

Minutes

Mobile Food Vending

The City of Daytona Beach, Florida

Wednesday, December 19, 2018

Minutes of the Mobile Food Vending Workshop of the City Commission of The City of Daytona Beach, Florida, held on Wednesday, December 19, 2018 at 4:00 p.m., City Hall, Room 149b, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

Attendance.

Commissioner Ruth Trager	Present
Commissioner Aaron Delgado	Present
Commissioner Quantia May	Present
Commissioner Robert Gilliland	Present
Commissioner Dannette Henry	Present
Commissioner Paula Reed	Present
Mayor Derrick Henry	Present

Also Present:

James V. Chisholm, City Manager
Robert Jagger, City Attorney
Letitia LaMagna, City Clerk

1. Welcome

Mayor Henry welcomed everyone to the workshop and stated the City Manager will introduce the presenter.

2. Presentations

James V. Chisholm, City Manager stated Dennis was there from the Planning Department, he's the director. He stated he has a program that he has put forward and after he would answer questions. He stated as they go through it they can ask questions because there are some areas where they might want more information. He stated, at the end they have some options and things that may be better than what they looked at previously.

Dennis Mrozek, Planning Director stated he provided them the material. He stated they can use it to identify some things as they go on. He stated he has a brief presentation. He stated they talked about providing detailed maps of the entire City. He stated one of the things discussed was distinguishing between the mobile food vendor and the produce-grocery vendor. He stated they are going to come up with a definition that can clearly separate what those two are. He mentioned prepared food versus produce and grocery. He stated they would come back to that. He stated that goes along with identifying the food desert areas. He explained a map

provided by the USDA (U.S. Department of Agriculture). He stated they provided zoning maps if commercial corridors and how that would work with food trucks in that area. He stated they talked about the distance, 250-feet vs 500-feet from the front door of the restaurant verses the property line. He gave an example of 250 and 500- feet look like. He stated he did an overlap on Seabreeze and there is very limited opportunity for food trucks to go out in that area.

Mr. Chisholm asked if he was talking about on the public right of way.

Mr. Mrozek stated they're talking about two different things; public right of way, which are the streets, and how this is going to affect private property and being able to go on private property if they have a restaurant. He stated there are a lot of restaurants, a lot of private properties aren't restaurants and would not be allowed to have food trucks because it is within the 250-feet. He discussed Main Street and stated primarily nothing would be available for the food trucks, including private property depending on where the restaurant is located. He stated for clarity, if there is a restaurant with a valid license, they could have a food truck on their property regardless of the distance to another restaurant. He stated they discussed hours of operation and the possibility of roaming eight hours maximum that a food truck could sit at one location. He stated the idea is they don't want anyone sitting overnight in one location for days at a time. He mentioned a sunset provision where they could come back in six month or a year to investigate or make change. He referred to a previous meeting in regards to zoning. He stated zoning for mobile food vending could move around so it's more difficult pinpoint where they can go. He stated they mentioned opening mobile food vending to all zoning districts within the City, but being restricted to not being near or adjacent to single-family uses with exception to the produce and grocery vender. He stated they talked about a more conservative approach dealing with the mobile food venders. He referred to regulations in other areas near and around Volusia County. He stated none of them allow food trucks on public property they are all on private property. He stated as a more conservative approach, which they could change later. He stated don't allow mobile food venders to operate in the right of way, only allow them to operate on private property. He stated that would not apply to produce and grocery venders. He stated keep the separation 250-feet from the licensed restaurant use or another option on Seabreeze they have banks and offices that are licensed businesses with business tax receipts. He stated restaurants are allowable uses on the property, if they wanted to have a food truck to supplement their business or be on the property regardless of the distance separation they should be allowed. He stated that was another option to open it up a little more.

3. Discussion

Commissioner Delgado asked if they would have to reopen as a restaurant or if they could allow someone to use their space as a restaurant.

Mr. Mrozek stated if that's how they want to go they could allow someone to use their space as a mobile food vender. He stated this would only be on properties that have a business.

Commissioner Delgado asked if they had any requirements and would they be involved with the connection between the business and the truck or just let them work it out.

Mr. Mrozek stated they still have the regulations for when food trucks operate even if it's on private property. They have to get with the property owner to go on the property.

Commissioner Gilliland asked about the Department of Health requirement, County and City requirement.

Mr. Mrozek stated in the food truck regulation they talk about what some of the State of Florida requirements are. He listed some of the requirements. He stated they have to meet all the requirements and they have to get a license with the City.

Commissioner Delgado asked about the vacant lots of land on Seabreeze.

Mr. Mrozek stated vacant unimproved property that doesn't have a valid business tax receipt would not be permitted to have a food truck. He stated it would have to be a valid improved property with a business tax receipt.

Commissioner Gilliland asked if that would fall under special events.

Mr. Mrozek stated special events would always be available.

Commissioner Gilliland asked if unimproved property would fall under special event.

Mr. Mrozek stated the way it is written it says food vending can't occur on unimproved property.

Robert Jagger, City Attorney stated they could always do a special event. He stated they could create an exception as a special event permitting.

Mr. Chisholm stated all of them would be required to have a health permit. He asked if they talked about a City permit.

Mr. Mrozek stated they talked about a City license to be able to operate and a manual license.

Commissioner Gilliland asked if it had to be a BTR.

Mr. Jagger stated there would be an additional license requirement. He stated its \$100 as it's drafted to cover administrative costs.

Commissioner Delgado asked if the 444 Bank building could have multiple trucks in their bank after hours.

Mr. Mrozek stated yes providing they follow the rules and regulations of how to operate a food truck.

Commissioner May asked if they could charge whatever they want.

Mr. Mrozek stated whatever they want.

Commissioner Reed stated, State license, City license, and Health Department, \$100 fee from them.

Mr. Mrozek stated annually.

Commissioner Delgado asked if clean-up and restroom facilities would be between the property owners.

Mr. Mrozek stated yes, but they do have requirements that talk about what they have to do.

Commissioner Gilliland asked if it was between the owner and the vender or the vender and the City.

Mr. Mrozek stated it's between the owner and the vender. He stated they allow them to operate, but where they operate is between the vender and owner.

Commissioner Gilliland asked if they were operating on the right of way would it be between the City.

Mr. Mrozek stated yes. He stated \$100 per truck for a license.

Commissioner May asked if they had to provide a facility, restroom; are they responsible for that.

Lauren Taylor, Planner stated if they're operating and employees are working for the food truck for over a three-hour period, they have to have a restroom within 150 feet.

Commissioner May asked is that for a public restroom.

Ms. Taylor stated public flush bowl restroom.

Commissioner May asked how are they going to do that.

Mr. Mrozek stated they would have a portable restroom or they would have to have permission to use the onsite facility.

Commissioner May asked they are responsible for it themselves. She asked if they have to provide their own receptacles and empty them or to they give that to the City to do when they're done.

Mr. Mrozek stated they have in the order for them to take it back with them. He stated it's self-contained; they go out with whatever they came with.

Ms. Taylor stated they are also responsible for 100-feet from where they are vending their food and picking up any trash that may be on the road or sidewalk.

Commissioner May asked if they break that rule, who gets the citation and what's the fine.

Mr. Jagger stated it would be handled as a code violation. He stated certain violations would stay with the owner and certain would stay with the vendor. He stated if it were a vendor related violation, it would go to the vendor. He stated it could go either way depending on the

violation. He stated they built in a revocation provision. If there are three violations to a vendor, their license could be revoked.

Commissioner Gilliland asked if they would have an opportunity to cure the violation because it's temporary. He asked if the only enforcement would be to revoke the license.

Mr. Jagger stated on the revocation, it would occur on the third violation.

Commissioner Gilliland stated the only enforcement is if they have three and they revoke the license. He stated the first and second time they don't do anything.

Mr. Jagger stated they could enforce it as they do any other code. He stated it could be through the court system, county court. If it's against the landowner, it could be through the code board or magistrate.

Commissioner Gilliland stated typically, when there's a violation; they get 30 days to cure the violation.

Mr. Jagger stated if we enforce through County Court, it's a straight up...(Inaudible). He stated it depends on the violation, the way you enforce it. If it were to the owner, it would probably be a Code Enforcement matter, if it's against the vendor it would be a citation and goes to county court.

Commissioner Reed asked who would give the citation.

Mr. Jagger replied, Code Enforcement.

Commissioner Reed stated she doesn't like the three strikes and you're out.

Mr. Jagger stated it's a 90-day revocation. He stated it's subject to appeal. He stated because they go through the Code Enforcement board or Magistrate, they get their due process that way.

Commissioner Delgado asked in disputing the citation.

Mr. Jagger replied exactly

Commissioner Gilliland asked how many Code Enforcement people they had working after normal business hours or on weekends.

James V. Chisholm, City Manager stated we have some who work weekends as well as after hours. He stated he doesn't know how many, but we do have them.

Mayor Henry stated we didn't have that.

Commissioner Gilliland stated only during special events.

Mr. Chisholm stated they changed that.

Commissioner Gilliland stated the likelihood of issuing a violation is slight.

Mr. Chisholm stated when you get outside of 25-30 feet it's going to be hard, because whose contributing to it.

Commissioner Reed stated they are responsible for up to 100-feet.

Mr. Chisholm stated that's what they got in Code, he's not sure if that's reasonable, because if you traffic of people, it's hard to say it's theirs.

Commissioner Gilliland stated you would also have another food truck within 100-feet.

Mr. Chisholm stated, ultimately it's going to go back to the privilege of being there. He stated if they have a continuous problem, they would talk to the property owner as well as the vendor. He stated he doesn't know if they have a provision set up for that. He suggested they have a way to take that option away from the owner.

Commissioner May asked if the residents in the area would have any say if it wasn't working well or there was a problem.

Mr. Chisholm stated noise is always an issue, if it's noise; there is a noise ordinance that requires them to stay within the code. He stated if they are trespassing on someone's property, that's enforceable. He stated the effort is to keep it in a commercial area so you don't have residential properties adjacent to it. He stated that would be their job to make sure it's not in front of a residence.

Mr. Jagger stated that was the questions asked in an earlier meeting, how to handle the residential operation. He stated they currently have drafted, they couldn't situate in front of a residential property. He stated the intent of having the zoning designations was to prevent use of residential areas. He stated their plans talked about removing the zoning designations and building in a restriction or separation requirement, so many feet from a residential property or not be allowed to set-up on a residential property. He stated those are some options to the zoning designations. He stated they talked about the difficulty to enforce zoning designations because Code Enforcement wouldn't have that information readily available. He stated it might create some issues in terms of fairness to neighboring property owners. He stated any inside designation for outside designation would be prohibited.

Commissioner Gilliland asked, when he says residential is he talking about single family.

Mr. Jagger stated they could draft it any way they want. He stated they were looking to keep it off all residential uses.

Denis Mrozek, Planning Director stated they did try to open it up in the original draft to multi-family. He gave a story of his experience with a food truck.

Mr. Jagger stated it always requires the owner's consent. You can't just set-up.

Mr. Mrozek stated there are two Code Enforcement officers on nights every night until eight o'clock.

Commissioner Delgado asked how that works with colleges and universities, would they be able to have food trucks on the premises.

Mr. Mrozek stated if they remove the zoning designations and there are no single-family uses near the college campus they could have the food truck with permission from the owner. He stated they'd have to follow all the rules and regulations.

Commissioner Delgado asked if the campuses are broken up into separate entities.

Mr. Mrozek stated there are no single-family uses on any of the campuses.

Commissioner Delgado asked if Culinary School at Daytona State wanted to do a food truck could they.

Mr. Mrozek stated because there are single-family homes across from Daytona State, as long as it's in the middle of the campus and set-up the perimeter from a single-family, they should be able to operate. The same thing goes for golf courses and the marina.

Mr. Jagger stated that's where the flexibility would require some not to use zoning designations.

Mr. Mrozek stated or they could open it up to all the zoning. He stated planned development is something they didn't talk about; he stated usually when it's put in planned development, they talk about the uses permitted. He stated they don't have uses that are permitted the new ones coming forward will have that. He stated this would also allow the PD's to be able to add the food trucks.

Commissioner Gilliland stated they'd have to modify the PD to have that.

Mr. Mrozek stated unless they wrote it in that the PD's could be permitted, if they had a restaurant use or retail use or a PD and they put in that can't be with so many feet of a residential.

Commissioner May asked if they local preference for local business people who have food trucks, in terms of permitting.

Mr. Mrozek replied it's open to whoever wants to operate within the City.

Commissioner May asked what local preference could they have.

Mr. Jagger stated there would be some issues with that, and he would have to look into it from a legal standpoint. It will raise a number of legal issues.

Commissioner May stated, it was mentioned to her, because they are new to this market, they may have food trucks come in from other cities collecting money and leaving as opposed to keeping our economy here which is the intent.

Mr. Mrozek stated that, and to serve the people who are in Daytona Beach with a product. He stated to provide revenue sources and a food options.

Mr. Jagger stated local preference is typically implied when they're granting contracts to local vendors. He stated the only stick they have is the \$100 license fee for each truck. He stated the only potential local preference they could provide would be reducing the license fee for City businesses. He stated they would have to define what that means and how much of a reduction, but the local preference is not well suited for licensing.

Commissioner Reed asked they are not discussing a limit on how many trucks they can have, but whoever pays the licensing.

Commissioner May asked would the impact on local business be positive or negative.

Commissioner Reed stated it would only so close to the business operating and it wouldn't be the same type of food.

Commissioner May asked there is a restriction on the type of food.

Commissioner Reed stated there are no restrictions.

Mr. Jagger stated the only option they're looking at now, is the separation requirement.

Commissioner May states there are a lot of small businesses in her zone. She asked what if someone had an ice cream shop and sets up in a better spot that's portable and has closer access, is there anything they can do for the local business.

Mr. Jagger stated he could tell her what they drafted, they could redraft. He stated they have a separation requirement of 250-feet from the ice cream shop; unless the restaurant is right next door, they could put an ice cream truck right next door, because the separation requirement doesn't apply to existing restaurants.

Mr. Chisholm stated one of the options is it has to be on private property, so it won't always be available for businesses on Beach Street. He stated the buildings and public property are not available.

Commissioner May asked about A1A.

Mr. Chisholm stated A1A is different. He stated there are some areas that are unimproved next to businesses and some have parking areas.

Mr. Jagger stated, by removing the use of right-of-way, you limit the competition. He stated they're relying on the owner's consent to set up. He stated in the right-of-way you don't need the owner's consent and anyone can set-up subject to the distance requirement.

Mr. Chisholm stated that somewhat protects the local business because if you have to have an agreement with the business owner, they're going to be paid something for it to be there. He stated if they're good in marketing, they could use the product that's coming in as a means of marketing people to come to their business as well as the one coming in.

Commissioner May asked if they saw this as a positive and an extra thing being added to the environment.

Mr. Chisholm stated from his experience, you would need businesses that come into the area and bring someone because they have something different. It would then give the others an opportunity to introduce their product to the customer.

Commissioner Gilliland stated on the right of way there's only parking there for two hours and not eight hours.

Commissioner Delgado asked would that be something the City would want to reinvent if the food truck is allowing them.

Commissioner Gilliland stated he's seen how many were up there.

Mr. Chisholm asked the Commissioners do they think there will be a business who would want to bring in the trucks because he thinks those businesses who are successful aren't going to bring anybody in. Then it would go down to the other businesses with less parking and finding where the units would be because they can't be on the street.

Commissioner Delgado stated Seabreeze Street parking is very bad so he suggested a good idea would be to bring the food trucks to the hospital, City Hall or locations with a high density of people. Even where there's a lot of construction going on, the trucks could sell out there as well.

Commissioner Gilliland stated he has no problem with those areas but the owner who has those shopping centers who leases up that space would have the say so if putting the food trucks for some additional revenue. When they start losing some of their food revenue people would then grab a bite from the food truck and he doesn't imagine it would have some negative effect.

Commissioner May asked why the City is doing this. She stated she thought the intent was to promote food and alternative choices in areas that don't have access to restaurants not to areas that have food access or the grocery stores. It was as way for the City to try to get the process moving. She asked if the City was still heading down that road, and could it be done in a limited fashion.

Commissioner Gilliland stated he doesn't object to allowing the trucks to be in those industrial areas, the main issue is the downtown areas. He's heard that a lot of restaurants fail early in their life and if there are going to be food trucks in those areas then it might delay someone from making an investment.

Commissioner Trager stated she agrees with Commissioner May about the food trucks being in those produce and deserted areas and then expand rather than trying to jump into something else and see how it works.

Commissioner Delgado stated he sees where it could be an impairment to other businesses. For instance, there will always be a Walgreens or CVS across from each other but restaurants that are together tend to do better than those that are a part. He believes the food market is different; it's a different time, place, vibe, demographic, price and just a different segment so

he doesn't know how much is the overlap. For example with the plaza, the owners may be mindful and don't want to dampen the other businesses so he doesn't know how much of them are problems the City is conceptualizing more of what would actually happen when they let the marketplace work itself out. The food trucks are not minimal investments, it probably took around \$100,000 to get it started and running.

Commissioner Gilliland stated his encounter with someone and their food truck.

Commissioner Delgado stated he feels it's not a competition. The food trucks are in between those two things and he doesn't think the City should be worried about disrupting the established businesses with a six-month or year of introduction with the food trucks. He wouldn't be surprised if a lot of restaurants didn't use the food trucks as a way of promoting or testing out different locations but in many larger cities, the food trucks are moving from location to location. He believes the distinction could be between the public and the private and as far as Seabreeze; the trucks could cater to the late night crowds or the lunch crowds.

Commissioner Gilliland stated he spoke to a gentleman concerning the food trucks.

Commissioner May stated she spoke to a couple of people who are local businessmen representing not just themselves but other merchants as well so restaurants feel the same way.

Commissioner Henry stated she's curious as to how many food trucks will be in the City because they're in the area where food trucks are very prevalent and doing well. Orlando food trucks are making money because there are multiple opportunities for vendors. She also believes that certain areas would benefit from one like the industrial areas so she doesn't want it to seem like the food trucks would only be serving vegetables even though she's one hundred percent for it but knows there should be a variety. Hopefully the other businesses won't go under because of the food trucks coming in every now and again, or because there's a special event and a food truck is there.

Commissioner Gilliland stated on Seabreeze they're losing money in the daytime but making money after dark and that's when the food trucks should want to be there. The owners would love to have normalized revenue.

Commissioner Henry stated she would like to protect those businesses in the Seabreeze areas but also in those industrialized areas give them an opportunity with the food trucks and if the City is open to different businesses in the area they recommend but protect those people and still allow the food trucks. She believes there's a way for it to be a win for both restaurants and food trucks.

Commissioner May asked is that possible.

Mayor Henry stated they have given them some options in distances and it's up to them to determine what options are reasonable.

Commissioner Delgado stated the ability to move is going to give them a lot of information in six months to a year. He stated they might be able to evolve faster than a brick and mortar

place. He stated they would be able to determine rather to lower or raise the prices and which items to offer. He stated that in certain places people rely on some restaurants but food trucks will move. He stated he would like to see the food trucks become an avenue towards permanent investments in the community. He stated he wouldn't want to hurt any established restaurants, but he doesn't think they would have enough food trucks to be an issue.

Commissioner May asked Mr. Chisholm if he thought there would be enough food trucks based on the other events.

Mr. Chisholm stated intentionally they're not going to see an adverse impact. He stated the food business is unpredictable. He stated good food sales rather it's a food truck or a restaurant, people will drive to a place that has good food.

Commissioner Delgado stated they talked about Beach concessions. He stated he knows that's County, but the barriers of entry for food trucks are not inexpensive. He asked if they always had vendors and is there any information they could get to help make a decision.

Commissioner Gilliland stated they consolidated, there used to be a lot of concession licenses and now there are only a few.

Commissioner Delgado asked if there was anything they could learn from that.

Mr. Chisholm stated he was a vendor on the beach for number of months. He stated someone operating a food vehicle really works for their living. He stated it's very hard for them to be successful unless they have a continuous flow of customers just like a restaurant. He stated every time the tide changes so does their business. The beach is the most difficult place to be successful. He stated he didn't think food trucks would drive a good restaurant out of business.

Commissioner Gilliland stated he'd hate to see another empty storefront because they allow food trucks.

James Morris, Deputy City Manager, stated beachside concession is an evolutionary thing, initially it was wide open, they sold anything they wanted to, and it's evolved over time. He stated they had tenure contracts and they had renewals. He stated over time the number of concessions diminished. He stated the County required them to subdivide what they were selling. He stated none of them rises above what they call just a hotdog stand.

Mr. Chisholm asked Mr. Mrozek to outline the options and tell them what they want them to put forward.

Mr. Mrozek stated they are talking about removing zoning districts from the regulations, opening it up to all zoning districts and limiting the proximity to single-family use. He stated it wouldn't apply to produce and grocery vender.

Mr. Chisholm asked so the concept is not to have zoning control where they go, it is to identify the area, and it's not with residential properties unless they have sponsors on the private side.

Commissioner Gilliland stated it's single-family not residential.

Mr. Chisholm replied yes single-family.

Mr. Mrozek state the way the draft is written would allow food trucks to be on public right of way. He stated another option would be to remove the option for public right of way and only allow it on private property. He stated this is an enforcement mechanism. He stated they talked about hours of hours of operation and allowing eight hours maximum. He stated distance separation from a food truck to a restaurant is 250 feet. He stated at they will come up with a definition for the produce vendors to separate them out and give them more flexibility in the City.

Commissioner Henry asked if the truck had to be on an improved surface in the food desert areas.

Mr. Chisholm stated right, the right of way.

Commissioner Henry asked in food desert area where would the food trucks actually go, because she is concerned about food desert areas in her neighborhood. She stated just for the produce.

Mr. Mrozek stated produce and grocery would be permitted to operate on the streets, not just on private properties.

Commissioner Reed asked if that could be opened up Citywide.

Commissioner Gilliland mentioned a produce store on George Ingram as an example of not wanting a produce next to someone trying to make it as a brick and mortar.

Robert Jagger, City Attorney stated they would also do a separation requirement from the grocery stores, just like you do for restaurants.

Commissioner Gilliland stated there are a lot of areas along ISB both north and south.

Mr. Mrozek stated Commissioner Gilliland mentioned a convenient store. He stated it would prevent produce truck from parking in front of it.

Commissioner May stated that Bethune Cookman students would enjoy a variety of food and this would keep them from having to drive somewhere to get it.

Mayor Henry stated they have to expedite this because they have to move the shade meeting.

Commissioner Gilliland stated its produce vendors City wide with a separation from existing grocery stores not convenience stores. He asked what the separation should be on that.

Mayor Henry responded 500 feet.

Commissioner Reed stated 500 feet for produce from grocery stores, but allow all over the zone.

Commissioner Gilliland asked this does not include convenience stores.

Commissioner Reed stated yes.

Mr. Jagger asked if they wanted him to run through a quick checklist.

Mayor Henry stated yes.

Mr. Jagger stated right of way or not on the right of way, except for produce. He stated this is not a vote; it just gives him a direction for him and Dennis to go back to drafting. He states they will bring it back to them to include prohibiting use of the right away except for the produce trucks. He stated separation requirement from restaurants and alcohol establishments, 250 feet or 500 feet.

Commissioner Reed stated 250.

Commissioner Trager stated 350.

Commissioner Gilliland stated after seeing those maps and how it block out a lot of opportunity he would think 250.

Mr. Jagger stated they would leave in the exemption for existing restaurant sites.

Commissioner Gilliland asked is it zoned for a restaurant or an operating business, tax receipt restaurant.

Mr. Jagger stated operating restaurants.

Commissioner Gilliland stated the restaurant on Main Street, The Boot Hill.

Mr. Jagger stated the Boot Hill is within someone else 250-foot radius and they could put food trucks on top of that.

Mr. Mrozek stated Boot Hill isn't listed as a restaurant it's licensed as a different tax receipt. He stated they are not operating as a restaurant.

Mr. Jagger stated they are going to leave the exceptions for the existing restaurants and go with the 250-foot separation. He stated the separation requirement only applies if it's operating.

City Manager, James V. Chisholm stated and prohibits in front of single family.

Mr. Jagger stated they are going to go away from zoning restrictions by district and regulate location that you can't be in front of a single-family property.
Commissioner Gilliland stated if they could put a space that one you can't be within 250 feet of a single family.

Mr. Jagger stated yes. He stated it could not be directly in front of it or they could do a separation requirement.

Commissioner Gilliland stated it seems vague when directly in front, particularly when you get to Fairway Estates.

Mr. Chisholm stated 250-feet would be good because you don't want the nuisance effect in the neighborhood.

Mr. Jagger stated they would do 250-feet from the front door as they would do for the restaurants. He stated they would run an eight-hour operation.

Commissioner Trager stated they don't want someone out there at three a.m.

Mr. Chisholm stated it depends on the area.

Mayor Henry the market is going to drive that and most places they have are not in a neighborhood.

Commissioner Gilliland stated what if they want to operate eight hours on Seabreeze and eight hours on Main Street.

Mr. Jagger stated that would be allowable. He stated it would be on the owner's property, they would have to have the consent of the owner.

Mr. Jagger stated if they want a sunset provision.

Commissioner Trager stated yes.

Mr. Jagger stated they could build a hard sunset in this or direct the manager to bring it back in six months for review for a potential amendment.

Mr. Chisholm recommended the hard sunset.

Commissioner Reed asked them to explain the sunset.

Mr. Jagger stated by the terms of the ordinance it would expire.

Commissioner Reed asked a hard sunset in six months.

Mr. Jagger stated he recommends setting it for review.

Mayor Henry stated a review in a year because if they review it, they can end if they need to.

Commissioner Trager stated she thinks it should be reviewed in six months.

Commissioner Henry stated six months isn't enough time for anyone to be established. She stated if they charge people for a year's permit, she didn't think that was fair.

Mayor Henry stated it would allow people to get through one cycle in Daytona Beach.

Mr. Chisholm stated that's right.

Commissioner Gilliland stated they could ask for a review in six months.

Commissioner Reed stated in six months they could review it and not end it.

Commissioner Delgado asked if anyone was going to be able to get things up and running.

Commissioner Gilliland stated, within six months they could update it. He stated the ordinance states there is a twelve-month sunset.

Commissioner May stated she is scared for her businesses.

Mr. Chisholm stated they aren't going to get an entrepreneur starting up a business in six months.

Commissioner Trager stated she doesn't want to hurt the existing businesses.

Commissioner Reed stated they are not stopping it in six months, just reviewing it to see if they need to make changes.

Mayor Henry stated a review doesn't give them the authority to end it. He stated that's why it's stated sunset then review it and look at it.

Commissioner Reed stated a review in six months and sunset in a year.

Commissioner Trager stated she want them to be able to find out if something isn't working.

Commissioner Reed stated that's why they would review in six months.

Commissioner May asked if at the review they could make a change.

Mr. Jagger stated they could change at any point it just takes a vote of the Commission.
Commissioner Henry stated they want to allow someone to start a business and in six month if they don't like the rules, change it.

Commissioner Gilliland stated he doesn't think it's going to happen but it's cautious.

Commissioner May stated these aren't going to be new businesses and everyone is going to test the market to see how it goes.

Commissioner Gilliland stated they would be here for the special events.

Mayor Henry asked what their directive is; he stated four of them want to terminate in six months.

Commissioner Gilliland stated sunset in a year and he doesn't think that they put in an ordinance to review in six months. He asked how many license have they issued so far.

Commissioner Reed stated they just want to see what's going on in six months.

Commissioner Trager stated they need to protect the people.

Mayor Henry stated this meeting is concluded.

4. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 5:15 p.m.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Adopted: February 6, 2019

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the City Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$2.00 at the City Clerk's office. CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.