

Ms. Gomez stated that she recommends rewriting the text amendment to create a separate process subject to the Development Services Director and Code Enforcement recommendation, with consideration of items such as history of Code Enforcement on that particular property, the compatibility of neighboring fencing requirements, the compatibility of neighboring properties, and the timeframe of vacant status on the lot. If this is a discretionary approval, it will allow staff to keep the tool but would also avoid anyone putting up a chain-link fence anywhere.

Mr. Stacer agreed with the recommendation. Ms. Aycock asked if staff can address the height requirements of the fence. Ms. Gomez stated that with the way they will draft it, they will address the neighboring areas and not permitting the screening, since she brought up the issue earlier.

Ms. Stacer stated he would like staff to bring back the final approval process.

MOTION by Carla Coleman and second by Willie Miller to approve the item contingent on the revisions outlined in Ms. Gomez's remarks and move it forward to the City Commission. All voted in favor of the item, except for Richard. Klosewicz.

2. Mobile Vending Text Amendment

Ms. Jennifer Gomez thanked the Board for their feedback on last item. She says this is a minor housekeeping item. This is a minimum amendment to comply with some House Bill changes. House Bill 1193 was adopted by the state and states that licensing and fees to operate mobile food dispensing vehicles, which food carts, are preempted to the state. They no longer require a mobile vendor to obtain a BTR to operate. They also cannot be prohibited but they can be regulated. Staff has been working with the City Attorney to make the minimum changes to be in compliance with the state's changes. Currently the Chapter 115 addresses mobile vendors and separates them into two types: mobile vending on private property and mobile vending in the streets. She stated they have stopped requiring licensing, fees, or BTRs for mobile vendors to operate, and they have also extended the permitted locations in which mobile vendors on private property can operate to include I-1X and O-IP properties. This expands the permitted locations to more of the industrial areas and keeps them in the general industrial area while remaining consistent and not expanding to the commercial areas. She mentioned that they get a lot of questions concerning food trucks, which can still be allowed by a Special Event either on private or public properties. The changes proposed have to do more with those on private properties and those moving throughout the city and not those related to special events. Also, since the amendment references a zoning district within Chapter 115, The City Attorney felt that the use needs to be included in Chapter 155 Zoning Code. This is why the item would have to be brought before the board.

Mr. Stacer asked if anyone had any questions or comments for staff. There were none. He mentioned on page 7 of the staff report if pre-kindergarten needs to be referenced. Ms. Gomez stated that between kindergarten and nursery school it is covered.

Mr. Stacer asked what a religious school is. Ms. Gomez responded a religious school is one that is associated with a church. She stated the City Attorney requested that be added for additional clarification.

Ms. King stated there is no one from the public that wished to speak.

MOTION by Joan Kovac and second by Willie Miller to recommend approval of the item with staff recommendations concerning mobile vending. All voted in favor.

F. AUDIENCE TO BE HEARD

Ms. King stated there is no one from the public that wished to speak.

G. BOARD MEMBERS DISCUSSION

Ms. Smith stated that at the last meeting, there was an intense conversation concerning the rezoning of the Isle Casino and there will be a community webinar in October (date to be announced). She says it was a good move for them to make. Mr. Stacer mentioned he appreciated Ms. Smith and Mr. Miller worked hard for the Board to understand their issued. Mr. Miller reminded the Board of his question last month regarding the TriRail on the Isle property and how the applicant stated they did not remember a prior conversation where they stated they would pay for the station if they couldn't get government funds. Mr. Miller mentioned at the last meeting with the Commission, they brought that up again and he was glad it came up. He confirmed that this was previously discussed and will make sure to hold their feet to the fire. Mr. Stacer mentioned he wanted them to be on the record.

Mr. Stacer mentioned that there is an issue coming up related to construction fences. He mentioned he has some concerns about it and was wondering if Mr. Sotolongo has seen anything that needs changed from the code stand point or if he has obtained any feedback on it. He asked if he has had any conversations with Mr. Rada. Mr. Sotolongo responded he was instructed to look at other cities and see what they are doing. He says the fencing during the construction gets sloppy with longer timeframes. The fence material deteriorates. He says they recently had an issue on a project east of the bridge on Atlantic Boulevard with graffiti on the fencing materials and it took the contractor 3 weeks to resolve the issue. He stated it seems to be a very long time to resolve an issue like that. The first step is to see what other cities are doing to compare it to our process. He mentioned another item that was discussed was whether images and text would help. Our code now does not allow advertising.

Mr. Stacer asked if this happens, would planning staff have any involvement. Ms. Gomez responded that they would have to take a look at it with the City Attorney' Office to make sure the signage is consistent for all developers. The signage needs to be content neutral.