

MINUTES
MOBILE FOOD TRUCK CITIZEN ADVISORY GROUP MEETING
4-29-14

Citizens in Attendance:

Ed Garber	Kelli Crisan	Larry Swayne
Manuel Guecrn	Kennedy Sims	Dave Hagnauer
Gus Kretschmer	Wesley Langenbacher	Diane Langevin
Lynn Henderson	Shawn Guffey	Scott Meyler
Deborah Monroe	Kenny Oakley	Aaron Rivera
German Saldarriaga	Caroline McMillan	Brian Seeley
Ortiz Gabriela	Brian Stockholm	David Stuck
Chris Reinhart	Kevin Connors	Janelle Travis
Jill Young	Katie Zender	Melinda Haring
Charles Alexander	Jonathan Neighbors	Grant Lucky
Sherrill Hampton	Aaron McKeithan	Antoine James
Cooley Bean	Edwina Corpuw	Donmalyn Downs
Alexandra Wright	Eliyahu Benysrael	Daniel Pitre
Monica Lopez	Auto Berger and Fry Guys	Others were present, but did not sign in

Staff Present:

Katrina Young, Planning Department	Barry Mosley, Planning Department	Sandra Montgomery, Planning Department
Sonda Kennedy, Planning Department	Marci Sigmon, Planning Department	Laura Harmon, Planning Department
Donald Moore, Neighborhood & Business Services – Code Enforcement	Mark Fowler, Neighborhood & Business Services – Code Enforcement	Jessica Perry, Mecklenburg County Health Department
Gulka, Edward, Police Department	Mike Davis, Charlotte Department of Transportation	

Others Present:

John Autry, City Council	LaWana Mayfield, City Council	Al Austin, City Council
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1. Welcome and Introductions

The meeting began at 8:05 p.m. Katrina Young introduced herself as the project manager and welcomed everyone to the meeting. She asked everyone in the room to introduce themselves.

Kelli Crisan introduced herself and said she was speaking for the Food Truck Association. She was grateful there was a citizen advisory group. She stressed the importance of making changes to the regulations and not needing to come back later and make additional changes.

2. Purpose

Ms. Young reviewed the PowerPoint presentation agenda. She explained the purpose of the project which is to explore the current mobile food vendor regulations and possibly modify the regulations that allow the use in Charlotte. Once a text amendment is drafted and the issues have been discussed and addressed, the text amendment will be filed. Hopefully, there will be consensus on the recommended changes, but not everyone may agree. She noted that anyone can submit a letter or white paper to staff, and it would be forwarded to City Council. Or the letter/white paper can be provided directly to Council and the Zoning Committee for their consideration. Lobbying of Council and the Zoning Committee is another opportunity for individuals or groups to provide feedback on the staff's recommended changes.

Ms. Young added that if a text amendment is filed by June 23, then a September 15 public hearing would occur, with the Zoning Committee recommendation on September 24, and the earliest Council decision on October 20. Ms. Young reviewed the roles of the citizen advisory group, the staff, and the Planning Commission.

3. Recap of the April 3, 2014 Meeting

Ms. Young reviewed the topics discussed at the last meeting:

- Length of permit
- Allow flexibility to move around
- Vendor location (in front of restaurants, on public property, in business and office parks)
- Hours of operation
- Separation requirements (from other mobile food trucks, from residential uses in residential districts)
- Types of locations for mobile food trucks (private property, Center City Partners, street right-of-way)

Ms. Young acknowledged that the Food Truck Association posted an on-line food truck petition and staff had received inquiries from the media and other stakeholders about the text amendment.

Ms. Young introduced Mike Davis from the Charlotte Department of Transportation (CDOT) who presented information on CDOT's regulation on public streets. Mr. Davis said that historically, there have been no complaints about how CDOT regulates public streets, but CDOT is interested in the discussion about the mobile food trucks and the direction this text amendment may take. He stated that CDOT may review the public right-of-way use. He added that there are regulations in the Peddlers Ordinance that allow food trucks to operate in the same spot for up to 30 minutes. Then they are required to move at least 400'. The truck may not go back to the same spot for 24 hours, and are excluded from operating in residential areas from 8 pm to 8 am, and in some areas of the City.

4. Concerns

Ms. Young reviewed the concerns that the mobile food trucks had raised:

- Special events (school festivals, charter schools, community and neighborhood events, private parties)
- More than 3 mobile food trucks congregating on a site.
- Hours of operation
- Separation (next to an eating, drinking or entertainment establishment, permission from property owner)
- A CAG member said that another concern was operating in other office areas.

Ms. Young reviewed the definition for mobile food truck: "A service establishment operated from a licensed and moveable vehicle that vends or sells food and/or drink processed or prepared on-site to walk-up customers". She then reviewed the current regulations and then the original mobile food truck modifications/recommendations. Highlights of the original proposed changes are:

- Create flexibility in permitting by allowing a maximum of three (3) locations per permit.
- Extend the time period for a permit from 30 days up to 3 times a year to one permit valid for **one (1) calendar year** for every 3 locations.
- One mobile food truck may locate on a property at a time with the exception of special events or locations under prescribed conditions. Limit clustering of 4 or more to one event per week.
- Extend the hours of operation from 8 am – 9 pm to **6am - midnight** except when located 200' of a residential use, in which case the hours of operation are limited from 7 am – 10 pm.
- Create separation distance of **100 feet** from the entrance to any eating, drinking or entertainment establishment, or restaurant, nightclub, or bar.
- Reduce the separation requirement between mobile food vendors to **20'** when located on the same parcel. No separation when located on different parcels.
- Reduce the separation requirement of mobile food vendors from 400 feet to **150 feet** from a residential use in a residential district.
- Note that the mobile food vendor must return to the **commissary** as required by state law

5. Updated Recommendations

Next, Ms. Young reviewed the updated recommendations:

Suggestion	Recommendation	Rationale
Allow mobile food trucks as a use in the office zoning districts.	Allow use on office planned development sites in the office district on a lot with a building of at least 30,000 square feet.	Restaurants are not permitted in the office district except within a building on a lot with at least 30,000 of floor area.
Expand the hours of operation for a mobile food truck.	Change hours of operation from 8:00 am - 9 pm to 6:00 am – midnight with the mobile food truck leaving the site no later than midnight.	To provide more opportunity for sale of breakfast and dinner items.
Allow food trucks in residential districts	Food trucks would be allowed for special events at community/neighborhood events and at after school special events	Retail and restaurant use are not permitted in residential districts. Food truck will be allowed for special events with a permit

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Comments from citizen advisory group members:

- Add “and/or at catered events and parties”, to the definition.
- We want to have clustering events.
- Disagree with the hours. We want to operate late night hours, just like a restaurant. Ms. Young responded that it is difficult to say a mobile food truck is like a restaurant, but different. She added that the staff team is trying to work through the hours of operation, but allowing the use 24 hours a day presents challenges. She would like to listen to other feedback, and continue the dialogue.
- I live in NODA and live with racket on weekends. If the brick establishments can stay open late, and drunks can be in the street, why not allow mobile food trucks the same rights?

Ms. Young continued with the presentation about separation distances. Staff looked at the rationale for separation distances around the country. Mobile food trucks are competitors for brick and mortar restaurant establishments. The brick establishments provide infrastructure, buffers, sidewalks, parking, and restaurant owners feel there should be some amount of separation.

Comments from citizen advisory group members:

- What jurisdictions did you look at? Ms. Young responded Atlanta (200'), Boston, Chicago (200'), Dallas, and Raleigh, to name a few. All have at least a 100' separation.
- Along Central Avenue there are neighborhood entrances between Sharon Amity to Eastway. Mobile food trucks impact our neighborhoods.
- Older neighborhoods have narrow streets with parking on the street. There may not be available yard parking or other sites for mobile food trucks. There are serious neighborhood concerns about traffic, noise and other items.
- Mobile food trucks are not trying to locate in residential areas. We go into residential areas when invited by homeowners and homeowner associations or to private parties, where we serve for 2 hours and leave.
- Melinda Haring, Activism Manager for Institute for Justice stated that the Institute has studied food truck laws across the country and found 2 principles that allow food trucks to thrive: 1) cities with thriving food truck scenes do not protect existing brick and mortar businesses, like restaurants from competition, and 2) they provide clear, narrowly tailored and outcome-based rules that are limited to addressing legitimate health and safety concerns. Food trucks provide enormous benefits to the communities in which they operate. They help keep streets safe, provide affordable and healthy meal options, enrich the local culinary scene, and increase foot traffic for nearby restaurants and other brick and mortar establishments.

Ms. Young stated that staff revisited the regulations for allowing mobile food trucks in the office districts. Restaurants are currently not a permitted use in the office districts unless they are located within a principal building of at least 30,000 square feet, and are limited in size to 10% of the gross floor area. To be fair, we need to treat mobile food trucks the same as restaurants, in terms of where they can locate in the office districts. Staff recommends allowing them on a lot in an office district that has a building of at least 30,000 square feet, which is the current regulation for restaurants.

Comments from citizen advisory group members:

- I was asked to do an employee appreciation lunch event at a dental company with 5,000 sq. ft. and over 450 employees, from 11 am to 2 pm. We get this type of request on a regular basis. Can I do this? Ms. Young responded that this is different. What you explained was a catering event. You are serving for the company, not individual walk-up customers. That has a different permit.
- Add, "if invited by a corporation" to the definition, or "for specific daily set-up and not for special hired events".
- I want the business, industrial and research districts to be added to the amendment as places we can locate. Ms. Young replied that these districts already allow mobile food trucks, with no limitations on the size of buildings.

Ms. Young stated that the interdepartmental staff team had a robust debate about the hours of operation for mobile food trucks. Staff recommends that the hours change from 8:00 am - 9:00 pm to 6:00 am – midnight. She added that she understood that there may be differences in opinion about the hours, and advisory group members can submit their recommended hours to Council for consideration.

Comments from citizen advisory group members:

- Why limit the hours of operation? Ms. Young explained that when an establishment closes, like a bar, and people are not ready to go home, people have the opportunity to loiter outside the establishment.
- We want to operate 24 hours a day. This is discriminatory and unconstitutional.
- What are the issues or concerns about late hours? We would like to see the evidence.
- I have seen hookers on Central Avenue, where trucks are open late at night. There is all kind of stuff going on.
- Mobile food trucks serve as eyes on the street and help prevent crime.

Ms. Young stated that the purpose of the text amendment is to create a balance of regulations that everyone can support. People feel differently. If we can come to a compromise, the text amendment will likely be more successful to pass. Citizen advisory group members still have the opportunity to lobby and talk to City Council about your recommendations.

The Health Department representative stated that her Department has strict regulations on what an operator can and can't do. If you see other activities occurring, call to report them.

Ms. Young continued with the presentation. Retail and restaurant uses are not permitted in residential districts. Surveys of other cities found that none allowed them in residential areas. Staff is proposing to allow them in neighborhoods for special events at community/neighborhood events and at after-school special events. CMS was contacted about mobile food trucks

and they indicated there are federal and state requirements that prevent mobile food trucks, but if organizations are sponsoring after school events, then food trucks may be allowed on school property.

Comments from citizen advisory group members:

- We want private events for school events and house parties. We do not want to stay in residential areas to serve the public after the event. It is not feasible for us to stay someplace where we are not making money.
- Clarify when the trucks must leave the property.
- Add a caveat that special events end at 10 pm.

Ms. Young added that the interdepartmental staff team has not resolved the catering aspect yet. But will continue to meet and discuss. She encouraged everyone to provide suggestions on catering.

Ms. Young continued with the presentation:

Suggestion	Recommendation	Rationale
Separate mobile food vendors from restaurants, but not from nightclubs or bars that do not sell food	Maintain a 50- foot separation from any restaurant, nightclub or bar or eating, drinking or entertainment establishment.	Balance competing interests of brick and mortar buildings and food trucks.
All gathering of mobile food trucks	Allow four or more food trucks in one location if a special permit is obtained.	Due to the potential for large pedestrian turnout as well as vehicular traffic there is a need to ensure public safety and prevent secondary impacts to adjacent properties.
Do not limit days that mobile food trucks may gather.	Remove the limit on the number of days	If the property meets the development standards then the use should be allowed without restrictions.
Increase number of locations allowed per permit.	Allow one permit for 3 locations	In an effort to reduce the permitting cost, up to three locations may be included on one permit. In the past the requirement has been one permit per location.

Additional comments from the citizens advisory group members:

- We do not want a separation distance if a non-food service establishment, like a brewery, wants us to serve their customers. Ms. Young acknowledged that staff did originally support this, but after further discussion, it would be difficult for the enforcement staff to determine who is serving food and who isn't to obtain the permit.
- The Health Department said they had a data base that could be used to determine who had food.
- Do not regulate the separation distance to restaurants.
- Hubeedees is a brick and mortar restaurant and they have a mobile food truck. They could have the restaurant and a food truck on their property, which is not fair because they have both. Ms. Young said the rationale for the separation is that a brick restaurant is in competition with other restaurants. Staff will go back and discuss the situation some more.
- May I be invited to attend the staff team meeting? Ms. Young replied that the meeting is designed for interdepartmental staff/employees to discuss the meeting, your feedback, and we try to come up with language to address the concerns.
- What is the separation distance required between two restaurants? Ms. Young replied, none.
- The customers at a mobile food truck and a restaurant are different. At a restaurant, they sit down to eat. There is a bathroom, maybe a bar. A truck generates excitement. Ms. Young replied that is why we are meeting. We are not trying to make it more difficult for you to operate. We are trying to strike a balance.
- What you are proposing is more liberal than the current regulations. Neighborhoods generally do not have a problem.
- Prosecute mobile food trucks that break the law.
- Be careful not to repeat what happened in 2008 when trucks went out of business. Don't hurt small businesses.
- I'm afraid people will loiter, gather and congregate in another area if there is not a mobile food truck.
- Customers order and leave the mobile food truck area. Regardless of where the truck is, there can be a problem with a separation distance.
- Include restaurants in this discussion. Ms. Young replied that when the citizen advisory group started, restaurant owners may have been fine with the separation distance.

- Can I invite restaurant owners to participate? Ms. Young replied, yes.
- Many people come to the food truck Friday events. Would that be allowed under the new regulations? Ms. Young said under the proposed regulations, it would not be allowed if a truck was within 50' of the entrance to a restaurant.
- There is a truck rally on Thursday's hosted by Pure Pizza. They like the diversification of food and welcome us, even other pizza trucks. They generate revenue through alcohol sales, bands, and have seating for people.

Ms. Young said that gatherings of mobile food trucks would require a site plan review to obtain a permit. The permit would note the number of trucks allowed. If the number of trucks were to change, a new site plan review would be needed.

Comments from citizen advisory group members:

- Can we locate on public or private property, or both? Ms. Young said, with property owner permission, both.
- How do you determine how many trucks can go on a property? Ms. Young replied that the site plan would be reviewed by the Fire Department, Building Code, and plan reviewers who would look at the site plan and the arrangement of trucks for safety purposes and maneuvering.
- Would it be beneficial to get a site approved for 15 trucks right off the bat? Ms. Young replied, yes.
- There is a food truck Friday in South End. I have not seen any problems.
- There should be just one permit to operate in Charlotte. Then you wouldn't need any enforcement. The Health Department knows where the trucks are.
- There is a lot of squatting happening on vacant lots.
- Consider 5 locations on a permit.
- Consider requiring GPS on the trucks. That way both Departments could track us. Ms. Young replied that the interdepartmental staff team discussed that, but an investment is necessary to track mobile food trucks.
- Is it possible to have one permit and work with the commissary to have a log of the trucks location? Ms. Young responded that it would be helpful for the Health Department, but not Code Enforcement.
- How do other cities track trucks? Ms. Young responded that Boston has slots available for breakfast, lunch and dinner. They issue a permit for one slot.
- We don't want to be a Boston. Los Angeles is a better city to look at in terms of regulations.
- Like the idea of 3 locations per permit and the ability to have multiple permits.
- Most commissaries know where the mobile food trucks are going. I like the 3 locations per permit and multiple permits.
- Three locations on a permit is too low. A higher number is acceptable. Mr. Fowler reviewed the monetary savings in permit fees between the current permits and regulations and the proposed permit fees. There is a huge savings in fees under the new regulations.

Ms. Young noted that if a mobile food truck doesn't stay at a location for more than 30 minutes, it does not need a zoning permit, but needs a peddler's license.

Ms. Young thanked everyone for their feedback. She indicated that a September 15th public hearing is planned, with the Zoning Committee making their recommendation on September 24th. The earliest Council decision would be on October 20th. These dates are subject to change as staff makes revisions and discusses the text amendment.

Ms. Young said any additional feedback from participants is welcome. We are trying to create regulations for all to follow.

Comments from citizen advisory group members:

- As a group, we are appreciative of the staff efforts. Allowing 3 locations on a permit is better.
- There is no guarantee that the popularity of food trucks will always be there; we want to seize the moment. The regulations should be reasonable, but not restrictive.
- There is still some tweaking to be done, but staff has reached out quite a bit.
- We are truly grateful to everyone in allowing us this opportunity to discuss these issues.

Ms. Young added that there was a sense of urgency before to revise these regulations, but we will get there, even if it takes more time. We hope we can come up with something that everyone can live with. We want you to stay in business, and we want to continue to protect citizens, and their quality of life. Ms. Young thanked everyone for coming. The meeting was adjourned at 8:00 p.m.