



Minutes

**Town Commission
Joint Workshop Meeting
Tuesday • June 30, 2015 • 6:00 pm**

1. Call to Order: 6:00 pm
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call:
Commissioners Attending:
 - Joseph Aufmuth Present
 - Michael Berkowitz, Mayor Pro-Tem Present
 - Virginia Mance, Mayor Present
 - Richard Shutterly Present
 - Mike Roberts PresentPlanning & Historic Preservation Board Attending:
 - Tom Brady Absent with notice
 - Stuart Smith Present
 - Timothy Parker Present (arrived 6:10 pm)
 - Bill Avery Absent with notice
 - JP Warren (Fro) Absent
 - Julie Penrod-Glenn Present
 - Megan Forbes Present

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

Mayor Mance conducted the meeting

4. Consent Agenda Approval:
 - A. Agenda Approval
Motion made and seconded (Aufmuth/Shutterly) to accept the consent agenda as submitted; passed 5-0
5. Town Commission/Planning & Historic Preservation Board Joint Workshop
 - A. Vending Booths/Open Air Sales – Proposed Code Revisions
 1. Commission Review & the P&HPB proposed revisions to Land Development Code Article 4, Section 4.02.17 Vending Booths

Attorney Lee expressed his opinion that Vending Booths and Open Air Sales were two separate items. Attorney Lee considered LDC Article 4 compared to Code of Ordinances Section 14, and he expressed his opinion that issues concerning Vending Booths should be in the Code of Ordinances. Additionally, he felt that Open Air Sales should be in the LDC. Mr. Lee incorporated all the discussion in the workshop held on June 9, and the only outstanding issue was the requirement for a fire extinguisher. The code as currently written states that the minimum rating is 8BC, the '8' is in reference to how many square feet the extinguisher covers, the 'B' covers flammable liquids, and the 'C' is for an electrical fire and doesn't have a rating. It's up to this group to regulate the policy for fire extinguishers. Additionally, the definition of a vending booth is defined in the LDC in Section 1.05.02(C), and Mr. Lee stated that he excluded Vending Booths in the definition of Open Air Sales, for which Attorney Lee has created a separate definition.

Commissioner Shutterly commented that this discussion and section is not about Frank Sanders or his produce sales, Mr. Sander's situation has been continued at the Commission's discretion. We are developing this Code for future Open Air Sales; Mr. Sanders' business can be allowed to continue as he has in the past. Attorney Lee stated that if it's the Commission's desire to allow someone to continue to operate that may not meet the requirements of these provisions, it would be appropriate to include in the ordinance a section stating that these permits apply to all businesses after the date of enactment. Attorney Lee related that a permit application fee is intended to cover the cost of processing the permit. An occupational license is an annual tax and its requirement is up to the discretion of the Commission.

Mayor Mance read the Open Air Sales Code proposed by Mr. Lee and asked for questions from the Commission, Board, and Citizens. There are several areas in the C-1 district that would have room to allow a tent and sales. Commissioner Shutterly discussed requirements along the C-1 (Cholokka Blvd) district and, he reiterated that he felt removing the tent daily would be necessary. Commissioner Shutterly stated that Cholokka Blvd and 441 should be viewed differently, and he is asking to separate Cholokka Blvd from 441; he doesn't like the idea of tents staying up overnight on Cholokka Blvd. Commissioner Roberts and Berkowitz agree that the property should look the same in the evening as it did in the morning by removing all tents and supplies each day. Board Member Megan Forbes suggested that from a safety point of view it may be safer to have tents taken down in the evening to avoid accidents during storms.

Mark Gregg commented that he agreed with limiting usage on Cholokka Blvd; but he suggested that it could be more lenient on Hwy. 441; maybe allowing a farmers market. Mr. Gregg suggested possibly waiving the fee for people selling food; as the vendors need the money more than the Town does. George Guy agreed with Mr. Gregg, and he felt that the Town could use more customers coming to Micanopy. Mr. Guy related that there are grants available to help promote tourism, and the University of Florida (UF) does trials and we could possibly get involved to promote tourism.

Black-out dates were briefly considered, but the idea discarded. Commissioner Roberts commented that vendors should be limited to tent set up no earlier than 7:00am and tent removal should be completed by 8:00pm; additionally Vending Booth vendors should not interfere with current businesses. Commissioner Roberts doesn't think people should be able to set up a tent and compete with store operators; but the principle of competition outweighed the suggestion. Discussion ensued regarding code enforcement and regulations for the C-1 and C-2 districts.

Commissioner Aufmuth excused himself at 7:17pm as he had a previous commitment.

Board Member Smith excused himself at 7:45pm.

Mayor Mance recapped the proposed changes to the document as follows:

- o We are not going to establish black-out dates.
- o Restrictions on Open Air Sales items #1 – #5 should be copied to those in the Vending Booth section. Number 5 should be changed to read 'to not obstruct sight lines' in lieu of current language that specifies 'within 25' of an intersection'.
- o A rating of 'ABC' should be inserted to the fire extinguisher rating blank in #8.
- o Regulations were changed to allow only one vendor per property owner in the C-1 district.
- o Under restrictions, it should specify that set up may not occur before 7:00am and must be removed prior to 8:00pm.

Attorney Lee will make the changes discussed during this meeting updating the document.

6. Adjourn: 7:52 pm

MINUTES APPROVED:

as submitted _____ as amended _____ at Town Commission Meeting _____

Virginia Mance, Mayor

Patty S. Polk, Recorder