

MINUTES OF WORKSHOP MEETING

September 30, 2021

MONTGOMERY CITY COUNCIL

CALL TO ORDER

Mayor Countryman declared a quorum was present and called the meeting to order at 6:00 p.m.

Present:	Sara Countryman	Mayor
	Carol Langley	City Council Place # 1
	Kevin Lacy	City Council Place # 2
	T.J. Wilkerson	City Council Place # 3
	Julie Davis	City Council Place # 4
	Byron Sanford	City Council Place # 5

Absent:

Also Present:	Richard Tramm	City Administrator
	Dave McCorquodale	Assistant City Administrator
	Susan Hensley	City Secretary
	Alan Petrov	City Attorney

INVOCATION

T.J. Wilkerson gave the Invocation.

PLEDGE OF ALLEGIANCE TO FLAGS

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must be recognized by the Mayor. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Kathryn Jenkins, 14809 Lake Mount Pleasant Road, Montgomery, Texas, representing Wilderlove Coffee said they follow all the County's health department rules and the City of Montgomery's rules. Mrs. Jenkins said they collect sales tax like any other restaurant and coffee shop in town. Mrs. Jenkins said they pay taxes quarterly and the same 8.25 percent as everyone else, with two percent going directly to the City. Mrs. Jenkins said they have a restroom on their unit. Mrs. Jenkins said the lot they are parked on is private property and is not public parking for the Historic District. Mrs. Jenkins said they have an agreement with their landlord and the landlord has electricity running to the parking lot, which the City does not pay for. Mrs. Jenkins said the landlord takes care of the area, not the City.

Mrs. Jenkins said in Mr. Tramm's letter he stated for people to visit 403 EATS in Tomball and Deacon Baldy's in Magnolia instead of coming to visit the food trucks in our City. Mrs. Jenkins said unfortunately many of the people in the room have not come to visit their coffee trailer or even talked with them face-to-face. Mrs. Jenkins asked how can you vote on something when there has been no due diligence done to evaluate and get to know the people in businesses whose lives are affected. Mrs. Jenkins asked how can you vote on rules for all food trucks in Montgomery if you have not visited those food trucks.

Ms. Alice Coker, 104 Quiet Wind, April Sound, Montgomery, Texas, said she is not a resident of Montgomery but spends her money here. Ms. Coker said she has known about food trucks for a while and was excited to see food trucks here. Ms. Coker said one of her favorite places to entertain is Hodge Podge Lodge.

Ms. Coker said she was online today on Next Door and the topic of conversation was the food trucks. Ms. Coker said Bentwater, Walden, all these places have said they come to Montgomery just to get a good latte or coffee. Ms. Coker said Montgomery is a small, wonderful town, but the future is here and we have to accept some things. Ms. Coker said if someone wants to have a business to serve the people we need to allow them to do so.

Mr. Nick Haddad, 102 Anna Springs Lane, Montgomery, Texas, said he sent an email yesterday regarding the situation but would like to address a few points.

Mr. Haddad said he saw a post on social media today where eight people emailed the City opposing the two food trucks at 404 Caroline. Mr. Haddad asked are these the same individuals that wrote the

City in opposition to building in MEDC and if so are those credible testimonies. Mr. Haddad said everyone had the first right of refusal of the purchase for 404 Caroline Street, but all of you declined. Mr. Haddad said now all of a sudden there is an interest. Mr. Haddad said he would like to use the remainder of his time to take a moment of silence to honor the brave men and women who fought for the freedom you are trying to take away.

Mr. Bill Clevenger, 388 Berkley Drive, Montgomery, Texas, said he wanted to thank those who came out to support him and his family and the Jenkins family, but more than that, to support the City of Montgomery.

Mr. Clevenger said Texas Twist and Shakes has had the pleasure of serving 1,776 people as of yesterday. Mr. Clevenger said for 51 days his establishment has generated over \$1,000 in sales tax revenue and as the property owner at 404 Caroline Street they pay their fair share of property taxes.

Mr. Clevenger said he is making it his mission to bring Austin to Montgomery. Mr. Clevenger said he has been in contact with the Attorney General's office. Mr. Clevenger said for all of those who have a past, their attorneys and the Attorney General's office are going to go through each of them. Mr. Clevenger said to all the employees and staff of the City, be prepared for personal interviews and depositions. Mr. Clevenger said the employees have the opportunity to stand up and do the right thing by having the courage to come forth without having the fear of one person's intimidation and threatening of their positions and careers. Mr. Clevenger said the time has come for the Mayor to put an end to all this from the Buffalo Springs HOA to the MEDC and its manipulations of public monies, and the intimidations at City Hall. Mr. Clevenger said it all ends tonight or begins tonight. Mr. Clevenger said he would like to define what a squatter is for Councilman Sanford. Mr. Clevenger said a squatter is a person who settles in or occupies a piece of property with no legal claim to that property. Mr. Clevenger said he would like to make it known to the residents of Montgomery that he is announcing his candidacy for the office of Mayor.

Kade Jenkins, 14809 Lake Mount Pleasant Road, Montgomery, Texas, said he is asking that Montgomery not be another city that only allows food trucks to operate in food truck parks. Mr. Jenkins said food truck parks charge a lot of money for rent. Mr. Jenkins said, however, for a coffee trailer their peak hours are 7:00 a.m. to 11:00 a.m. and they are closed in the evening. Mr. Jenkins said if they were confined to a food truck park they would have to pay a large amount for rent without any of the

benefits of that agreement. Mr. Jenkins said they would open in the morning surrounded by closed businesses and take a spot in the evening surrounded by businesses that they would not be able to benefit from. Mr. Jenkins said food truck parks are not one-size-fits-all.

Mr. Jenkins said they are a coffee shop that is currently not allowed to sell coffee before 9:00 a.m. Mr. Jenkins said he is asking the City to update the ordinance on the time restriction for food trucks. Mr. Jenkins said one can get coffee at Starbucks at 5:30 a. m. and at 9:00 p.m. Mr. Jenkins said not to hold the small businesses to a different standard than Starbucks.

Mr. Jenkins asked for the City to consider changing the verbiage on the rule that no food truck can operate within 50-feet from any intersection or crosswalk. Mr. Jenkins said he believes the wording of this was intended to create safe driving conditions and prevent roadside vendors from parking in a manner that would impede traffic. Mr. Jenkins said since they are on a privately owned parking lot that is raised above the actual road and if they were to move 20-feet over, which they currently cannot do under the current ordinance, they do not believe they would create any kind of safety hazard or impede traffic.

Mr. Jenkins asked City Council to consider the intent and purpose behind each ordinance. Mr. Jenkins said to please make sure all of the ordinances are beneficial to improving our City as a whole and is asking that City Council make them so they do not hurt some of the people who are trying to start and run small businesses here.

Mrs. Brandi Chrisenberry, 18913 Bethel Road, Richards, Texas, said she has been in Montgomery for four years and became involved through talking with all the local businesses. Mrs. Chrisenberry said she began to hear shop gossip of petty drama and politics and people going in and making decisions and creating rules for them such as some people being allowed to obtain permits and others not allowed. Mrs. Chrisenberry said there were inexplicable reasons behind a lot of things that were happening, there was unnecessary licensing, permit rules and regulations, rules about signs, and personal vendettas.

Mrs. Chrisenberry said as a fellow business owner she owns a business in Conroe. Mrs. Chrisenberry said she and her husband are owners of Agape Farms and Agape Farms Ministries north of town. Mrs. Chrisenberry said as a business owner she knows this is a very complicated situation. Mrs.

Chrisenberry said on top of normal operations as a business owner, there are the hiring and firing, accounting, expenses, inventory, profit and loss statements, margin analysis, and advertising and promo items needing to be dealt with on a day-to-day basis. Mrs. Chrisenberry said there is also marketing, social media, regulatory licensing, maintaining the building, equipment, and personal relationships, becoming a system expert in Blue Commerce. Mrs. Chrisenberry said there is a lot of torture when it comes to being a business owner and as a business owner she wants to be an advocate for these businesses to say why not allow these businesses to operate their businesses as they feel best to create revenue for the City. Mrs. Chrisenberry said from a business owner's perspective this is an opportunity to let a potential revenue stream and a local family thrive. Mrs. Chrisenberry said to please allow them to run their business with as much support, guidance, assistance, and encouragement.

Mr. Canon Chrisenberry, 18913 Bethel Road, Richards, Texas, said he came to the meeting to speak on behalf of Mr. Clevenger and Mr. Jenkins. Mr. Chrisenberry said he personally loves them and thinks they are some of the nicest people he knows and his friends can agree with him on that. Mr. Chrisenberry said he loves going into town with his mom and dad to get coffee or ice cream. Mr. Chrisenberry said he would love for them to stay here.

WORKSHOP MEETING:

1. Discussion regarding Food Trucks in the City of Montgomery.

Mayor Countryman said they did receive some emails from August that need to be read, so they are on the record.

Mr. Kevin Barnes, August 9, 2021, 10:01 a.m. said he does not think food trucks should use parking spots in the downtown area. Mr. Barnes said if a lot of owners wish to let them use their lot they should operate there. Mr. Barnes said generally he does not think they should operate in downtown Montgomery except for during festivals when parking is not an issue. Mr. Barnes said Jim's Hardware is an exception since they have plenty of parking space. Mr. Barnes said they should focus on Historic District structures and use them more.

The Modern Skein, August 9, 2021, 11:45 a.m. said they are all for food trucks, the more the merrier and absolutely they need to be in the Historic District. The Modern Skein said putting them outside the district completely misses the point of having the district be a walkable, inviting area for locals and outsiders. The Modern Skein said of course they should follow the

Health Department rules and pay rent to the area they are parked at but they should be allowed to stay permanently if they wish, i.e. long-term owned land they are parked on, etc. The Modern Skein said to have each truck provide a trash can and dump at the City dumpster or have it picked up by the City and seating shade in their allotted area. The Modern Skein said eating hours should be normal eating hours subjected to the owners of the food truck. The Modern Skein said a sandwich food truck could have lunch and dinner hours, whereas a bagel food truck could open at 8:00 a.m. The Modern Skein said the argument that they just cannot afford a location or should just rent a building is ridiculous because frankly there is zero space downtown to rent that is decent and to buy you have to be a millionaire to be able to afford what is on the market and know the right person in town. The Modern Skein said they do agree that Montgomery is becoming a great destination and place for small businesses, but frankly, it has been us small business owners advertising, pushing events, and drawing in crowds.

Mr. Lloyd Ashbaker, August 9, 2021, 9:21 a.m. said food trucks do not belong in the Historic District. Mr. Ashbaker said they should have a designated area of the City for their placement and not scattered throughout the area.

Ms. Susan Stripling, Farmhouse, August 9, 2021, 12:50 p.m. said she is not a fan of having permanent food trucks. Ms. Stripling said parking is limited in the downtown area and they would be occupying valuable parking space. Ms. Stripling said she believes in keeping the Historical District looking historical and quaint. Ms. Stripling said customers who buy food, etc. will then need a place to sit, therefore less parking available. Ms. Stripling said she is not a fan of customers bringing food and drinks into her shop. Ms. Stripling said she thinks this will increase the probability of this happening. Ms. Stripling said this will increase the amount of trash left lying around downtown and will definitely be a problem and is. Ms. Stripling said if they walk, eat, and drink and there are not enough trash receptacles it will be left for someone to pick up from porches, potted plants, etc. Ms. Stripling said she sees it often now. Ms. Stripling said thanks for asking.

Mrs. Susan Fauss, Spirit Industries, said she loves food trucks and love that they bring a variety of food offerings into an area that is usually under-served and it fulfills the American dream of owning your own small business and being able to work for yourself with a small overhead. Mrs. Fauss said there are several concerns she has with allowing the food trucks in the zoned

Historical District of Montgomery. Mrs. Fauss said she knows that many spent a great deal of time getting this Historical designation and intent of this area to honor our rich heritage. Mrs. Fauss said any permanent building new or old must adhere to strict permitting relations and approvals even down to the paint colors to use. Mrs. Fauss said if it is important enough to subject property owners to these regulations, it should be important enough to expect strict regulation on anything that tries to become permanent. Mrs. Fauss said food trucks pay no property tax and they have to be cleaned out as they are not connected to the sewer. Mrs. Fauss said having no facilities for restrooms and handwashing, they have to depend on other businesses. Mrs. Fauss said trash generated from food trucks is another concern. Mrs. Fauss said also parking needs to be a consideration as the City already needs more parking. Mrs. Fauss asked if food trucks pay a permitting fee for the days they are in the City limits operating. Mrs. Fauss said as they will generate more traffic and trash, more City services will be required to keep up with the additional visitors. Mrs. Fauss said the current location of the two food trucks also concerns her because of traffic and parking and pedestrians are sharing parking lot areas to stand, wait, and eat, not to mention walking around and through parked cars that are constantly moving and parking. Mrs. Fauss said food trucks need their own area if this is to be an option for Montgomery and they need a separate place to be with their own parking in her opinion. Mrs. Fauss said thanks for the opportunity to express her opinion.

Mr. Damond Haines, Kids Free Ice Cream, said some food truck employees are using his only restroom. Mr. Haines said he is open seven days a week and most restaurants are closed Sunday and Monday. Mr. Haines said he has a video showing employees crossing the street and entering his restaurant on Sunday just to use his restroom. Mr. Haines said he was not very happy about it so he reached out to the owner of the food truck to confirm his employee and he received no response.

Mrs. Cheryl Fox, Fox Insurance, August 19, 2021, 3:49 p.m. said several friends and business owners in downtown Montgomery have asked her to voice her opinion on the food truck issue. Mrs. Fox said she likes food trucks but does not like them downtown permanently with wheels still attached. Mrs. Fox said that is not what a food truck is unless it is in a designated “food truck park”

such as the one on FM 1488. Mrs. Fox said most food truck parks have public restrooms and a place to sit down to eat. Mrs. Fox said when they are at certain downtown events she

understands that is not the case, but they are only there for a limited time. Mrs. Fox said she feels the trucks that are now parked in the Historic District of Montgomery do not do our town any favors by being there 24/7 and not sure what their hours are. Mrs. Fox said she understands this has caused some unhappy people on both sides and it would be in the best interest of the City to have a fair restriction on food trucks with attached wheels that would limit the amount of time they could be parked within the Historic District of the City. Mrs. Fox said she is sure that other cities have good food truck ordinances to review to be able to see what works for our City. Mrs. Fox said the fact that the mobile food trucks do not pay property tax also leaves an advantage to the mobile unit over a “brick and mortar business.”

Ms. Brenda Ryland, August 20, 2021, 3:55 p.m. said thank you for bringing this very important topic to the attention of the Montgomery Historical District community. Ms. Ryland said she has three main topics of concern. Ms. Ryland said as a Historic District there are specific regulations that must be maintained and met to preserve the historical integrity of the district such as paint color, tax, type of structure, signage, etc. which are some of the things we as small business owners have to comply with in order to be a part of this historic business community. Ms. Ryland said food trucks that are permanent fixtures in the district do not comply with the regulations put forth by the City of Montgomery and thus should not be allowed to permanently set up business in the Historic District.

Ms. Ryland said she is very concerned about the sanitation associated with these food trucks. Mrs. Ryland said the running water these food trucks use to provide products to their customers is provided via a garden hose, not a hose that is deemed FDA drinking water safe. Ms. Ryland said the power used to provide electricity to these trucks is via an electrical cord strung from a light pole and plugged into a truck. Ms. Ryland asked when and where are they dumping their gray water. Ms. Ryland said she believes they are supposed to dump their gray water every 48-hours per the Health Department but she never sees these trucks move so where is the gray water going. Ms. Ryland said there are no restrooms and no sinks for the public associating with these trucks and even if other local establishments want to accommodate the public, those purchasing products from these trucks the other establishments do not keep the same business hours or business days as these trucks, so how are they able to maintain sanitary conditions. Ms. Ryland said as a business owner she is seeing more trash scattered around the district. Ms. Ryland said she is picking up napkins and cups that appear to be blowing across

the street and into her retail space. Ms. Ryland said much of this trash appears to be coming from the food trucks.

Ms. Ryland said the safety of the general public is a big concern. Ms. Ryland said the trucks are located on a very busy corner of Caroline Street and FM 149. Ms. Ryland said traffic on FM 149 is extremely dangerous and as most of us in the district know, people driving dump trucks, heavy haulers, and many cars do not obey the speed limit on FM 149. Ms. Ryland said it is quite common to see vehicles traveling at speeds of appearing to be 40 mph on FM 149. Ms. Ryland said this poses a significant danger to pedestrians crossing the streets to get to these trucks. Ms. Ryland said also these food trucks are located in a parking lot and there are no barriers between the pedestrian traffic on the food trucks and the general public parking in the parking lot. Ms. Ryland said there is a significant chance that a pedestrian/automobile accident could result as a matter of logistics in this parking lot and it does not even consider the parking lot is adjacent to a facility that serves alcohol. Ms. Ryland said think of all the children running around to get ice cream, this is a recipe for disaster. Ms. Ryland said she is a fan of food trucks let me make that clear and there are many locations within the limits of the City of Montgomery that could accommodate these food trucks and many more. Ms. Ryland said she does not feel these trucks comply with many other regulations be it the Historical City, County, or State thus she would like to see them removed. Ms. Ryland said in her opinion the City should have never allowed them to set up in the first place. Ms. Ryland said there is a Planning and Zoning Committee, a City Administrator, Mayor, and City Council, and all of these entities should have raised red flags when it became apparent these trucks were coming into the community. Ms. Ryland said if that had happened then this all would have all been avoided and our Historic District would continue to be the beautiful welcoming community that it is known to be. Ms. Ryland said let us develop a strict plan to allow these trucks to visit our community or festivals and other specific events that limit their time to set up to the time of the event and no longer than 48-hours at a time. Ms. Ryland said to make the events associated with these trucks ones that are registered with the City of Montgomery so as not to allow vague verbiage that could be used as an event for food trucks set up and have their trucks comply with safety and health regulations that are specific to their types of business.

Ms. Kristy Schroeder, September 8, 2021, said she would like to voice her opinion on the food trucks and Historic Montgomery. Ms. Schroeder said she sees food trucks as a very good thing

in Historic Montgomery as they bring people to our town and our downtown shops, not to mention it is very nice to have them during weekend events. Ms. Schroeder said she would like them to be able to permanently stay where they are. Mrs. Schroeder said in her eyes it is a win-win situation having them here and where they currently are located. Ms. Schroeder said there is not a lot to choose from in Historic Montgomery and believes that the coffee trailer and ice cream trailer have added value to our town. Ms. Schroeder said she would like to see more of them set up throughout downtown Montgomery, however, she does not feel that setting up a food truck park is a good thing for the City and does not think it is a good thing for the food trucks either. Ms. Schroeder said she loves to get her coffee earlier than 9:00 a.m. and would much rather give her business to small business owners in the community than take her business to Starbucks. Ms. Schroeder said if a food truck park was set up then she would not be able to get her coffee early in the morning. Ms. Schroeder said food truck parks are set up to cater to the lunch and dinner crowds. Ms. Schroeder asked how her favorite coffee trailer would even be able to stay open like that. Ms. Schroeder said that is not fair to them and it is not fair to her as a customer. Ms. Schroeder said she has grown to love getting her coffee in Historic Montgomery at the coffee trailer. Ms. Schroeder said if they were forced to have to go into some type of food truck park the overhead would most likely be too much for them, their business peak hours, or early in the morning. Ms. Schroeder said she thinks they are great where they are and hopes they can open earlier soon. Ms. Schroeder said please take all she has said into consideration and please do not make it impossible for them to be able to stay here and serve our community. Ms. Schroeder said she would much prefer to keep her business there at the coffee trailer and in our community than to take her business to a chain that has no contribution to our community. Ms. Schroeder said the coffee trailer and food trucks are bringing people to our community in more ways than one.

Mrs. Katy Jenkins, September 8, 2021, 9:37 p.m., said she knows her husband Kade was able to speak with Mr. Dave McCorquodale about the food truck ordinances, but she wanted to also share her point of view. Mrs. Jenkins said they love being able to serve the community specifically coffee and we love our town. Mrs. Jenkins said she is writing this because she is concerned that in Mr. Tramm's letter his focus was that people should visit Deacon Baldy's or at 403 Eats which are both food truck parks, but there is no mention of visiting anywhere where the food trucks are thriving outside of a food truck park. Mrs. Jenkins said food truck parks can be great and are a neat idea, however, if you confine us to a food truck park our

business will not survive. Mrs. Jenkins said food truck parks rely on the idea that businesses pay a steep rent in exchange for the high traffic of people coming to eat lunch or dinner and then the food truck getting exposure and hopefully more sales. Mrs. Jenkins said it also allows them to have access to whatever amenities like seating, restroom, and bar, etc., and more exposure from food truck park truck events. Mrs. Jenkins said this is great for some but is not a one-size-fits-all. Mrs. Jenkins said as a coffee trailer, our business thrives off of mornings. Mrs. Jenkins said no other food trucks are open in the morning, no events at the food truck park are in the morning, no one is coming because it is a food truck park, and then deciding they will choose us. Mrs. Jenkins said the only people that would be coming are because they already know about them from marketing and word of mouth. Mrs. Jenkins said they will not benefit as a food truck would at a food truck park but they would still have to pay the high price of rent and to be there. Mrs. Jenkins said plus this is about more than just them. Mrs. Jenkins said there are Mexican food trucks up and down SH 105 and even on FM 1097 and a food truck park is not going to let five Mexican food trucks all park there. Mrs. Jenkins said they will be forced to take their customers, business, and tax dollars elsewhere. Mrs. Jenkins said their community deserves to have small businesses and new start-ups and not be put in a box and also not to be run out of the City because they are unable to thrive here. Mrs. Jenkins said they love their City and this is where they want to be. Mrs. Jenkins said they chose Montgomery. Mrs. Jenkins said she understands that many of you do not like them being in Historic Montgomery and can be objective and hear those viewpoints and if that is what it comes down to, eventually they will respectfully comply. Mrs. Jenkins said to please not confine them to a food truck park for the sake of getting them out of downtown Montgomery. Mrs. Jenkins said she hopes they consider getting rid of the time constraints on when a food truck can open as they want to be able to serve their town before they go to work and school. Mrs. Jenkins said their town should be able to get coffee from a local business in the morning instead of resorting to a big chain because it is the only thing open. Mrs. Jenkins said they have to turn away many people or tell them they are sorry they cannot open sooner. Mrs. Jenkins said she hopes they will objectively consider the great addition they have been to the downtown area even if you did not like it from the start. Mrs. Jenkins said they are supportive of everything that goes on downtown and like and share about all of the events happening downtown and they truly want to see it thrive and become the tourist hot spot they know it can be. Mrs. Jenkins said she hopes they have been able to see the number of customers they are bringing into the town who previously have not visited. Mrs. Jenkins said they get customers

from Houston and Huntsville, as well as many from Conroe. Mrs. Jenkins said many people come to them saying they did not even know all the shops were down here. Mrs. Jenkins said they are bringing in people who have a drink, stroll the town, and hopefully spend more money in the shops. Mrs. Jenkins said they also have many of the local business owners in Montgomery who come every day to their trailer as well as many of the workers from area shops who visit them regularly. Mrs. Jenkins said they truly feel like they are part of the community and believe the community loves having them here. Mrs. Jenkins said they are also bringing in a younger demographic that the downtown area is lacking in and who may not have visited their town to begin with because it is most likely marketed toward the older generation. Mrs. Jenkins said she hopes you will truly consider the people of Montgomery and what they want even if it is not what you want. Mrs. Jenkins said she believes in fairness, truth, and justice and hopes that every voice is heard and the right decision representing the majority truly happens. Mrs. Jenkins said she believes in Montgomery and thank you for the time and consideration.

Ms. Tracy Graupe, September 28, 2021, 10:26 p.m., said it is a pleasure to write and say what a wonderful town we live in. Ms. Graupe said she enjoys working and living in the small town of Montgomery and has enjoyed the recent addition of the Wilderlove Coffee truck and the ice cream food truck and especially loves Wilderlove's Coffee amazing drinks and friendly service they provide. Ms. Graupe said she would love to see them stay right where they are. Mrs. Graupe said she would love it even more if you would allow them to open before she has to go to work at 8:00 a.m., so she can get a coffee in the morning before work. Ms. Graupe said she believes in supporting small business owners, but it makes it difficult when they are not allowed to open until 9:00 a.m. Ms. Graupe said she has heard there may be a possibility that food trucks in Montgomery will have to be located in a food truck court. Ms. Graupe said that would not be good for all food trucks, as it would only be ideal for those who serve lunch and dinner and those who cater to the party atmosphere. Ms. Graupe said coffee trailers such as Wilderlove would not thrive in this atmosphere and they would not be open in the evening when the crowds are there as they cater to the morning bunch. Ms. Graupe said the rent in a food truck court would be much higher as well.

Ms. Graupe said to please consider Katy and Kade Jenkins of Wilderlove Coffee and the benefits they have brought to Montgomery, Texas. Ms. Graupe said they not only bring a

delicious third-way coffee drink, but they also bring customers from other areas of our town to shop and cultivate our small town. Ms. Graupe said she often sees them complimenting other businesses in town and promoting them to other customers. Ms. Graupe said let us do what we can do to keep them in Montgomery and not force them out.

Ms. Jennifer Skinner, Montgomery Original Snoballs, September 29, 2021, 9:06 a.m., Ms. Skinner said she is a proponent of small business and mobile food trucks coming and going from our City as it gives us more reasons like a small event to come to Montgomery. Ms. Skinner said her business and Jim's Hardware were one of the first to start having mobile food trucks regularly at our businesses. Ms. Skinner said having a variety of shops and restaurants is vital for our City and no one should only eat at Snoballs. Ms. Skinner said the mini-golf course, Longview Greens, offers soft serve and snow cones and they are a permanent establishment even though not in Historic Montgomery, it is tasteful and compliments our community bringing more people to our City. Ms. Skinner said scooped ice cream in Historic Montgomery adds value. Ms. Skinner said the type of mobile food vendor is irrelevant to this ordinance rewrite. Ms. Skinner said the current age of the mobile food vendor ordinance needs to be updated as most cities surrounding Montgomery have done within the last five years to respond to the food truck trend. Ms. Skinner said the following are her suggestions to consider. Ms. Skinner said have limits on the time frame a truck may be parked within a certain distance or inside the Historic District. Ms. Skinner said she believes by having permanently parked food trucks amidst our historical buildings we are degrading our historical appeal and rich history which so many before us have fought to preserve. Ms. Skinner said also permanently parked food trucks devalue the commercial real estate market for quality businesses. Ms. Skinner said typically a food truck is an option for a business owner who lacks the capital to have a brick and mortar business. Ms. Skinner said the tradeoff for food truck owners not having the capital to establish a brick and mortar is the mobile aspect. Ms. Skinner said most food truck owners would love to have a brick and mortar and they save money for it because they understand the commercial investment and benefit of being in a fixed location. Ms. Skinner said require a sales tax number and address to help track sales taxes for the City. Ms. Skinner said require the mobile food vendor to park within 300 feet of a public restroom for their employees and customers. Ms. Skinner said no employee should be without a restroom while working. Ms. Skinner said require receipts of the gray water tank disposal cleanup regularly every 72 hours. Ms. Skinner said this ensures that the wastewater inside the truck is

being removed regularly to avoid unsanitary conditions. Ms. Skinner said require a location inspection of the commissary for food storage. Ms. Skinner said this ensures that the food being served has been stored properly. Ms. Skinner said food vendors usually cannot survive with just a truck for their food storage. Ms. Skinner said if plugged in for power, open at 7:00 a.m. and close at 10:00 p.m. Ms. Skinner said if on a generator for power, open at 8:00 a.m. and close at 8:00 p.m. Ms. Skinner said it preserves noise pollution for the downtown residents. Ms. Skinner said thank you to City Council for consideration.

Ms. Kathy Jenkins, Food Trucks of Montgomery, September 29, 2021, 9:27 a.m., said it has come to her attention that there may be some changes made regarding the food trucks in Montgomery. Ms. Jenkins said we as taxpayers for 26 years have the right to voice our opinions and be heard on this matter. Ms. Jenkins said food trucks are a new way to bring visitors and revenue to the City especially food trucks like Wilderlove Coffee in Historic Downtown Montgomery bring people from all over to try their coffee. Ms. Jenkins said they have an attractive trailer that brings new life to the downtown area. Ms. Jenkins said when customers come for coffee Kade and Katy Jenkins tell them about the shops and encourage them to visit them all. Ms. Jenkins said they also promote the surrounding businesses and have built a relationship with them. Ms. Jenkins said the location of the coffee trailer is excellent, however, it would be beneficial if they were allowed to open earlier as they could serve people on their way to work and school. Ms. Jenkins said their heart is to bring more people to the community and in the short time they have been open they have done just that. Ms. Jenkins said food trucks have been successful in the surrounding communities and we need vitalization and growth in our little downtown district. Ms. Jenkins said she has also heard that Montgomery is considering a food truck park and food truck parks are primarily afternoon and evening attractions. Ms. Jenkins said this would not be a good fit for a coffee trailer as food truck parks are very expensive as they offer amenities like a bar, pavilion, entertainment, etc. Ms. Jenkins said the cost to rent at a food truck park is out of reach for those young people trying to start a business. Ms. Jenkins said all food trucks should be treated as an individual business and not forced to be lumped together. Ms. Jenkins said food truck parks are not a solution to all food trucks as each is an individual business. Ms. Jenkins said also regarding creating a new ordinance, everything is great with our existing food trucks as they follow all the rules and bring needed business to our community. Ms. Jenkins said she sincerely asks City Council to think about the intent and do not add the new rules for the sake of adding rules

if the food trucks are doing well. Ms. Jenkins said please know that these are people who live in our community and want to run their business in our hometown. Ms. Jenkins said making unattainable changes can put them out of business. Ms. Jenkins said we need to bring more people to our town, so let us come together and think of ways to help small businesses succeed and thrive. Ms. Jenkins said she applauds these people who are working hard, making sacrifices, trying to support families, and helping our community.

Kambra Drummond, September 29, 2021, 11:59 a.m., said as a business owner in the Historic District of Montgomery I would like to express my opinion on the existence of food trucks in the area. Ms. Drummond said first and foremost we need more businesses in the Historic District with a variety of products bringing more shoppers to town which all would benefit from. Ms. Drummond asked does she think the addition of food trucks on a permanent basis adds to the solution. Ms. Drummond said yes, but not in the current situation. Ms. Drummond said the way the food trucks gain a following is by rotating their location going to many different venues and sharing the product they offer with many communities. Ms. Drummond said this then builds a following and thus brings followers to our area. Ms. Drummond said she does not believe this is the case with the current food trailers we have set up in the middle of town. Ms. Drummond said if there was a location that was set up with restrooms and a safe gathering area for the customers and their children I think that this could benefit, not in the area that is in the middle of a parking lot. Ms. Drummond said as it is now people with families that visit these trailers are not safe from moving vehicles and they also have no readily available restroom facilities. Ms. Drummond said they have no water accessible except through a garden hose stretched across the parking lot and that is completely unsanitary. Ms. Drummond asked where are these trailers dumping their gray water. Ms. Drummond said neither trailer has moved from the area to dump and this is a violation of the Montgomery Health Code for food trucks. Ms. Drummond said if they were set up in a location with all of these things addressed I think they could then be a benefit to the community. Ms. Drummond said also for one, she is tired of picking up empty cups from these businesses that have been left on her porches because there are not enough trash receptacles set up in the area.

Nick Haddad, September 30, 2021, 12:17 p.m., said he found it quite a surprise to learn the meeting scheduled for September 30, 2021, was not going to be an open dialogue with the community to help create a path forward for the food truck debacle that you all have created.

Mr. Haddad said he as well as many others find Texas Twist and Shakes and Wilderlove Coffee to be a great addition to our quaint little community, not to mention the wonderful smiles the ice cream brings to everyone of all ages. Mr. Haddad said he hopes that everyone looks at the existing food truck businesses in place and creates the revised ordinances around them. Mr. Haddad said it is unfortunate these businesses are having to go through so much red tape to operate their business when the City rolls out the red carpet for franchises and big businesses all the while turning their back on our neighbors. Mr. Haddad said a prime example of this is Coffee with the Cops. Mr. Haddad asked why are we holding it at Starbucks as opposed to one of the coffee shops downtown. Mr. Haddad said the City has no issue footing the bill to have snow cones with the Mayor at her dear friend and neighbor's business. Mr. Haddad said we are all aware of previous meetings the ordinance put into place after the fact of the businesses operating ends up pushing them out. Mr. Haddad said they plan to seek legal action against the City. Mr. Haddad said he is not a fan of misappropriating spending of citizen tax dollars to fuel a personal vendetta the Mayor has against one of the owners of the food trucks downtown. Mr. Haddad said if we all have this kind of cash lying around to just throw away why don't you all do something useful and go to Cedar Brake Park and see what equipment needs to be fixed or replaced.

Ms. Kelly Cook, Liberty Bell Antiques, September 30, 2021, 11:51 a.m., said being a historical business district property owner for over 30 years she is concerned about the semi-permanent food trucks set up in the historical area of Montgomery. Ms. Cook said she feels we should be preserving the Historic District and not promoting food trucks that do not add to the charm of the Historical District. Ms. Cook said Montgomery has wonderful restaurants that serve our area so let us help promote local paying tax businesses.

Ms. Rendy Kerr, September 30, 2021, 12:05 p.m., said she likes food trucks in general, but is just not happy with the present setup as it is the first thing you see when you pull into the Historic District. Ms. Kerr said also she feels that being a brick and mortar owner she pays taxes on the building and all of the contents yearly. Ms. Kerr said only the private property these trailers sit on is not the same taxation, not revenue for the City. Ms. Kerr said these businesses are not paying the same for basic utilities that all the other businesses in Montgomery are.

Mayor Countryman said these emails were all received before the cutoff and then they received a stack last night after the cutoff and again today. Mayor Countryman said everyone on City Council received a copy of those emails and while we do not have time tonight to review them, however, they can certainly review those and bring those to the next City Council meeting.

Mayor Countryman said they will begin the Workshop. Mayor Countryman asked City staff how did we get here and what is the policy and procedures to get a food truck permit.

Mr. McCorquodale, Assistant City Administrator said to obtain a mobile food vendor permit in the City you need a County Health Department permit, vehicle insurance, compliance with the County and State laws, no sales on roadways above 30 mph, no mobile food unit shall be parked within 50 feet of a street corner crosswalk or a school during the hours of 9:00 a.m. to 5:00 p.m. and must post the permit somewhere on the unit. Mr. McCorquodale said to obtain the permit from the City you would need insurance, a County permit, a copy of your driver's license, and a permit fee.

Mayor Countryman asked when this ordinance was put in place. Mr. McCorquodale said since 2002. Mr. McCorquodale said staff did revise some sections of the Vendor Ordinance none of which were included in the mobile food vendor permit.

Mr. McCorquodale said on July 13, 2021 staff had proposed to City Council a revision to the Vendor Ordinance which did two things. Mr. McCorquodale said it clarified and changed the definition of what a mobile food vendor was and there was a special use requirement for the Historic District. Mr. McCorquodale said through the weeks and months that followed here we are at the Workshop today.

Mayor Countryman said when someone wants to open a food truck they come to City Hall and there are multiple steps. Mayor Countryman asked if the person needs to tell the City what they are going to do with the property, show a rendering, platting, sewer, and water, and asked if this was correct. Mr. McCorquodale said not for a mobile food vendor. Mr. McCorquodale said yes if it was for commercial development or development within the City. Mr. McCorquodale said for a mobile food vendor permit you need the permit application, the County Health Department permit, insurance, driver's license, and a permit fee.

Mr. McCorquodale said regarding Key Questions for Council we need to provide clarity for what constitutes a mobile part of a mobile food vendor. Mr. McCorquodale said the County says in their requirements that if the wheels are removed from the unit or you cease to be mobile, you would be a food establishment and not a mobile food vendor any longer. Mayor Countryman asked if you chose not to move and there are still wheels on the unit what does that mean. Mr. McCorquodale the County says if you remove the wheels or become stationary you are now classified as a food establishment. Mr. McCorquodale said the County does not require a regular restaurant to have a restroom. Mr. McCorquodale said he knows they have discussed the issue of a 300 feet distance from a restroom. Mr. McCorquodale said for clarity they require restrooms for their employees and there is no healthcare requirement he is aware of that requires a restaurant to provide a restroom for the patrons.

Mayor Countryman asked who is in charge of the permits. Mr. McCorquodale said Ms. Susan Hensley, City Secretary does the permits. Mr. McCorquodale said the front office will give them to Ms. Hensley to review and make sure they all comply.

Mayor Countryman asked if Mr. McCorquodale or Ms. Hensley advised both trailer owners of the City's policies and procedures. Mr. McCorquodale said they talked with them about what it takes to obtain a permit.

Mayor Countryman asked if both of these trailers have permits today. Mr. McCorquodale said they do have permits. Mayor Countryman asked when they expire. Mr. McCorquodale said they both have six-month permits but does not know the expiration date.

Mayor Countryman asked when a person applies for a permit do you need to disclose your location. Mr. McCorquodale said you have to have proof because you are not allowed to operate on other property, meaning streets and right of ways. Mr. McCorquodale said you need to have a letter from the property owner that states the person can be on the property.

Mayor Countryman said she knows there was a rendering submitted, but then a trailer came in to get a permit and did not say where they would be located, and then the trailer opened earlier than the rendering that they received. Mayor Countryman asked how does that all work because now there are two trailers on this property we are discussing. Mayor Countryman asked if that is under the City's ordinances. Mr. McCorquodale said when Mr. Clevenger talked with them a year or two ago he said

he was going to make some changes to the lot he owned that is in Historical Downtown. Mr. McCorquodale said he had a hard time figuring out how to approach it because they normally ask the Planning and Zoning Commission. Mr. McCorquodale said all of their zoning code and all the design criteria for downtown are all written around structures. Mr. McCorquodale said it is not meant to encapsulate something that has a license plate on it. Mr. McCorquodale said Mr. Clevenger said this is what it is today, but I am going to make some changes to it and put a trailer here and put some tables there. Mr. Clevenger brought it to the City, and then it goes to the Planning and Zoning Commission.

Mayor Countryman asked if Mr. McCorquodale agrees that he and the City followed all of the 2002 Ordinance. Mr. McCorquodale said he followed it to the best of his ability and that many cities wrestle with this. Mr. McCorquodale said this is not something new to them. Mr. McCorquodale said their Vendor Ordinance was written for the food truck that is going through a new subdivision and that is why it says you cannot park within 50 feet of a street corner or a crosswalk because they anticipate them stopping on the street in a neighborhood where houses are being built.

Mayor Countryman asked if what Mr. McCorquodale is saying is they did not actually have an ordinance that would fit the needs of these trailers. Mr. McCorquodale said the modern food truck movement was not anticipated.

Mayor Countryman asked what happens if we do not have an ordinance that fits into what a business is asking for. Mayor Countryman asked do they go ahead and get them permitted. Mr. Alan Petrov, City Attorney said if the City feels they reasonably fit in with what the City has then yes, you give them a permit, which he thinks is what was done in this situation. Mr. Petrov said that does not mean that you sit back and do nothing. Mr. Petrov said food trucks are very popular and are increasing everywhere. Mr. Petrov said you do have to update your ordinances to make sure you fit the modern technology and usage of food trucks. Mayor Countryman said the City has failed to do that since 2002. Mr. McCorquodale said they may have but he has not been with the City for 16 years. Mr. McCorquodale said this is regarding an issue that is two years out and would not say they have been decades out of date. Mr. Petrov said he would not call it a failure as the City is like so many other small communities. Mayor Countryman said it is a struggle that is something new for sure. Mr. Petrov said the City is dealing with things all the time like water, sewer, parks, and drainage and when something like this comes up this is another thing that needs to be dealt with.

Mayor Countryman asked Mr. McCorquodale if he thinks they cut corners in approving these permits. Mr. McCorquodale said no not at all.

Mayor Countryman asked what is the time of expiration and what happens when the permit expires. Mr. McCorquodale said they would re-apply and get a new permit and would need to answer the fundamental question of what does mobile mean. Mr. McCorquodale said if we look at the County's requirements it says the term mobile food unit means a vehicle mounted on wheels that is designed to be readily removed and any mobile food unit that removes wheels or becomes stationary will be classified as a food establishment and must meet the criteria of the food establishment. Mr. McCorquodale said one of the things that seems paramount to him, and what he has wrestled with the Planning and Zoning issue is how does a mobile vendor look under an ordinance that is designed for historic preservation buildings.

Mayor Countryman said she thinks that is part of our struggle as no one is opposed to food trucks or small businesses. Mayor Countryman said she does not think that is the problem. Mayor Countryman said the problem is trying to understand what the process was and if there was not something that matched or maybe it did match, it seems there was a miscommunication between the trailer owners and City staff because they thought one thing and City staff thought another thing and it seems to be where this debacle comes from. Mr. McCorquodale said he thinks what the City thought is that the County requirements say you need to move every 48 hours, dump waste, and refill tanks. Mr. McCorquodale said in speaking with the Health Department apparently there are some unwritten workarounds. Mr. McCorquodale said his suggestion for the City would be to encapsulate the County requirements that you think are valid into your ordinance that you can enforce. Mr. McCorquodale said you do not want to get into the health aspect of it with the time and temperature as that is what you would use the County Health Department for. Mr. McCorquodale asked do you want a food truck that has to move or is it okay to be stationary. Mr. McCorquodale said fundamentally to him it seems strange to think about a mobile food vendor permit for someone who is never planning to go anywhere. Mr. McCorquodale said you sell food and do it in various places. Mr. McCorquodale asked how do they want to define mobile. Mr. McCorquodale said that needs to come from City Council to discuss and then staff will then know how to carry it out. Mr. McCorquodale said they will certainly advise City Council and discuss the things they have learned from other cities.

Mayor Countryman asked if we require the City to have any proof of liability outside of vehicular insurance or liability. Mr. McCorquodale said no.

Julie Davis asked how much more different is the mobile food vendor permitting process than it would be for a brick and mortar that is coming to the City. Mr. McCorquodale said some things a normal developer would require is there has to be a certain amount of parking, lighting has to be a certain way, utilities have to be done a certain way and that would include a grease trap for a food establishment, landscape, and preservation requirements, and historic district requirements if that applies. Mr. McCorquodale said when it comes to a mobile food vendor we are not looking at how many parking spaces or if there is a grease trap. Mr. McCorquodale said it is fundamentally a different issue. Mr. McCorquodale said he wants to figure out what constitutes mobile. Mr. McCorquodale asked when are you no longer mobile because the County says when you stop moving, take the wheels off, or just cease to move, you are then a food establishment. Mayor Countryman said we can take the County's rules and make them more specific to the City. Mr. McCorquodale said yes and there is nothing stated whether it is 300 feet to a public restroom for employees. Mr. McCorquodale said as an example Huntsville uses 200 feet. Mr. McCorquodale said you want a convenient place for employees to be able to use the restroom.

Mayor Countryman asked if the County Health Department has been out to the City and do they need to visit the City more regularly. Mr. McCorquodale said he knows they have, but thinks they are understaffed.

Mayor Countryman asked if we adopted some of the County's regulations under the City's ordinance who would regulate that. Mr. McCorquodale said the City would. Mayor Countryman said the Historical District adds another layer of complexities to the ordinance.

Mayor Countryman asked if SPUD N It Up because they are not in the Historic District, had to do anything different from Wilderlove Coffee or Texas Twist & Shakes, or are they all treated equally. Mr. McCorquodale said the process was the same except they did not have to go through the Planning and Zoning Commission. Mayor Countryman asked if Wilderlove Coffee and Texas Twist & Shakes went to the Planning and Zoning Commission. Mr. McCorquodale said Texas Twist & Shakes did but they have not done anything with Wilderlove Coffee as things have been candidly on hold trying to figure out what the next step is and what City Council wants them to do.

Julie Davis said we are not revamping the Historical District rules and regulations, and asked what is permitted for the operation of these mobile trucks within the Historic District. Mr. McCorquodale said he cannot find any relation to the vendor itself, but to the site, there is because once inside the Historical District Planning and Zoning Commission gets involved.

Mr. McCorquodale said regarding food truck parks they use as an example Deacon Baldy's and 403 Eats. Mr. McCorquodale said the thing with the food truck park and the key thing to discuss is that is where they no longer have to be mobile. Mr. McCorquodale said he thinks it is important to think about food truck parks not as we are suggesting something to mimic, but it is the framework. Mr. McCorquodale asked if you want to be somewhere long-term what needs to happen. Mr. McCorquodale said the food truck cannot hook up to a sewer or permanent water line connection and still be a mobile food vendor. Mr. McCorquodale said to think of how these food trucks stay in one place long-term and what is the framework of that.

Mayor Countryman asked what the State calls a food truck and what their parameters are. Mr. McCorquodale said they use the term mobile food units, similar to the County. Mr. McCorquodale said counties and cities with a health department need to look to the County guidelines for answers. Mr. McCorquodale said they follow the County guidelines and the County follows the State guidelines.

Kevin Lacy asked regarding the two mobile food trucks Texas Twist & Shakes and Wilderlove Coffee, what discussions have taken place to find a way to move forward. Mr. McCorquodale said he thinks it is important to consider solving the problem before they dealt with the specific vendors involved. Mr. McCorquodale said they do not want to set a policy that is written around one situation. Mr. McCorquodale said what they want to do is establish the framework and then help the vendors understand how they fit into that.

Mayor Countryman said typically you try and think of every different kind of solicitor and peddler to include. Mayor Countryman said she looked up multiple cities and those cities that have revamped and updated the language. Mayor Countryman said this is not about one particular business owner or one particular trailer. Mayor Countryman said it is about the City growing up and she does not have a vendetta.

Byron Sanford said he has been here four months and two weeks and asked Mr. McCorquodale to clarify when the initial discussions took place for this permitting process. Mr. McCorquodale said he believes it was September 2019. Mr. Clevenger said it was July 2020.

Byron Sanford said he was in Sour Lake and there have been some unfair accusations made, one which was aimed toward him regarding the word squatter. Byron Sanford said in context that was out of a statement he put by request to Mr. Tramm in August. Byron Sanford said he was critical of the policies that Mr. Clevenger had an understanding and he squatted. Byron Sanford said he did not know anything and still does not know anything about the purchase of land. Byron Sanford said after the conversation he had with Mr. Clevenger he told him it was very clear as mud.

Byron Sanford said his recommendation is for moving forward with the mobile vending ordinance. Byron Sanford said in that correspondence in August he made the point that they can see a day when it is going to be more than food. Byron Sanford said for example jewelry. Byron Sanford said he can see a time when a mobile truck can pull up to the Cozy Grape and sell wine and spirits. Byron Sanford said they should consider subjective opinions. Byron Sanford said he recommends these do not taint the process or substance of the ordinance or policies. Byron Sanford said truth is what we are after and can never be found based on the sheer volume of opinions. Byron Sanford said he wants to make decisions based on objective, research-based information by the experts based on a long-range plan to make short-term decisions.

Byron Sanford said an example of subjective opinion is people texted and messaged him and wanted to know his feelings. Byron Sanford replied he did not feel that mobile vending units belong in the Historic District. Byron Sanford said the original subjective viewpoint has now been proven as wise and prudent because as of the past two weeks he has received proper training. Byron Sanford said the information from the Texas Municipal League along with the draft titled City of Montgomery Downtown Design Master Plan. Byron Sanford said he does not make any decisions based on how this person or that person feels. Byron Sanford said he was sent here as a policymaker. Byron Sanford said serving on MEDC and just finishing TML training related to MEDC, he has the clarity he needs to move forward.

Byron Sanford asked what do we know and how do we proceed. Byron Sanford said he firmly believes the problem is education and that we need to inform the people instead of throwing things out there.

Byron Sanford said parking is an issue and he hates dwelling in the past, but with that said, they had a parking lot and it should have stayed a parking lot. Byron Sanford said to follow the Master Plan to “establish a consistent, unique, visual identity for downtown” on page 33 of the Master Plan explicitly and it is implicitly in there dozens of times. Byron Sanford said the City paid Gunda Corporation thousands of dollars to have the best experts tell us what to do for bringing business into town and making it a warm and inviting place for people to enjoy.

Byron Sanford said we see the words heritage, culture, and history specific to your city. Byron Sanford said in this same plan and on the one-hour episode you will hear that mayor along with a well-studied, long-time City Council and MEDC member educate. Byron Sanford said they need to do a better job of informing people.

Byron Sanford said they have clearly stated city goals that match the best practices for city growth. Byron Sanford said they have consistency between their goals and the recommendations of the Gunda Corporation for the revitalization of the Master Plan.

Byron Sanford said he believes in his brief time here, they have highly competent and qualified City personnel, legal assistance, and highly informed, experienced engineering services who are well apprised of our past, present, and future.

Byron Sanford said for his subjective opinion as stated in his August writings, he believes there was an issue with procedures that gave and allowed for misunderstandings which supports why he seconded the motion of Kevin Lacy, whose words were correct that it seems there were mistakes on both sides. Byron Sanford said he seconded and they needed to table it. Byron Sanford said this was due to fallible people making errors on both ends. Byron Sanford said this was also because we are truly in unchartered waters which are growing pains that are very common when you see all the cities that have struggled.

Byron Sanford read from an article dated December 2019 that stated why does Huntsville not allow food trucks. Byron Sanford said this supports their assertion of banning the food trucks from a downtown cultural district but they have food trucks everywhere else.

Byron Sanford said also as recently as today, central to the solution of these issues is enforcement. Byron Sanford said whatever ordinance or policies they set forth will not do any good if they do not have proper enforcement of those policies. Byron Sanford said just this morning the Police Chief was discussing bringing on board someone that needs to be approachable, gets the point across, and resolves issues without creating other issues.

Byron Sanford said they have received a lot of emails which he has read every one of them and they keep coming in. Byron Sanford said to Chief Solomon he does not like to be threatened. Byron Sanford said he is a man of God and sees nothing in the Word of God that tells him to lay down and get run over. Byron Sanford said they have also been threatened verbally.

Byron Sanford said he would like to ask Chief Solomon to help policy-making for which he wanted to be a part, but he is not a politician. Byron Sanford said he has no ax to grind and no money to invest, which is a caveat. Byron Sanford said he thinks things go better in policymaking if you do not have any land or businesses to worry about. Byron Sanford said what he is worried about is City Council making irrational decisions. Byron Sanford said he is a man of compassion and he does not want to see the mobile food trucks runoff. Byron Sanford said if they need to extend the six-month permit then they need to extend it until they get it right.

Julie Davis asked Mr. McCorquodale as the ordinance stands right now, what are your recommendations for one through six regarding things that need to be changed or amended. Mr. McCorquodale said some suggestions he would make if this is important to City Council are requiring restrooms to be within 300-feet, which is the County's requirement. Mr. McCorquodale said City Council can incorporate something similar into their ordinance so they do not have to rely on another entity. Mr. McCorquodale said also, the idea of mobile, which mobile means moving, is the key question.

Byron Sanford asked if Mr. McCorquodale agrees they do have a separate entity that is hard to define which is the food truck park. Byron Sanford said whatever is true for permanent brick and mortar should be true for the mobile food vendors. Julie Davis said Mr. McCorquodale said the food truck park will count as an actual restaurant, a brick and mortar, and are permanent. Byron Sanford said that sounds good.

Kevin Lacy asked if Texas Twist & Shakes and Wilderlove Coffee were to take the wheels off their trailer, would they no longer be mobile. Julie Davis said the minute they detach from a vehicle they are no longer mobile because they do not have an engine or a motor to move on their own.

Julie Davis asked do they need to have different insurance requirements for a trailer versus a mobile unit to have higher liability. Mr. McCorquodale said in the July draft ordinance they changed some definitions to articulate the mobile food unit to include a concession cart or concession trailer. Mr. McCorquodale said the other change was the special use permit in the downtown area. Mr. McCorquodale said if it is not a building and nothing that Planning and Zoning can look at, to him it seems a bit inadequate to be able to properly judge a food truck. Mr. McCorquodale said you need to answer the mobility question before any other one. Mayor Countryman said you cannot be permanent and mobile at the same time and semi-permanent does not work. Mr. McCorquodale said you are either mobile or if you are not mobile, you are now a food establishment and have separate rules.

Kevin Lacy said if you are established and do pull out for a festival it should not matter that much. Mayor Countryman said she thinks that changes the use.

Mayor Countryman said the City of Conroe has a mobile food unit, a mobile food court, a pushcart, a pushcart downtown area, a roadside food vendor which all of these classifications are good. Mayor Countryman said they are only allowed to be there for four hours and cannot be in the downtown business district. Mayor Countryman said there are way more qualifications to get permits done in Conroe. Mayor Countryman said restroom facilities may be provided with a permanent structure and excludes porta potties and trailer toilets, lighting associated with the occupancy shall comply with the Code of Ordinances, a fire lane shall be provided with a mobile food court as required in the city's adopted Fire Code, the placement of the mobile food unit shall not impede traffic nor visually impair any motor vehicle operation within the parking lot, driveway, or street, mobile food units, and related activities must be located in compliance the city's adopted Fire Code standards regarding the storage and dispensing of flammable, combustible, liquid, or gas, and commissaries are onsite. Mayor Countryman said you should have the restroom and commissary onsite as well like a restaurant, especially if you are going to be a permanent food truck and not going back and forth to an offsite commissary.

Mr. McCorquodale said if you are mobile you operate under mobile food vendor regulations. Mr. McCorquodale said if you are somewhere long-term you need to operate as a brick and mortar food establishment.

Mayor Countryman asked if staff did not know the trailers would be staying in the same location for six months. Mr. McCorquodale said he did not know if they were coming in or out. Mayor Countryman asked if they did not ask that question. Mr. McCorquodale said if they are applying for a mobile food vendor permit and they do not plan on being mobile, no they do not ask that question. Mayor Countryman said that is probably something that needs to be asked. Julie Davis said nothing in their current ordinance says they have to move every 48-hours. Mayor Countryman said they did not have to disclose it, and we did not have to ask so she understands where the confusion is most certainly.

Mayor Countryman asked if one trailer had to go to the Planning and Zoning Commission, why would we think the other trailer did not have to go to the Planning and Zoning Commission. Mayor Countryman said the Planning and Zoning Commission approved one sign and there are two signs on that property. Mayor Countryman said per the Sign Ordinance for the Historic District, you cannot have two different signs on that property. Mayor Countryman said since Wilderlove Coffee was there first they complied with that. Mayor Countryman said when Texas Twist & Shakes moved in, then they were out of compliance. Kevin Lacy said Texas Twist & Shakes was physically there first. Mayor Countryman said then what happened was never approved.

Mr. McCorquodale said personally he would rather not ask them if they plan on being mobile when they are applying for the permit, you set a policy for that. Mr. McCorquodale said they ask if you are compliant with this policy now.

Julie Davis asked on the current policy regarding items one through six, what are things that need to leave this current policy. Mr. McCorquodale said item #3 regarding the 50-foot restriction he did not feel they needed that requirement.

Julie Davis asked what happens in a festival-type situation and are they under special rules because it is a festival. Mr. McCorquodale said yes because you have a street closure. Julie Davis said this property is an anomaly in the downtown Historic District and is the only one she knows of that has curbs around it to keep cars in. Julie Davis said this one she could see very clearly it would be

impossible for them to park 50-feet from it and it would not be impossible in a different situation. Julie Davis said what we are writing is a rule that applies to everything and not just this one situation. Julie Davis said she wants to make sure that we are clear with any situation across the entire City we do not need a 50-foot off of any street or corner. Mr. McCorquodale said that is what he believes because, in conjunction with they have to be on private property, we take away the idea they can just stop on the street anywhere they want. Mr. McCorquodale said it is the consistency he cannot get straight.

Julie Davis asked if we need to add a statement that no parking or connectivity be in any public right-of-way. Mr. McCorquodale said where a food truck can operate today is on private property or a City designated public area. Mr. McCorquodale said the City of Dayton has a food truck park and to his understanding, it is the City's food truck park. Mr. McCorquodale said they use one of the vendors as their manager or liaison for the food truck park that way the City can stay out of it. Mr. McCorquodale said it cannot be on any public property unless it is a city-designated location. Mr. McCorquodale said a good definition that ensures a safe situation and gives the police the ability to do their job.

Byron Sanford said he does not know the full story on the time restriction rationales in general. Byron Sanford said it makes more sense for breakfast-oriented people to be able as early as 6:30 a.m. to visit the mobile food trucks. Byron Sanford said he read some research that said 70 plus percent of all retail sales take place on the weekends and after 5:00 p.m. Byron Sanford said the typical historic downtown businesses are restricting themselves when they are open only Monday through Friday and set these business hour restrictions. Byron Sanford said no wonder the businesses struggle. Byron Sanford asked why we have those time restrictions. Mr. McCorquodale said this was designed for a food truck to be able to drive through the neighborhoods. Mayor Countryman agreed hours need to be earlier.

Mr. McCorquodale said if you are operating on a generator hours need to be different, but if the mobile food truck is plugged in why not have the hours be earlier in the morning and later in the evening.

Byron Sanford said that is a good point because generator-operated trucks are very loud and when standing next to them one can hardly hear themselves think.

Mayor Countryman asked if we need to have a Historical District food truck ordinance and one for outside the Historical District. Mayor Countryman said all she has heard from business owners and residents is to preserve history. Mayor Countryman said all City Council members have run on

preserving history. Mayor Countryman said that is one of the things that makes them unique and quaint. Mayor Countryman said there are certainly options to figure it out but historical preservation is key.

Julie Davis said she spent four hours speaking with brick and mortar business owners yesterday and the biggest thing she heard over and over was the restroom issue. Julie Davis said lots of customers come in from both these stores to utilize other private brick-and-mortar restrooms. Julie Davis said her concern is those private brick and mortar businesses pay to have someone or themselves clean the restroom, provide toilet paper, and pay City fees for water and sewage. Julie Davis said that is all coming out of an expense to them while the trailers are making the profit. Julie Davis said there was a concern about the possibility that the Jenkins do not live inside the City limits and whether they are filing their sales and use tax correctly meaning they are filing for the address they are located at or the address they live at determines whether or not that sales and use tax is paid into the City or not. Julie Davis said she does not know if they do or do not.

Julie Davis said the other big concern is they have a mobile food truck coffee shop set up in front of a brick and mortar coffee shop that does pay taxes and high rents, and has staked everything on their business just like the mobile food truck has. Julie Davis said the brick and mortar that was doing a specific number of sales on the weekend has seen a 50-60 percent loss of revenue since they opened for weekend sales.

Julie Davis said she is not a huge fan of 9:00 a.m. to 9:00 p.m. and the times are indifferent to her at this point. Julie Davis said the biggest thing that needs to be defined is "mobile." Julie Davis said when the trailer disconnects from the truck it is no longer mobile.

Kevin Lacy said he has 20 years of experience in sales. Kevin Lacy said if these customers are coming into his business to use the restroom, he is looking at it as a lead. Kevin Lacy said he thinks it is a good thing because that is foot traffic that would not have been there. Kevin Lacy said the owner of the Naughty by Nature coffee shop said sales are up so how are they seeing a 50-60 percent decline when sales have been great for this business. Julie Davis said sales are up due to Wine Fest. Kevin Lacy said no it is not from Wine Fest. Mayor Countryman said she heard the same thing as Julie Davis.

Kevin Lacy said we are putting insinuations out there such as traffic in Montgomery driven by these two food trucks is bad. Kevin Lacy said our goal is to find out how everyone can get along in this situation. Kevin Lacy said there is a stack of emails stating the people love these food trucks in downtown Montgomery and want them to stay. Kevin Lacy said everyone is in compliance with health codes and there are only a handful of people that want them to leave. Kevin Lacy said the Planning and Zoning Commission has already approved Texas Twist & Shakes but has not approved Wilderlove Coffee.

Kevin Lacy asked what part of the ordinance is historic. Kevin Lacy said this situation is what has been the issue. Mayor Countryman said this ordinance is from 1996 and 2002 and nothing applies which is why this needs to be done. Mayor Countryman said all of these different city ordinance themes are the same with different caveats. Mayor Countryman said we need to make sure we have our own. Mayor Countryman said restrooms are an issue. Mayor Countryman said according to the County if you own a mobile truck and are using a restaurant's restroom you have to have the same hours as that restaurant. Mayor Countryman said there has been an employee of the ice cream truck seen running downtown trying to open doors to go to the restroom on a Sunday when everything is closed. Mayor Countryman said a restroom is important and they need to have a way to be able to wash their hands and use the restroom. Kevin Lacy said there is a restroom at Texas Twist and Shakes. Mayor Countryman asked then why are employees of the ice cream trailer going to another restroom because it is an issue that needs to be resolved or have an ordinance to provide guidance.

Mr. McCorquodale asked if they were discussing the customers or employees. Mayor Countryman said all of them. Mr. McCorquodale said should we then hold mobile food units to a different standard than the antique shops for instance that may or may not have a public restroom. Mr. McCorquodale said a restaurant is not required to have a restroom for the public. Julie Davis said the County does not provide a code that regulates you must have a restroom for your employees. Mr. McCorquodale said yes you have to have a restroom for your employees but not your customers. Mr. McCorquodale said what he is asking City Council is do you believe there is a situation involved with food trucks that would require them to have a restroom.

Kevin Lacy said the Health Department has been out more than a dozen times. Kevin Lacy said every time they have come out they have been completely happy with what they have seen from a restroom

perspective to food storage and everything. Kevin Lacy said they get calls from the neighbors downtown and the Health Department has become quite annoyed getting phone calls every other day. Kevin Lacy said at the end of the day they need to figure out how to get this situation taken care of.

Byron Sanford said from a December 2019 article from Huntsville at that point the paper had reported 20 cities that had either brand new or refurbished truck ordinances. Byron Sanford said from a legal standpoint he can envision from all of those newspaper recordings of prior meetings of all these cities going through what the City of Montgomery is going through now, that push back you will get from the brick and mortar versus the pushback you will get from the food truck industry. Byron Sanford asked what is it that the brick and mortar companies consistently can uphold. Byron Sanford said they are talking about issues in many cases, but consistently, he sees this idea that if someone puts a similar product near an already established business playing by a different set of rules, legal counsel typically says that is a no-no. Byron Sanford said whether we agree with the numbers or not, to him common sense tells him that owner A is going to have a problem anywhere in the City if they are stuck and cannot move to where the business is and then someone goes in front of them. Byron Sanford asked is that not supposed to be paramount in their consideration whether we agree with who lost money or not.

Mr. Alan Petrov, City Attorney said generally that is not the issue that becomes the focus. Mr. Petrov said it more often becomes a focus of where in the community are these types of establishments. Byron Sanford asked then if the location is number one. Mr. Petrov said yes. Byron Sanford said he has seen a lot of pushback when you rule this way and then the others come at you as policymakers and say it is not fair and they get their lawyers. Byron Sanford said he would be upset if he put that much sacrifice and he was playing by this set of rules and someone else comes along and places their business in his business's front lot. Byron Sanford asked do you not think that should be a consideration. Mr. Petrov said it certainly can be and he thinks that is why sometimes you see them not permitted near certain business districts, which may have a high number of established restaurants. Mr. Petrov said it is generally not the first issue that cities are looking at. Byron Sanford asked if the first issue was strictly location. Mr. Petrov said yes.

Carol Langley asked Mr. McCorquodale going back to numbers one through six, the only one you were not comfortable with was number three. Mr. McCorquodale said three and five.

Carol Langley asked what his recommendations on the hours were. Mr. McCorquodale said it is up to City Council, but if the mobile food truck is plugged into electricity and not making any external noise then he does not see a difference if he could go to McDonald's at 6:00 a.m. versus seeing Wilderlove Coffee at 6:00 a.m. Carol Langley asked if 9:00 p.m. was adequate and have they had any complaints on 9:00 p.m. being too late or not late enough. Mayor Countryman said she has not heard of anyone wanting later hours and if anything they want earlier hours. Carol Langley asked if on #5 they are going to change it to 6:30 a.m. to 9:00 p.m., with which she is fine. Mayor Countryman said as long as they are self-sufficient with no generators 6:30 a.m. is great. Julie Davis said if they have a generator the hours would be 9:00 a.m. to 9:00 p.m.

Carol Langley said the generator hours will stay 9:00 a.m. to 9:00 p.m., and if not on a generator the hours will be 6:30 a.m. to 9:00 p.m. in the City of Montgomery, historic or anywhere else.

Julie Davis said her concern with 9:00 p.m. is most of the other restaurants close at 9:00 p.m. but when there is a festival such as Wine Fest that ends at 9:00 p.m. there were several businesses that also decided to stay open later. Julie Davis said she could see 9:00 p.m. becoming an issue in the future because one business can stay open until 10:00 p.m. due to the festival, yet the food trucks have to close at 9:00 p.m. Mayor Countryman asked why not have festival hours.

Carol Langley said regarding the Juvenile Curfew Ordinance if the parents are not with their kids at the time the kids are seen downtown then that is when the police department comes in. Carol Langley said 9:00 p.m. is adequate.

Mr. McCorquodale said for the street festivals, the hours do not apply to the mobile food trucks. Mayor Countryman asked if mobile food trucks are not part of the festival, do they allow the trailers to match the times the festival runs. Mayor Countryman said she thinks they should. Julie Davis said every trailer at Wine Fest was required to close at 9:00 p.m. and when the concert was over every vendor closed at 9:00 p.m., but the downtown businesses stayed open an extra hour to capture the people leaving. Mayor Countryman said they were not part of the festival. Mayor Countryman said she thinks if the food truck trailers are self-sufficient and if they want to sell at the festival at 6:30 a.m. then they should be able to as long as there is no generator. Mayor Countryman said however, she thinks they should be able to stay open during the same hours as the festivals.

Mayor Countryman asked if business owners would be able to capture people leaving a festival to visit their business even though they are outside the Historical business. One business owner said they do on Thursday nights due to Sip N' Stroll. Mayor Countryman said she thinks they should allow it to be a possibility and if they do not want to stay open later they do not have to, but they can stay open if they choose to. Julie Davis said maybe for item #5 add in festival hours and have one additional hour to stay open after the festival closes. Byron Sanford asked if there is any way to have a separate section for the festivals to allow for clarity.

Mayor Countryman said Bastrop also has a great food truck ordinance outlining permits, permitting, permitter, a mobile food cart with a concession cart and thinks they need to get specific on what these are so there is no gray area.

Mr. McCorquodale asked City Council what constitutes mobile in mobile food vendor. Kevin Lacy said Julie Davis was spot on when she said mobile is if it is not hooked up and cannot go on its own. Julie Davis said the County's definitions are vague and ambiguous.

Mr. McCorquodale said restricted would mean only buying things that are already prepackaged and you do not cook anything in your trailer. Mr. McCorquodale said an unrestricted trailer is when they can make their food there out of ingredients they have on hand.

Byron Sanford asked what is wrong with saying if you have wheels it is designed to move except for festivals. Byron Sanford said mobile also qualifies as whatever City Council wants to say as far as sitting in a certain location for a certain amount of time and staying with the mobile concept which is an advantage to being mobile.

Mayor Countryman asked what is mobile, is it a trailer, a truck like a FedEx truck. Byron Sanford said it is mobile if it has wheels. Mayor Countryman said that is two different things. Byron said he is talking about vending and wheels. Mr. McCorquodale said he proposes using the term mobile food unit as opposed to a mobile food truck, which would include a concession trailer, a food truck, trailers, trucks, and carts.

T.J. Wilkerson asked if that would include a bicycle. T.J. Wilkerson asked if he obtained a special use permit to sell food as he rides through the festival would he need a special use permit and would he be considered mobile. Mr. McCorquodale said he would be a mobile food vendor.

T.J. Wilkerson asked if the restroom behind the Community Center is open all the time. Kevin Lacy said yes it is. Mr. McCorquodale said it is a public restroom as opposed to a private restroom.

Julie Davis said maybe they need to define this as two separate words. Julie Davis said maybe it needs to be defined as a mobile food unit and a semi-mobile food unit because it would seem in the current definition of mobile that these trailers are not. Julie Davis said they are also not a brick-and-mortar restaurant that needs that much further oversight such as parking lights and specific parking spaces, etc. Julie Davis asked if they could find a middle ground where there is a mobile food unit and a semi-mobile food unit. Carol Langley said on page 55 of the ordinance it lists the term mobile food unit shall include but not be limited to one, two, and three. Carol Langley asked what needs to be clarified. Carol Langley said there is the concession trailer, the concession cart, and the mobile food truck. Julie Davis said because this concession trailer is defined on this ordinance as a concession trailer, a self-contained unit as pulled by a motorized unit and has no power to move on its own. Carol Langley said that is correct and said isn't that what they are. Carol Langley said they are classified as a mobile food unit which is proposed in the definition.

Mr. McCorquodale said we took the outdated terms for food trucks and said this is what a modern landscape looks like with carts, trailers, and trucks but they are all mobile food units.

Carol Langley asked what else needs to be semi-permanent. Julie Davis said those are additions for suggestions on there and asked if these were current. Carol Langley said they are proposed.

Julie Davis said she thinks she was just looking more at the County ordinance and not our actual City ordinance. Julie Davis said the definitions of the County ordinance are vague. Mayor Countryman said Tomball's reads "mobile shall mean being capable of being inactive but not necessarily continuous movement. Mobile food vendors shall mean any business which sells food or beverages from a vehicle or structure which is capable of being moved from place to place. The term shall include but is not limited to a mobile food truck, concession cart, and trailer." Mayor Countryman said some of these definitions are granular. Mayor Countryman said they need to be clear but very concise. Mayor

Countryman said some of these had 12 different definitions. Mayor Countryman said they need to understand if there is a motor what does that mean, if there are wheels on it with a motor, without a motor what does that mean, or if there are no wheels on it and it cannot move by itself. Mayor Countryman said she thinks we need like four, five, or six definitions, but to keep it very clean.

Mr. McCorquodale said if you come to them to obtain a mobile food vendor permit you need to know what mobility looks like which is the fundamental question.

Julie Davis asked why can't they take the proposed City ordinance and marry in the County ordinance so we have both. Julie Davis said the County one regulates how often it has to be moved and pumped. Julie Davis said she does not understand why we have to have an addition to it if they just do not adopt the County one as ours. Julie Davis said if we are the ones going to enforce it any way we might as well have the County one as ours. Byron Sanford said the Health Code comes from the County so it makes sense that the Health Code marries to whatever our policy is. Mr. McCorquodale said he would keep things out in the County's requirements that include items such as monitoring water samples for the Health Department. Mr. McCorquodale said to take those three, four, or five County requirements City Council feels they would like to see and enforce those.

Julie Davis said the last thing they have not discussed that is going to be the straw on the camel's back is the special use permit for the Historic District because that seems to be the last thing that has not been discussed, which is the critical piece. Julie Davis asked what requires a special use permit. Mr. McCorquodale said special use permits can be almost anything you want, which is good and bad. Mr. McCorquodale said obtaining a special use permit is a zoning tool. Mr. McCorquodale said if you give someone a special use permit from a public notice or a legal standpoint you have to follow the same steps as if you were going to rezone that lot. Mr. McCorquodale said he has a hard time tying a special use permit to a vendor but can easily tie a special use permit to a site.

Julie Davis said Mr. McCorquodale already said currently in our Historic District there is no specific regulation that would include or exclude a food truck. Mr. McCorquodale said that is when a special use permit comes in to be able to say in our table of uses that you can have a food truck park, but if that is not in the table of uses that is when you obtain a special use permit. Mr. McCorquodale said their process is you pay the fee, go to Planning and Zoning for a couple of public hearings and come

to City Council for another one. Mr. McCorquodale said you are out the time and money whether or not City Council decides to grant the special use permit.

Byron Sanford asked Mr. McCorquodale up to the special use permit, do you have enough at this point to help City Council to go with these recommendations to have something to review at the next City Council meeting. Mr. McCorquodale said yes he thinks they have enough to work with for the next meeting with the exception of the special use permit.

Byron Sanford said he would like to see something up to the special use permit, then bring it before City Council and maybe some recommendations that would qualify as special use they can then discuss those points at the next meeting. Mr. McCorquodale said yes they can get those thoughts on paper and go from there.

Julie Davis said she would like to know more regarding the zoning requirements and regulations concerning the Historic District and the how, what, and why food trucks require special use permits. Mr. McCorquodale advised he would get together tomorrow with Julie Davis to review information.

Mayor Countryman said she would like to send Mr. McCorquodale the 5-10 things she would like to see, getting an accessory permit, and the definitions, to look at.

Julie Davis said regarding the overall proposed ordinance Carol Langley is referencing on pages 55-57, the only changes they are discussing are removing item #4, and amending item #6 for the hours versus generator or no generator, and adding County regulations.

T.J. Wilkerson asked if they are putting anything in the ordinance about the appearance of what they should look like in the Historic District. Mr. McCorquodale said if there is an exterior change to be made in the Historic District it would be through the Zoning Ordinance, exterior changes go to the Planning and Zoning Commission.

T.J. Wilkerson asked if he brought in an 18-wheeler trailer into the Historic District and made it look like the N.H. Davis building would it be a problem. Mr. McCorquodale said it would still need to have the Planning and Zoning Commission approval.

Julie Davis said she values and appreciates capitalism and it is what built the City and Country. Julie Davis said it continues to allow them to do homestead exemptions, save for capital improvement infrastructure, and generate high sales tax revenue. Julie Davis said she is confident she speaks for everyone on City Council that they value and appreciate capitalism.

Mayor Countryman said something unique to Montgomery is when someone walks into a store downtown there will be the proprietor behind the desk and the food truck is no different. Mayor Countryman said you typically have the proprietor, which is unique and special that you do not get in big cities. Mayor Countryman said she is all for capitalism and small businesses.

Mr. McCorquodale said he wants to bring a draft back to City Council that everyone will be happy with. Mr. McCorquodale said it will not be the final product, but it is that next step and it is a concrete step to make the proposed ordinance solid. Mayor Countryman said it is not one person saying and doing everything, it has been a collaborative effort.

Julie Davis asked for clarification, what is the approximate foot measurement from this property to the restrooms. Mr. McCorquodale said around 350-feet. Julie Davis asked then it is out of the County's requirement of 300-feet. Mr. McCorquodale said yes.

Kevin Lacy asked if Mr. Kade Jenkins's restroom counts. Mr. McCorquodale said yes because the restroom is there. Mr. McCorquodale said distance will be a very important decision for City Council to make.

Julie Davis asked if they are a completely mobile unit like when they come to Snoballs or Live Maine Lobster, the understanding and premise is they have permission from the property owner and access to their facilities. Mr. McCorquodale said they either have a restroom for their employees to use or they use the Community Building restroom. Mayor Countryman said Snoballs sits on a foundation so it is not mobile and is not a trailer. Mayor Countryman said it is actually a house. Mayor Countryman said because they have a sink they are able to allow their employees to wash their hands. Julie Davis said Snoballs has a restroom. Mayor Countryman said just to be clear it is not a mobile unit.

Julie Davis said First Montgomery does their summer and winter fest activities and they have mobile food trucks come in. Julie Davis asked if it is going to fall under a festival permit or not because it is private property. Mayor Countryman said maybe issue a one-day permit for twenty dollars.

Mr. Tramm said work for the festival is covered by the festival. Mayor Countryman said it is not considered a festival because it is held at a church and they do not qualify as a festival just like the school did not qualify as a festival. Mayor Countryman asked if they should get a day permit to cover whatever the cost is. Mr. McCorquodale said it is either a one-month or six-month permit. Mr. McCorquodale said even though it is on private property there are some considerations that both law enforcement and the administration side need to look at. Byron Sanford said another example of one day is the Methodist Church prayer event that was held last Saturday. Byron Sanford said when it was in the planning stages it was discussed to ask a vending unit to come out and they did not think they had time to secure it, but that was another one-day task that created a three-hour window of time. Byron Sanford said that might fall under the special use permit. Mr. Tramm said they can look at what is being discussed here and consider minor qualifications that would cover that as a special event permit.

Julie Davis said she does not want to come back six months from now because someone came in and complained that a church had a festival or Lone Star Cowboy Church had their Halloween festival since they are approaching festival season.

EXECUTIVE SESSION:

The City Council reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

There was no Executive Session held.

POSSIBLE ACTION FROM EXECUTIVE SESSION:

COUNCIL INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Mayor and Council Members may inquire about a subject not specifically listed on this Agenda. Responses are limited to the recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

No inquiries from City Council.

ADJOURNMENT

Julie Davis moved to adjourn at 8:29 p.m. Byron Sanford seconded the motion, the motion carried unanimously. (5-0)

Submitted by: *Susan Hensley*
Susan Hensley, City Secretary

Date Approved: 12/14/2021

Sara Countryman
Mayor Sara Countryman

