

**TOWN COMMISSION WORK SESSION
TUESDAY, JANUARY 26, 2021
OAKLAND MEETING HALL
6:30 P.M.**

CALL TO ORDER

Mayor Stark called the meeting to order at 6:30 p.m.

ROLL CALL

COMMISSIONERS PRESENT:	Commissioner McMullen Commissioner Polland Commissioner Ramos Vice Mayor Satterfield Mayor Stark
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COMMISSIONERS ABSENT:	None
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NEW BUSINESS:

Food Truck Discussion

Town Manager Koontz had Chief Peek introduce our new Code Enforcement Officer Matt Reusch. Code Enforcement Officer Reusch did a lot of legwork for the Food Truck presentation. Town Manager Koontz provided a presentation on Food Trucks. Please see attached PowerPoint for additional information.

A summary of the work session discussion was as follows:

- The Town of Oakland does not have any ordinances currently that specifically cover food truck vendors. There are currently food trucks operating at several locations within town limits.
- Town Manager Koontz is looking for feedback from the commission as to what direction they would like to go so we can put the appropriate procedures in place.
- Recent legislation at the state level preempts regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees to the state. A municipality may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity's jurisdiction.
- The Town of Oakland could establish guidelines regarding criteria for a mobile food vendor. The Town of Oakland could also regulate hours of operation, frequency, setback from public rights-of-way, allowable surfaces to operate on, pedestrian circulation, parking access, cleanliness, disposal of refuse, outdoor storage, and noise.
- Food trucks could follow special events permit requirements including submission of all required documents to the town. Food trucks could be made to obtain a business tax

receipt from the town. Food trucks could be required to sign an agreement to abide by any applicable statutes and ordinances while operating within the town.

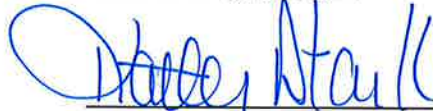
- Town Manager Koontz would like direction from the commission as to if the commission would like to limit areas that food trucks could operate such as the commercial corridor on 50 and, would the commission like to have food trucks follow some sort of process like a special event permit process.
- Town Manager Koontz would like whatever process we set up to be efficient to manage and administer as well as not cumbersome for the vendors.
- Vice Mayor Satterfield feels like food trucks do not need a local business tax receipt as long as they are licensed through Orange County. He feels that one fee should cover all jurisdictions within the county. Discussion ensued regarding individual thoughts on business tax receipts.
 - Town Manager Koontz said we could revisit the business tax receipt ordinance at some point in the future.
- Mayor Stark wants to make sure the process is not over complicated. She feels it is a lot of fun and if the HOA's are okay with it then she is okay with it. Her biggest concern is that they are properly licensed; she loves seeing the food truck at Chevron.
- Commissioner Ramos said his only concerns are with the noise, cleanliness, trash, parking, and circulation. Are our police officers going to be regulating this even at late hours?
- Chief Peek said that his only concerns from the police side are with the process being unregulated as we would then not be able to track food trucks in town if there is an issue. He feels an application process of some sort would be good to make sure the food trucks follow the town's rules.
- Code Enforcement Officer Reusch explained what processes the City of Clermont utilized and what we might want to ask for.
 - Mayor Stark mentioned that she does not want to be like other municipalities and disallow generators.
- Town Manager Koontz asked if the Town Commission would want to put an ordinance in place that would cover commercial/industrial areas if they turn in some sort of registration and if they wanted to be in a residential area then they would use a special event process.
 - Commissioner Polland asked if the special event process would be on the HOA or the food truck operator?
 - Town Manager Koontz said he feels it would be on the HOA if they were hosting the event to get the information from the food truck operator.
- Commissioner McMullen said that right now that seems to work for both scenarios. He also said that this works now for the lack of commercial that is on 50 but how will this look in the future when different restaurants and businesses come in.
 - Town Manager Koontz says that in the future if restaurants come in on 50, we can further define the parameters and maybe carve out special districts where food trucks can be. Right now though we need to establish some parameters and tweak them as we go.

- Commissioner Ramos said that brings up another question. Will the food trucks only be able to serve take out, but would they be able to have table and chairs as well?
- Code Enforcement Officer Reustch said that is something we will have to explore as well. Right now we are just trying to wrap our arms around the issue and establish the framework and then we can work on fine tuning it.
- Resident Tina LaVallee – Owns Tildenville Marketplace and has a lot of food trucks there on Saturdays. Tina had the following questions for consideration:
 - What if a food truck wants to come in and it is not a commercial area or within an HOA? For example, if a resident wants to have a food truck at an event, will they be allowed to do that?
 - Town Manager Koontz says that could be part of a special events application and take that extra step.
 - If there are permits or fees, will they be per event, monthly, or yearly?
 - Will there be options for paying for special events if we require payment?
 - Customary for food trucks to show liability insurance to the host, feels that is the most important component.
 - If there are going to be some commercial properties in town that decide to do this on a regular basis, will there be any regulation over type of power source or will the town have the ability to put in some type of power source, or will it all be generators or does it even matter?
 - Commissioner Ramos said that we don't have a designated food truck area so generators will need to be utilized.
- Vice Mayor Satterfield said that we still have a lot of homework to do. He does like the idea of food trucks coming in and small business. We need to figure out how complicated it is and how we can make it less complicated.
- Resident LaVallee mentioned that all food trucks need to have a commissary agreement on their trucks which list their schedule for the month.

ADJOURNMENT

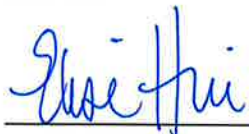
Mayor Stark adjourned the Work Session at 7:07 p.m.

TOWN OF OAKLAND:



KATHY STARK, MAYOR

ATTEST:



ELISE HUI, TOWN CLERK

Town of
OAKLAND
Florida





Food Truck Permitting

Issue

- Currently, there are no municipal ordinances that covers food truck vendors within the jurisdiction but there are various ones that could pertain to them in other sections.
- Multiple departments of Oaklands government has received calls from vendors seeking to operate within the town. Additionally, there are trucks that are currently operating at multiple locations without any permits or special event applications being applied for or granted.



Food Truck Permitting

Objective

- To create a permitting/application procedure for vendors that would allow them to operate within the jurisdiction. Ensure that vendors abide by all applicable regulations at the Federal, state and local level such as:
 - Florida Department of Agriculture and Consumer Services (FDACS)
 - Department of Business and Professional Regulation (DBPR)



Food Truck Permitting

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 509

LODGING AND FOOD SERVICE ESTABLISHMENTS; MEMBERSHIP CAMPGROUNDS

View Entire Chapter

509.102 Mobile food dispensing vehicles; preemption.—

- (1) As used in this section, the term “mobile food dispensing vehicle” means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.
- (2) Regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees is preempted to the state. A municipality, county, or other local governmental entity may not require a separate license, registration, or permit other than the license required under F.S. 509.241, or require the payment of any license, registration, or permit fee other than the fee required under s. 509.251, as a condition for the operation of a mobile food dispensing vehicle within the entity’s jurisdiction. A municipality, county, or other local governmental entity may not prohibit mobile food dispensing vehicles from operating within the entirety of the entity’s jurisdiction.
- (3) This section may not be construed to affect a municipality, county, or other local governmental entity’s authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in subsection (2).
- (4) This section does not apply to any port authority, aviation authority, airport, or seaport.

History.—s. 75, ch. 2020-160.



Food Truck Permitting

Possible Solutions

- Research on other local municipalities, show the following criteria for a mobile food vendor to be permitted:
 - State of Florida business license
 - Food safety permits
 - Prepared Foods (DBPR)
 - Prepackaged, cottage, or fresh foods (FDACS)
 - Town of Oakland Business Tax Receipt
 - Insurance Policy



Food Truck Permitting

Possible Solutions: Qualifications

- Hours of Operation:
 - 6 a.m. – midnight
- Frequency:
 - 2 times per week, per site, 6 a.m.– midnight
 - 2 times per year if school, religious institution, etc., or in residential zoning
 - Permanent placement requires Planning Division approval.
- Setbacks:
 - All mobile food vendors must be setback a minimum of 5-ft from any public rights-of-way, and 50-ft. from residential zoning districts.
- Improved Surface:
 - All mobile food vendors must locate on an improved parking surface and on an improved property that is not vacant (i.e. vending shall be accessory to an operating principal use).



Food Truck Permitting

Possible Solutions: Considerations

- Pedestrian Circulation
 - All mobile food vendors may not disrupt the pedestrian circulation, vehicular ingress and egress from a property, or landscaped areas of the property.
- Parking Access
 - Mobile food vendors may not block access to required parking for the development on which the property they are operating.
- Cleanliness
 - Vendors must keep clean the subject property where they operate, including rights of ways within 25-ft of the subject property of their operation. This includes grease, trash, paper, cups, cans and any other items associated with the vending operation.
- Outdoor Storage
 - All operations shall be contained within the approved vending vehicle approved by the state.
- Noise
 - No amplified music, speakers or other noise is allowed as part of the operation.



Food Truck Permitting

Possible Solutions: Considerations Continued

- Revocation
 - If at any time the state revokes or suspends food vendor's license, or the license expires, any approval or authorization by the city under this program is revoked or suspended immediately.
- Disposal of Refuse
 - Mobile food vendors are required to provide trash receptacles for their operation (minimum 48-gallon size) and properly disposal of any trash or waste generated by their operation. A minimum of one trash can must be provided; however, more may be needed to adequately serve their operation. Recycling containers shall also be provided for any recyclable materials.
 - Vendors must keep clean the site where they operate to include rights-of-ways within 25 ft. of the subject property of their operation. This includes, but is not limited to, grease, trash, paper, cups, cans and any other waste associated with the vending operation.
 - Liquid waste or grease may not be disposed of in tree wells, storm drains or onto streets, sidewalks or any other public or private property. Vendors are responsible for removal of grease or liquid wastes from their operation and proper disposal in accordance with Town Code.



Food Truck Permitting

Recommendation

- Food trucks could follow special events permit requirements. Additionally, they must possess all required documentation/ licenses and abide by all applicable codes and ordinances.
- Future application process could include:
 - Obtain special events permit and submit copies of all applicable documents to receiving authority.
 - Apply for and obtain business tax receipt from the Town of Oakland.
 - Sign agreement to abide by any applicable statutes and ordinances while operating within the Town of Oakland.