle, Community Development Director, stated that correspondence has been received from both Bruce Davis, Eaton Place Restaurant owner, and Dan Riedy, Reidy's Pizza, opposing the allowance of food trucks.

NEW BUSINESS:

A. FOOD TRUCK PROPOSAL:

Community Development Director Myrkle stated that the goal would be to end up with a set of rules if they choose to allow food trucks to be permitted. He stated that he had drafted a proposal addressing the issues that were of concern at the last meeting.

- 1) Limiting the number of food trucks to three at any one time.
- 2) Offer a monthly and a seasonal permit. Fee for one month being \$100 and fee for a seasonal permit (180 days) to be \$500.
- 3) Limit the permitted areas of operation to private property zoning districts B-2, B-3, and I-2; as well as churches, schools, and public parks, regardless of the zoning. In no circumstance shall food trucks be permitted to operate within 1,000 feet of any property within the Central Business District or street right-of-way.
- 4) Required to keep permitted food truck in a safe operating condition, fully insured, clean and free of graffiti, food waste and debris, grime, excessive rust and broken and/or neglected fixtures.
- 5) No two trucks be permitted at the same time offering the same primary food item.

Also to make exceptions for Beach Market, Courthouse Square, sidewalk sales and similar outdoor promotions by brick and mortar businesses.

Community Development Director Myrkle stated that any of these regulations could be changed as they desired.

Commissioner Snyder suggested addressing signage, lighting, and trash removal also.

Commissioner Brummette stated that he would like to honor the opposition that was received. He feels this is good ground work for an ordinance.

Commissioner Wirt stated that Evelyn Bay and Tom Hewitt, County Gavel are both opposed to food trucks.

Commissioner Rosier stated that he has concerns with the health rules. He would favor a monthly charge rather than yearly charge.

Discussion was held on the length of permits and brick and mortar business vs. food truck operations.

Commissioner Bly stated that he does not like the 1000' rule.

Motion by Commissioner Snyder, second by Brummette to allow for Tom Hewitt, County Gavel owner, to speak. Carried. 8 Yes. 0 No.

Tom Hewitt, owner County Gavel, spoke in opposition to allowing food trucks.

Motion by Commissioner Rosier, second by Harag to end debate. Carried. 8 Yes. 0 No.

Motion by Commissioner Snyder, second by Rosier to go forward with proposal as written by Community Development Director Myrkle in the form of an ordinance and to add the following recommendations 1)Charlotte residents would get first choice 2) Put one year sunset clause on ordinance 3) Place 1000' buffer on all restaurants 4) If violation occurs license will be forfeited 5) If licensed is unused it will be forfeited 6) Bond refundable at end of the season.

Commissioner Brummette moved, supported by Rosier to amend the motion to have more of a rotation on the license than every 18

months, to change 3) to have a certain location designated where food trucks can be placed and that the license fee is \$250.00 and that there be no consecutive renewals. 7 Yes. (Bly, Brummette, Clarke, Wirt, Rosier, Snyder, Harag) 1 No. (Conway)

Roll Call vote on amended motion to be sent to City Council for the recommendation. Carried. 5 Yes (Rosier, Snyder, Brummette, Clarke, Bly) 3 No. (Conway, Wirt, Harag)

REPORTS, COMMENTS, CORRESPONDENCE:

STAFF REPORT: Community Development Director Myrkle stated that he will be having the commission review regulations on parking recreational vehicles in the City. He will be having the commission look at the regulations on taller accessory buildings and making upper floor apartments principle residence.

LATE PUBLIC COMMENT: **Jason Stotheide**, 3121 Benton Rd., stated that he feels the amendments that the commission has recommended are reasonable. He stated that food trucks do have the expense of gas, licensing, including two annual inspections. Typically there are two to five people working in a food truck at any given time. They are responsible for paying state taxes, insurance and upkeep.

Brad Johnston, 311 S. Sheldon, thanked the commission for the time and consideration they have put into this issue.

There being no further business, Commissioner Bly moved to adjourn at 8:23 p.m.

Ginger Terpstra, City Clerk, CMMC