Minutes

Town Commission & Planning & Historic Preservation Board
Workshop Meeting
Tuesday • September 9, 2014 • 6:30 pm

1. Call to Order: 6:30 pm

2. Invocation & Pledge of Allegiance to Flag

3. Roll Call:
   Commissioners Attending:
   - Joseph Aufmuth — Present
   - Michael Berkowitz — Absent with notice
   - Virginia Mance, Mayor Pro-Tem — Present
   - Richard Shutterly, Mayor — Present
   - Mike Roberts — Present

   Planning & Historic Preservation Board Attending:
   - Tom Brady — Present
   - Stuart Smith — Absent with notice
   - Megan Forbes, Vice Chair — Absent with notice
   - Bill Avery — Present
   - Fro Warren, Chair — Present
   - Tim Parker — Present
   - Julie Penrod-Glenn — Present

   - Debbie Gonano, Town Administrator — Present
   - Stephen Lee, Town Attorney — Present
   - Patty Polk, Deputy Town Clerk — Present

4. Consent Agenda Approval:
   A. Agenda Approval
   Motion made and seconded (Aufmuth/Mance) to accept the consent agenda as submitted; passed 4-0

5. Open Air Sales Workshop
   A. Current LDC Code: Section 6.15 General Provisions for Commercial, Mixed-Use Districts Article 6 – Section 16.15.01

   B. Current LDC Code: Section 1.05.02 (c) Definitions. Vending Booth
   "Vending booth" is a temporary wheeled cart-mounted food or retail establishment that is located on private property. A vending booth cannot be propelled by an internal combustion engine, electric motor or other similar mechanical device. A vending booth must be capable of being moved from place to place, but may be stationary during the business day. Examples of vending booths are, but are not limited to, the following coffee stands; hot dog stands; stands selling muffins, bagels and other bakery items; ice cream carts; snow cone and Italian ice carts; fast food carts; souvenir carts; and newsstands.

   Mayor Pro-Tem discussed that outdoor sales are not allowed in our code except for vending booths on wheels. There has been a precedence of outdoor sales from a table or canopy tent for the past 40-plus years. She would like to see our Town code changed to allow produce sales.

Mayor Shutterly stated that we need to suggest some guiding requirements and then have the Planning & Historic Preservation Board write the new code.

Tom Brady inquired if we are talking primarily about produce sales on commercial properties; and he wanted to know if the code would pertain to yard sales. Mayor Shutterly believes that it is primarily produce sales happening on commercial properties; not yard sales.

Mayor Pro-Tem Mance pointed out that the definition of vending booth is detailed on the agenda and detailed that the Land Development Code (LDC) Section 4.02.17 requires vending booths to obtain an annual permit. Commissioner Mance felt this section is applicable and could be modified to allow produce stands. Julie Penrod-Glenn stated that this will be a simple task and not complicated.

Mayor Shutterly discussed the price of a permit, which permit to use, and the length of such permit (suggesting that to avoid extra work for town staff, the permit should be annual and not seasonal.)

Attorney Lee pointed out that there is a difference between a permit fee and an occupational license. These are two different charges: 1) a permit fee is charged to investigate the reason for a permit application, and 2) an occupational license (business tax receipt) is required to do business (occupation tax).

Commissioner Roberts would like to suggest fees of: $10/permit fee and $10/occupational license. Also, Commissioner Roberts stated that allowing signage is important to bring customers to the business. Mayor Pro-Tem Mance agreed that signage is important but would need to be removed at the end of the business day. Commissioner Aufmuth stated that the town would need to monitor placement of signs for the entire town if we're going to allow temporary sign placement for these types of activities.

Seating at the produce stands will not be allowed. Commissioner Roberts pointed out that if electricity is necessary, a super quiet generator could be used. The hours of vending booth operation are 7:00 am – 11:00 pm.

Public input:

Monica Fowler, Delectable Collectables, is agreeable to either the standard $40 annual occupational license fee or $10/permit and $10/occupational license fee. Inside vendors do support the Commission's efforts to allow produce stands. A list of rules for the vendors would be helpful in making the code consistent.

George Guy, Eestalustee Ave, has heard everything discussed and is appreciative. This will promote visitors and friendships among vendors.

Troy Blakely, NW Seminary Ave, wondered why yard sales are allowed but signs showing eggs for sale are not. Mayor Shutterly thought that to develop consistency, the Town should address signs and door to door sales. Mayor Pro-Tem Mance would like to allow signs showing eggs for sale and neighborhood sales. Layton Glenn stated that we have a population of less than 600 people and it should be easy for folks to do simple things in the town; these things shouldn't have to be addressed in the code. Mayor Shutterly responded that to avoid problems and maintain consistency, these matters should be addressed in our code.

Layton Glenn wondered why we would charge two separate fees. An Occupational license should be sufficient. Mayor Pro-Tem Mance agrees with having only one fee for open air sales.

Mark Gregg, NE Cholokka Blvd, is thankful for the positive tone of the conversation. Allowing produce sales on commercially zoned property is good. Frank is a great example for the success of open air sales. Folks that do this sort of thing don't need extra problems.

Planning & Historic Preservation Board member comments:

Fro Warren is here for informational gathering purposes. Timothy Parker inquired about vendors setting up in town. Mayor Shutterly reiterated that this is not allowed; previously vendors had blocked parking spaces and had left trash behind.

Mayor Pro-Tem Mance reiterated that the existing produce stands are allowed, as they have been 'grandfathered-in'.

Stanley Strobles is concerned about losing things in the town; complaints about the mill whistle blowing ended that tradition. We don't want to lose more of what identifies Micanopy.

6. Adjourn: 7:20 pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

_____ **_____**

Richard Shutterly, Mayor **Patty S. Polk, Recorder**