

**City Council Workshop  
MINUTES  
June 05, 2023, at 6:00 PM**

**CALL TO ORDER**

Mayor Byron Sanford called the meeting to order at 6:00 p.m.

Present:	Byron Sanford	Mayor
	Carol Langley	City Council Place #1
	Casey Olson	City Council Place #2
	Sara Countryman	City Council Place #3
	Cheryl Fox	City Council Place #4
	Stan Donaldson	City Council Place #5

Absent:

Also Present:	Gary Palmer	City Administrator
	Nici Browe	City Secretary & Director of Administrative Services

**CALL TO ORDER**

**INVOCATION**

Mayor Byron Sanford provided the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**VISITOR/CITIZENS FORUM:**

No members of the public addressed City Council in this workshop.

**WORKSHOP ITEM:**

1. Workshop on the proposed Mobile Food Unit/Mobile Food Court text amendments to Chapter 64 Peddlers, Solicitors, Vendors of the City Municipal Code AND Zoning Ordinance Section 98-88 Table of Permitted Uses and Special Uses.

History

Mr. Gary Palmer introduced the item, provided a little background to the discussion points on this subject matter to date and provided the council with packets that include the ordinance with strikeouts, redlines etc., and the tables of permitted uses.

Amendment Process

Mr. Palmer informed the Council that he had taken the Ordinance redlines to the Planning & Zoning on April 11, 2023, and they called a public hearing. He added that he went through the entire ordinance with the commission, and it was their recommendation to approve it. The motion read: The planning and Zoning Commission recommends approval of the amendments.

Mr. Palmer continued his presentation of the ordinance amendments with the aid of a power point slide show.

### Main changes

He went on to say that it would be fair to say that the last time the council and he met on this subject matter the fees were the sticking point, therefore he looked at the state law, other cities and the best practices and look at what we can regulate and capture those things for our ordinance. He stated that they have removed some regulatory in nature items that would then allow staff to have the latitude to work with the applicant and come up with the best or alternative options for them, maybe its that staff can recommend another area, specifically when dealing with the downtown area.

### Exemptions

Mr. Palmer read through the exemptions.

Councilmember Casey Olson discussed the definition of an Ice cream Truck and stated he would like to see language added that it is "moving/mobile" with a time limitation for standing in one location.

Mr. Palmer agreed and stated he would find the suitable language to place in the ordinance.

Mr. Palmer pointed out that item (c) is a change from the last time the council saw the ordinance. He read through the proposed exemption *"Mobile food units operating as an accessory use to a Primary food establishment located on the same property, or property contiguous with the property that contains the primary food establishment. Products distributed by a mobile food unit under this subsection must be produced by the onsite primary food establishment."* He then asked for the council's thoughts.

Councilmember Stan Donaldson commented that the reason a local vendor (Inaudible) parked their mobile unit on the same location as the primary business is due to the fact, he is lacking in staff to take the vehicle.

Councilmember Sara Countryman commented that if you were to take Hodge Podge as an example and if they were to have a food truck in their property and is part of their establishment then she does not feel it should be a problem.

Councilmember Cheryl Fox commented that she agreed that if the mobile unit is part of the business, it is not going to be a problem.

Councilmember Carol Langley commented that it does need to be clear that it should be on the principal business.

Councilmember Sara Countryman questioned who would let City Hall know if they were not part of the primary food establishment.

Mr. Palmer responded that it would be part of the Code Enforcement Officers duties to go around and review those in operation. He then stated that he would go ahead and make that change.

### Location

Mr. Palmer informed the council that the table states that mobile food units are permissible in the Commercial District, Industrial District and Institutional District. He pointed out that they are NOT permitted in residential areas and are only permitted in the Historic District with a special variance (special use process) and food courts are not permitted.

Mr. Palmer went on to add that he has cleaned up the language and will have a cleaner application in order for the process and requirements to be very clear.

Councilmember Sara Countryman inquired if the applicant could obtain a special use PRIOR to them purchasing the property.

Mr. Palmer responded they could, that is a decision up to the applicant.

Ms. Countryman stated that if someone wanted to purchase a property with the intent of having a food truck within their location, surely it would make sense to have the approval before going ahead and purchasing the property.

Mr. Palmer then explained the process for a Special Use Permit, being heard and approved by both the Planning & Zoning Commission as well as the City Council.

### Fees

Mr. Palmer stated that he has revised the fees and is proposing a flat fee of \$600.00 for a 6-month permit, this then is fair when it comes to our brick-and-mortar businesses ensures those that come and pay the fee have a vested interest in the city, logistically it wont overburden the staff with numerous permits.

The council collectively held a brief discussion on the food truck(s) that rotate through on the Jims parking lot.

Councilmember Carol Langley stated that Jims has a list of food trucks that are coming through the summer. She feels \$600 is too high.

Councilmember Casey Olson disagreed and said that they should be able to afford \$100 for one month then, maybe we offer up it per month.

Councilmember Carol Langley responded that if they can't show up for some reason they have paid.

Councilmember Casey Olson stated that he had looked at the lowest sales tax provider and the highest tax provider in the downtown area and averaging it out \$1200 would be fair, so \$600 is more than fair.

Councilmember Carol Langley stated they have to be here to make the money, to pay for that permit, and they could be in other places instead.

Councilmember Casey Olson stated we cannot discriminate against people who have invested thousands in the city of Montgomery with their permanent businesses.

Councilmember Carol Langley responded that she doesn't want the city to run people out due to the high price of a permit.

Councilmember Sara Countryman suggested maybe the city look at a day pass or something similar, in which the owner of the property pays.

Councilmember Casey Olson stated that wouldn't work as you are taking from the businesses to have them come in.

Mr. Palmer stated that if the council preferred, they could chew over the fees a little more.

Councilmember Sara Countryman suggested that one scenario is that we offer a summer pass, then if we get too many, we can look at making another amendment later at that time.

Councilmember Casey Olson remained firm that \$25.00 a weekend is reasonable.

Councilmember Cheryl Fox inquired about when AA Plants have their special events, how would that work with the food truck ordinance amendment.

Mr. Palmer and Chief Anthony Solomon responded that \$25.00 is paid to the city where it goes through multiple layers of approvals and reviews. We have to check each application; this will cover all of the staff costs. Mr. Palmer said something to look at is maybe a week, weekend, month and or day pass/permit.

Mr. Palmer added that he would look at other cities and come up with suitable language for fees and stated he had added some requirements to the application process too.

Councilmember Casey Olson suggested that the charity issue, we need to see proof of their charity status.

Mr. Palmer stated he would also add an appeal process to the application.

Councilmember Stan Donaldson asked how when someone gets a permit for a week, how do we define those dates.

Councilmember Casey Olson responded that it would be Monday midnight to Sunday midnight, and it would be up to code enforcement to check and move on those whose permits have expired.

#### Next Steps

Mr. Palmer asked if the council had any questions that would warrant another workshop and that he would make the changes recommended tonight.

Councilmember Casey Olson said with those he would be ready to vote on it on Tuesday. Councilmember Sara Countryman and Mayor Sanford agreed they too would be ready.

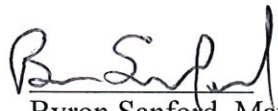
#### ADJOURNMENT

Councilmember Casey Olson moved to adjourn the meeting. Councilmember Sara Countryman seconded the motion. **Motion passed (5-0).**

**ADJOURNED: 6:40 P.M.**

Submitted by:   
Nici Browe, City Secretary

Date Approved: 6-13-2023

  
Byron Sanford, Mayor