SURF CITY TOWN COUNCIL REGULAR MEETING
Tuesday, December 4th
Surf City Town Hall – 201 Community Center Drive
6:30 P.M.

I. CALL TO ORDER – Douglas C. Medlin, Mayor

II. INVOCATION – William J. (Buddy) Fowler, Mayor Pro-Tem

III. PLEDGE OF ALLEGIANCE - Donald R. Helms, Councilman

IV. MAYOR'S REMARKS –
We ask that all in attendance please set your cell phones to silent or vibrate mode. The Council offers the public an opportunities to speak during the meeting. Comments should be limited to three minutes each and must be directly issue-oriented with agenda items for this meeting, or an issue upon which the Council has control.

Citizen speakers will be acknowledged in the order in which they sign up to speak and will address all comments to the Board as a whole and not one individual Council member. Speakers will address the Council from the speaker's podium at the front of the room and will begin their remarks by stating their name and address. Discussions between Speakers and members of the audience will not be allowed. Public comment is not intended to require the Council to answer any impromptu questions. Speakers are expected to be civil in their language and presentation. Any comments where the primary purpose is to promote business or candidacy shall not be allowed.

In accordance with the Council's adopted Rules of Procedures, Councilmembers shall reserve responses, if any, for the Council Forum on the agenda.

V. ADOPTION OF THE AGENDA -

Mayor: With no other items being considered separately, a motion to adopt the Meeting Agenda is in order.

VI. APPROVAL OF THE CONSENT AGENDA –
1. Approval of the Meeting Minutes- November 7th & November 19th
2. Advisory Board Re-Appointments – Beach Nourishment Committee
3. Access Realty Site Plan Approval

Items under Consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Council.

Specific Action Requested: It is requested that the Town Council approve the consent agenda as presented.

VII. NEW BUSINESS

4. Ordinance Amendment: Chapter 10 Article XI Section 10-238, Food Truck Regulations or Chapter 11 Article IV Section 11-90.2 Retail Sale of Food and Beverages From Mobile Vehicle, Prohibited.

Specific Action Requested: It is requested that the Town Council make a motion to approve one of the two ordinance amendments as presented.

VIII. PUBLIC COMMENT – Citizens have an opportunity to address the Council for no more than three minutes per speaker on topics which concern agenda items of this meeting.

IX. COUNCIL FORUM

X. MANAGER'S REPORT

XI. TOWN ATTORNEY REPORTS

XII. ADJOURNMENT

Town of Surf City

ORDINANCE NO. 2018-09

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE XI, SECTION 10-238, FOOD TRUCK REGULATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SURF CITY, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Chapter 10, Article XI, Section 10-238 is hereby amended to read as follows:

Sec. 10-238. - Food trucks.

(a) *Findings and Intent.*

1) Allowing food truck businesses to operate in Surf City promotes diversification of the town's economy and employment opportunities. Food trucks support the incubation and growth of entrepreneurial/start-up businesses.
2) North Carolina General Statute 160A-174 grants towns the power to define, prohibit, regulate, acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town through the creation of ordinances.

(b) *Definitions.* The following definitions apply to this article:

1) *Food truck:* A readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve food.
2) *Regulatory fee:* A fee assessed to cover the cost of regulating a particular business activity that is assessed to the particular business being regulated.

(c) *Permitting.*

1) A food truck permit shall be required prior to the operation of a food truck. A $250 regulatory fee will be assessed to cover the costs associated with regulation of food trucks. All food truck operators shall obtain an annual permit from the town manager or their designee, unless otherwise exempted in this chapter.
2) A food truck permit is valid through December 31 of the year upon which the permit was issued. This permit shall be posted in a visible location on the food truck.
3) Food truck operators shall have the signed approval of the property owner for each location at which the food truck operates. This approval must be made available with the permit application. A food truck permit allows permittee to operate up to 5 different properties. An applicant may apply for more than one such permit.

4) Food trucks shall provide documentation of approval from the North Carolina Department of Health. A valid health permit must be maintained for the duration of the food truck permit and shall be placed in a conspicuous location for public inspection.
5) A food truck permit does not include peddler, solicitor, or transient vendor as defined by the Town Code.
6) No permit issued shall authorize a food truck to operate on or from a public street.

(d) *Regulations.* Food trucks shall be allowed in all nonresidential districts with the following restrictions:

1) The food truck shall be positioned at least one hundred feet from the customer entrance of an existing restaurant during its hours of operation, unless the food truck vendor provides documentation that the restaurant owner supports a closer proximity.
2) A trash receptacle shall be provided for customers. All associated equipment, including trash receptacles, must be within three feet of the food truck.
3) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
4) Food trucks shall only operate on private property, unless they are part of a town approved special event.
5) No food truck shall conduct business on any public right-of-way, sidewalk, upon any public road in the town, or on any property owned by the town; except for town approved special events.
6) No liquid, grease or solid wastes may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, the sanitary sewer system or public streets.
7) Food trucks must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the truck. All National Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.
8) A food truck vendor shall not operate the food truck as a drive-in window.
9) Lighting shall be such that minimizes the glare on roadways and surrounding properties.
10) No signage shall be allowed other than signs permanently attached to the motor vehicle and one temporary sign may be permitted in accordance with the temporary sign standards in Section 6.7, Appendix A Zoning.
11) The noise level from the food truck shall comply with the municipality's noise ordinance.
12) No vendor shall remain on site at one property for more than twenty-four consecutive hours, with exception of a holiday weekend if holiday falls on Friday or Monday.
13) Food trucks shall be positioned at least three feet away from any fire hydrants, any fire department connection, utility box or vault. The food truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A food truck shall not impede ingress and egress from driveway entrances, handicapped parking spaces & ramps, building entrances and exits.

(e) *Suspension and revocation of permit.*

1) The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.
2) The Town Manager may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.
3) The Town Manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

SECTION II. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of Town Council.

SECTION III. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Surf City Code of Ordinances as soon as practicable.

SECTION IV. SEVERABILITY CLAUSE. If any section, part of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable an all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Surf City, North Carolina, at which a quorum was present, and which was held on the 4th day of December 2018.

Adopted the 4th day of December 2018.

TOWN OF SURF CITY

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Douglas C. Medlin, Mayor

ATTEST:

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Stephanie Edwards Hobbs, Town Clerk

APPROVED AS TO FORM:

Lanier, Fountain, Ceruzzi & Sabbah - Attorneys at Law

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Charles S. Lanier, Town Attorney

Town of Surf City

ORDINANCE NO. 2018-09

AN ORDINANCE AMENDING SECTION 11-90.2 RETAIL SALE OF FOOD AND BEVERAGES FROM MOBILE VEHICLE; PROHIBITED

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SURF CITY, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Section 11-90.2 is hereby amended to read as follows:

11-90.2 No person shall, within the jurisdiction of the town, operate, maintain, or engage in any business, trade, or activity, which includes or involves the retail sale of food or beverages from a mobile vehicle, either motorized or otherwise. The provisions of this section shall not apply to events sponsored by the town.

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Charles S. Lanier, Town Attorney