

**PLANNING & ZONING COMMISSION/LOCAL PLANNING AGENCY MEETING
WEDNESDAY April 17, 2024 5:05PM**

MINUTES

1. **CALL TO ORDER:** Chair Akers called the meeting to order at 5:05PM
2. **PLEDGE OF ALLEGIANCE:** The Pledge was recited.
3. **ROLL CALL:**
 - Present:** Commissioner Michael Ruheman, Alternate Commissioner Dominic Foti, Alternate Commissioner Eric Boissat, Chairman Buddy Akers and City Attorney John Rhodeback
 - Excused:** Commissioner Claudia Luna and Commissioner Jose Cardoso
 - Late:** Commissioner Michael Barone
 - Also Present:** Recording Secretary Miriam Bedolla, City Planner Robert Loring
 - Alternate Commissioner Dominic Foti** will be filling in for Commissioner Jose Cardozo
 - Alternate Commissioner Eric Boissat** will be filling in for Commissioner Claudia Luna

City Attorney John Rhodeback asked Chairman Akers to speak before the approval of the minutes. He stated he wanted to go over a few items that needed to be addressed regarding the procedures of these meetings. He stated that according to the Code of Ordinance the Alternate Members are to be announced at the beginning of each meeting when filling in for a one of the full-time commissioners. For example, for this meeting there are two commissioners that are out there for both Alternate Commissioners Foti and Boissat are able to fill in for Commissioner Cardozo and Luna for this meeting. If there was only one vacant to fill, the most senior alternate member, which in this case would be Alternate Commissioner Foti, would be the one filling in and taking place of the full-time commissioner if only one was absent. It is important that these rules are followed because alternate members cannot make a motion when all members are here, as they are only alternates and can only make a motion when filling in for a full-time member. Alternate Commissioner Foti asked if it was required for alternate members to attend the meetings, which Attorney Rhodeback stated they had the option to attend or not attend the meetings and allowed to participate in the discussion, but not vote on a motion when all full-time members was present, only when filling in. Another important point Attorney Rhodeback wanted to make was to keep discussion items to agenda items as much as possible to stay on track as going off the agenda could possibly bring along sunshine violations. Alternate Commissioner Boissat asked how does an alternate member become a full-time member to which Attorney Rhodeback stated that if there were an opening in P&Z it would be a decision of the City Council since they are the ones to elect the members. Recording Secretary encouraged all members to read the ordinance she handed out to them regarding the rules and their role as members to help answer any other questions they may have. Attorney Rhodeback also added that a quorum consists of 3 members, one of which could be the chair and both alternative members if that were the only ones to show up, they could still conduct official city business and make recommendations in that case. In the absence of a quorum there can still be a discussion but no official recommendation to the City Council and it is important that it be recorded in the minutes for the record.

4. APPROVAL OF MINUTES:

- a) December 6 2023
- b) February 7, 2024
- c) March 6, 2024
- d) March 20, 2024

Chairman Buddy Akers introduced the minutes and asked if there were any questions or changes to the minutes, being there were none he recommended a motion to approve.

Commissioner Michael Barone arrived late at 5:15pm

MOTION by Commissioner Ruehman, **SECONDED** by Alternate Commissioner Boissat to approve the minutes for December 6, 2023, February 7, 2024, March 6, 2024, March 20, 2024.

ALL AYES:

MOTION CARRIED 5-0

5. PUBIC HEARING:

- a) **RESOLUTION NO. 2024-56/** A RESOLUTION OF THE PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY FOR THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2023-33 AMENDING CHAPTER 1 FUTURE LAND USE ELEMENT, GOAL FLUE A. LAND USE OBJECTIVE FLUE A-3 INFILL DEVELOPMENT AND REDEVELOPMENT, POLICY FLUE A- 3.2, OVERLAY DISTRICT BOUNDARIES AND CHAPTER 1 FUTURE LAND USE ELEMENT, GOAL FLUE B, FUTURE LAND USE MAP OBJECTIVE FLUE B-5 GARAFOLLO; FURTHER AMENDING THE FUTURE LAND USE MAP TO ADD 8.21 ACRES MORE OR LESS AS CR512 OLD TOWN OVERLAY DISTRICT./**PUBLIC HEARING**

Chairman Akers introduced the Resolution.

Attorney Rhodeback stated that Resolution No. 2024-56 had been removed from the agenda reason is because there was an error in the caption with respect to the acreage. He stated that whenever there was a change to the substance of a caption, for advertising purposes you have to start over, which is why there can not be a discussion on this item today until it is readvertised and set for a different meeting in the future.

Chairman Akers stated that with that being said he moved on to the next item on the agenda.

6. NEW BUSINESS:

- a) **DISCUSSION ON THE CONSIDERATION OF CODE CHANGES RELATED TO FOOD TRUCKS AND OTHER CHAPTER 5, LDC CHANGES**

Chairman Akers introduced the new business.

City Planner Mr. Loring stated that food trucks were a fairly new item to Florida and did not start popping till the early 200s. During that time the state did not have much regulations for them, so they just kind of operated, and as a result legislation overregulated them. Mr. Loring stated that The City of Ft. Pierce also wanted to overregulate them by stating saying they were impeding on local businesses and as a result turned into the landmark case of Diaz vs City of Ft. Pierce, which came back and stated it was a free market and they had the ability to operate. Legislation on food

truck have gone round and round and legislation has stated that cities can regulate some things related to food trucks. The ordinance talks about mobile food trucks and how they can operate in any commercial district such as C-1, C-2, RPO, I, PIN, and PDD zoning districts such as CR 512 and Willow Street that are developed and not on the side of the road. For example, if Dollar General has given a food truck permission to be on their property to sell, that is fine but they can only be there during Dollar General's business hours of operation and not after hours. Also, Dollar General has the capacity and parking space to allow a vender to operate there, but that does not mean that there can be two or three other food trucks in that same parking area. That would be for a much bigger commercial property such as a Walmart that has many more parking spaces and could accommodate more than one food truck. Alternate Commissioner Boissat asked if it was possible to use Operation Hope to have more than one food truck since they have enough parking spots for more than one and avoid having to be 1500 feet from each other. City Planner Loring stated the city cannot force a business to allow them on their property. Commissioner Ruehman stated that other businesses who have food trucks on them have gone through a site plan and have had to spend money setting up the right way and maybe that is the way it should be done to make it fare. The commissioners expressed their concerns regarding mobile food trucks and asked if they could remain mobile and leave at the end of the day without having to leave their food truck on site every day because they did not think it was fair for businesses who have gone through a site plan and have spent more money to do things the right way. City Planner Loring did state there are regulations and rules that need to be obeyed before conducting any business within the city. The commissioners suggested existing restaurants owners should have the ability to review the food truck ordinance and make recommendations to P&Z and City Council.

7. PUBLIC COMMENTS:

Chairman Akers asked if anyone else from the public had any comments to state their name and address for the record.

Jed Aranes, 13960 101 Street – stated his concerns and agreed with one of the commissioners regarding having a place where food trucks could set up like it has been done with other events such as the Rodeo or Frog Leg and have a variety of different foods and not just Mexican food. He also suggested to have some type of regulation or guidelines for those wanting to come and operate in the city.

8. NEXT MEETING: TBA

9. ADJOURNMENT:

There being no further business Chairman Akers adjourned the meeting at 6:23 pm.

These minutes were approved by the City of Fellsmere Planning & Zoning Commission/Local Planning Agency at their meeting held on 15th day of May, 2024.



Miriam Bedolla

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